

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 23 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 DAVID CHU YU-LIN

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE MARTIN LEE CHU-MING, S.C., 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 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 MRS MIRIAM LAU KIN-YEE, J.P.

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

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

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

THE HONOURABLE LAW CHI-KWONG, J.P.

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

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

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

THE HONOURABLE LI FUNG-YING, J.P.

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

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

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

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

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

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

MEMBERS ABSENT:

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

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

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

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

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

DR THE HONOURABLE PHILIP WONG YU-HONG

PUBLIC OFFICERS ATTENDING:

MR MICHAEL SUEN MING-YEUNG, G.B.S., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

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

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

MR LAM WOON-KWONG, G.B.S., J.P.
SECRETARY FOR HOME AFFAIRS

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

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

MR THOMAS YIU KEI-CHUNG, J.P.
SECRETARY FOR HEALTH AND WELFARE

MS AU KING-CHI, J.P.
SECRETARY FOR FINANCIAL SERVICES

CLERKS IN ATTENDANCE:

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

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

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Road Traffic (Driving Licences) (Amendment) Regulation 2001	97/2001
Dangerous Dogs (Identification of Fighting Dogs and Known Dangerous Dogs) Notice	98/2001
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2001	99/2001
Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Ordinance 2000 (68 of 2000) (Commencement) Notice 2001 ..	100/2001

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. Question time usually lasts no more than one and a half hours, with each question being allocated about 15 minutes in average. I would like to inform Members that supplementaries should be as concise as possible and Members should not make statements when asking supplementaries.

First question.

Deletion of Nursing Posts in Public Hospitals

1. **MR MICHAEL MAK** (in Cantonese): *Madam President, it is learnt that, in order to achieve the targets of the Enhanced Productivity Programme (EPP) and implement the hospital cluster system, the Hospital Authority (HA) has been deleting nursing posts in public hospitals gradually. In this connection, will the Government inform this Council whether it knows:*

- (a) *the number of nursing posts deleted in each public hospital in the past three years, with a breakdown by rank, and the estimated numbers for this year and the coming year; and*
- (b) *if the HA has consulted comprehensively the staff of the nursing grade prior to implementing plans to delete nursing posts; if it has, of the details, if it has not, the reasons for that?*

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

- (a) To achieve the target savings under the EPP, the HA has been implementing various initiatives, including rationalization of hospital services, integrating and streamlining management and administrative functions, re-engineering work processes and implementing energy conservation projects. The guiding principle for implementing these EPP initiatives is that under no circumstances should the quality of hospital services be compromised. The EPP notwithstanding, to enhance the quality of nursing care to patients, particularly at the front line, the total number of qualified nurses in the HA has increased from 16 644 in 1998-99 to 17 342 in 1999-2000, the first year of implementing the EPP, and further to 18 249 in 2000-01. The number of qualified nurses in the HA will further increase to 19 028 in 2001-02. On the other hand, arising from the upgrading of basic nursing education from hospital-based nursing education to degree level in tertiary institutions, there has been a reduction in the number of nursing trainees since 1999, from 3 791 in March 1999 to 1 497 in March 2001. This change in staff mix, that is, phasing out nurse trainees in the HA, will not affect the quality of nursing care and in the long run will bring about further enhancement of quality health care services. A breakdown of the strength of nursing staff in the HA in the past three years is at Appendix 1.

Arising from streamlining of management functions as well as service rationalization and integration, there has been a reduction in the number of management positions within the HA, including nursing management positions at both HA Head Office and hospital

levels. And the extent of reduction in general management positions is higher than that of nursing management. The number of nursing management and senior general management positions in the HA in the past three years are shown in Appendix 2. The HA will continue to identify further room to enhance its efficiency and productivity and there could be further reduction in the number of management positions in future years due to service rationalization and integration.

- (b) As a general rule, the HA's staffing requirements at hospital levels are determined by the planned service provision of the hospitals to meet the health care needs of the community, and the changes in patient care practice as well as service delivery model. In formulating a hospital's annual service plans and therefore its manpower requirements, hospital staff at departmental level will be involved in the planning process. Staff will also be consulted on significant changes in staffing positions.

Appendix 1

Strength of Nursing Staff in the HA

<i>Rank</i>	<i>Position as at</i>		
	<i>March 1999</i>	<i>March 2000</i>	<i>March 2001</i>
I. Qualified Nurses	16 644	17 342	18 249
of which:			
Department Operations Managers	191	186	177
Ward Managers	676	668	651
Senior Nursing Officers and above	114	111	105
Nurse Specialists	184	186	190
Nursing Officers	2 084	2 048	1 994
Registered Nurses	9 433	10 166	10 958
Enrolled Nurses	3 857	3 882	4 082
Midwives and others	105	95	92
II. Nurse Trainees	3 791	2 538	1 497

Appendix 2

Number of Management Staff in the HA

Rank	Position as at			Percentage change from 1999 to 2001
	March 1999	March 2000	March 2001	
I. Senior General Management (that is, General Managers and above in the HA)	129	123	116	-10.1%
II. Nursing Management				
Senior Executive Managers/ Executive Managers (Nursing)	3	3	3	0.0%
General Managers (Nursing)	33	31	31	-6.1%
Sub-total: Nursing Managers	36	34	34	-5.6%
Department Operations Managers	191	186	177	-7.3%
Ward Managers	676	668	651	-3.7%
Sub-total: Department Operations Managers/ Ward Managers	867	854	828	-4.5%
Total Nursing Management Staff	903	888	862	-4.5%

MR MICHAEL MAK (in Cantonese): *Madam President, with the successive commissioning of Tai Po Hospital, Tseung Kwan O Hospital and North District Hospital, there has been a drastic increase in the number of beds. While the number of nurses has dropped from 20 403 in 1999 to 19 746 currently, an 5.36% increase was seen in the number of beds in recent years, with the total increasing from 27 544 in 1998-99 to 29 022 now. With the continuous growth in population, public expectations for health care services are rising.*

PRESIDENT (in Cantonese): Mr MAK, please come to your supplementary question direct.

MR MICHAEL MAK (in Cantonese): *In view of the present situation, may I ask the Secretary how he could assure quality services are provided to patients under the current shortage of nurses?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, the streamlining of management functions as well as service rationalization and integration have enabled us to centralize our nursing manpower to provide more efficient clinical nursing care. The reduction in the number of nursing trainees is the main reason for the decrease in the total number of nurses. In view of this, the HA is planning to recruit more qualified nurses. It is planning to recruit 779 qualified nurses in 2001-02. This change in staff mix will not affect the quality of nursing care provided by the HA.

Moreover, the HA has currently employed 4 138 Health Care Assistants to provide nursing care under the supervision of qualified nurses. The duties of Health Care Assistants cover some nursing work of a relatively simple nature such as providing personal nursing care to patients, assisting nurses during clinical treatment and medical examinations, assisting in lifting and transfer of patients, verification of medical inventory and performing any other work in relation to services to patients and ward duties on the instructions of nursing staff.

The HA also plans to recruit 160 additional staff in 2001-02, with the majority being Health Care Assistants. Besides, it will recruit 1 920 general workers and nursing assistants during the year. The nursing assistants will be assigned to hospital wards, health departments, allied health service departments, provide support to community health service and outreach service, and provide simple personal nursing care for patients.

MR LAW CHI-KWONG (in Cantonese): *Madam President, the Secretary mentioned in the second paragraph of part (a) of his main reply that there had been a reduction in the number of nursing management positions. With reference to the Appendix, there has been an increase in the number of front-line*

nursing staff, in this connection, would it pose adverse effect on the promotion prospects for the nurses? Is it revealed by the findings of a recent survey on staff morale conducted by the HA, that morale is the worst among nurses? Will the Government consider whether promotion prospects will affect staff morale and future administration?

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, service rationalization and integration and the streamlining of management functions have, in fact, caused a reduction in the number of management positions. At present, the HA is exercising staff postings according to the natural wastage of nursing staff. In general, however, the percentage of the reduction in nursing management positions is only slightly above 4% which is much lower than the 10% reduction in senior management positions under the EPP. Therefore, nurses are still open to ample opportunities of promotion.

MR LAW CHI-KWONG (in Cantonese): *I was asking whether morale had been affected, I wonder if the Secretary has answered my question? He seemed to be suggesting that the nurses should feel glad because their number had not been greatly reduced, so it would not pose any adverse influence on their morale. Or was he implying another meaning? I could not understand if his answer is related to my question about staff morale.*

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

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, with respect to the morale of the nurses, I believe promotion opportunity is undoubtedly a factor. However, from another perspective, the satisfaction they are rewarded from the provision of quality service and enhanced overall quality of the health care service in hospitals will also be crucial to their morale.

MISS CYD HO (in Cantonese): *Madam President, the reduction in manpower is a fact. Nurses have expressed that it has been the practice that they are entitled*

to 14-day study leave annually. However, now, they may not be able to take such leave for study or sitting examinations overseas. Some nurses have claimed that they have not yet taken their leave for the Chinese New Year to date.

May I ask the Secretary whether, in the light of the reduction in manpower, the Government has formulated any policy to facilitate nurses achieving the goal of lifelong learning and assisting them in attaining higher academic and professional qualifications? In addition, will the Government provide to this Council figures comparing the numbers of nurses granted study leave before and after the implementation of EPP?

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I do not have the detailed leave figures on hand. I need to consult with the HA and provide the information in writing later. (Annex I) In fact, the HA introduced in 2001-02 a subsidy scheme for nurses who are taking degree conversion courses. The scheme has subsidized 280 nurses to complete the conversion course, and each nurse is entitled to receiving a \$5,000 allowance, and their course fee is partly met by the HA. In addition, the HA will subsidize 200 registered nurses in 2001-02 to enroll in degree conversion courses in local tertiary institutions. This will be enormously helpful to nurses in their pursuit of further studies.

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

MISS CYD HO (in Cantonese): *No, it is not. I may not have stated my question clearly. I was trying to ask this: Given the reduction in nursing staff and the fact that they are unable to take leave for study and examinations, what remedial measures will the Government take to assist the nurses in striking a balance between the two?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I believe the number of nurses who need to take study leave may not be too large. The HA should be able to make the necessary arrangements to facilitate nurses sitting examinations as necessary.

DR YEUNG SUM (in Cantonese): *Madam President, the Government always expresses the wish to improve the relationship between the executive and the legislature. However, from the information provided to us today, it can be seen that there has been a reduction in nursing staff. Why did the Government not consult our opinion through the Medical Council of Hong Kong (MCHK) before effecting the staff reduction?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I would like to thank Dr the Honourable YEUNG Sum for his suggestion. I believe we will consult Members through the MCHK if necessary.

MISS EMILY LAU (in Cantonese): *Madam President, the Government suggested that staff would be invited to participate in the relevant planning when it introduced the EPP. To my knowledge, a Nursing Staff Consultative Committee has been established by the nurses. May I ask the Secretary what role has been played by this consultative committee in the process?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I do not have the detailed information on the role played by this Committee at hand, so I am sorry that I cannot provide the Honourable Miss Emily LAU with the information. However, there are many channels for the HA to consult its staff. For instance, the staff are consulted through the staff consultative committee in each hospital, different staff group consultative committees, departmental meetings, open seminars, briefing sessions, and so on when the HA seeks to implement new management or staff deployment initiatives. Regarding major decisions on nursing staff structure, the HA will discuss with the Nurses Staff Group Consultative Committee.

MISS EMILY LAU (in Cantonese): *Madam President, if the Secretary does not have the information on the role played by the said consultative committee now, could he provide the information later?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I will do so. (Annex II)

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, the issue of the shortage of nurses was discussed in previous Council meetings, but it has seen less discussions in recent years. Madam President, as mentioned by the Secretary and evident in Appendix 1, the number of nursing trainees has clearly been reduced. There has been little increase in the manpower resources for other grades of staff, and some may have seen a reduction. Over the past year or two, public hospitals have broadened their scope of services and required nurses to take up more responsibilities and duties. Under such circumstances, why is the problem of shortage of nurses not given due recognition?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, as revealed in the figures mentioned by me earlier, there was in fact an increase in the overall number of nurses. Meanwhile, nursing staff of other grades recruited by the HA have provided extensive support to the nurses. Therefore, although the number of nursing trainees has decreased, the overall quality of health care has not dropped but improved, thanks to the assistance from other support grades.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, although the Secretary claimed that there had been no reduction in the overall manpower resources of nurses, Appendix 1 does indicate a slight decrease, dropping from 20 435 nurses in March 1999 to 19 746 nurses in March 2001. In view of the increasing demand for services, does the Government have figures on the bed to nurse ratio other than the said index, so that Members can evaluate if the manning ratio of nurses has been reduced?*

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I am sorry that I do not have figures on the said ratio on hand. I will provide them later. (Annex III)

MR LEE CHEUK-YAN (in Cantonese): *Madam President, may I ask the Secretary to tell the Council whether the ratio, in his impression, has become worse?*

PRESIDENT (in Cantonese): Mr LEE, the Secretary cannot answer your question out of his impression. We should allow him to provide a reply later.

PRESIDENT (in Cantonese): Second question.

Disposal of Food Waste

2. **MISS CHOY SO-YUK** (in Cantonese): *Madam President, it was reported that in the absence of a food waste recycling industry in Hong Kong, the large quantity of food waste that will be generated by the Hong Kong Disneyland (HKD) will not be recycled as fertilizers or animal feed. In this connection, will the Government inform this Council whether:*

- (a) *it has estimated the daily quantity of food waste that will be generated by the HKD upon its opening, and whether it knows how the management company of the HKD plans to dispose of such food waste;*
- (b) *it will formulate a food waste disposal plan specifically for the HKD; and*
- (c) *it will consider providing assistance to facilitate the development of a food waste recycling industry in Hong Kong?*

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

- (a) According to the Environmental Impact Assessment Report for the construction of the HKD, the amount of food waste to be generated by the theme park upon its opening in 2005 is estimated to be about 10 to 15 tonnes per day.

The Hongkong International Theme Parks Limited (HKITP), which is responsible for the operation of the HKD, will develop and implement a waste management plan. However, as there are still a few years before the opening of the HKD, the HKITP has yet to draw up the arrangements for the treatment of food waste.

- (b) The Environmental Protection Department (EPD) will maintain close liaison with the HKITP, and will provide advice and assistance regarding the management of food waste to be generated by the HKD.
- (c) We have been encouraging food waste producers to explore and adopt measures to reduce and recycle food waste. We are also experimenting the application of food waste treatment technologies in Hong Kong, and are inviting the private sector to participate in pilot projects. For example, the EPD is collaborating with the Vegetable Marketing Organization, hotels and restaurants, and so on to test the use of different types of electrical composters to convert food waste into fertilizers. The EPD also plans to develop a site in Yuen Long into a pilot composting plant for treating organic waste, including food waste. I believe that if there are suitable technologies and markets, the business sector will be interested in exploring business opportunities and developing a food waste recycling industry.

MISS CHOY SO-YUK (in Cantonese): *Madam President, a lot of places in foreign countries have food recycling industries but such industries are still not found in Hong Kong. Does the Secretary know the reasons for the absence in Hong Kong? Has the Government given such recycling industries inadequate support and taken inadequate coupling measures?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, I have stated in my main reply that the EPD is collaborating with the Vegetable Marketing Organization, hotels and restaurants, and so on to explore measures to treat organic waste and food waste. In November last year, the EPD requested interested organizations to submit letters of intent for the development of a factory for the treatment of food waste and organic waste in Ngau Tam Mei. The EPD received six proposals for the treatment of organic waste such as food waste and gardening waste by different composting measures.

Miss CHOY asked why Hong Kong had been slower in developing such recycling industries. It is because the climate is very wet in Hong Kong and it is easier for food waste and organic waste to decay as compared with other places.

Problems of environmental hygiene and bad smell also arise easily in the transportation process. Therefore, we must ascertain which composting measures are the most suitable for Hong Kong and ensure that the treatment of large quantities of food waste will not affect environmental hygiene and is cost-effective.

MR DAVID CHU (in Cantonese): *Madam President, can the Secretary inform this Council of the quantity of food waste and organic waste that the Government has to handle daily?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, I do not have the daily figures but I can provide the figures in 2000. Last year, a total of 1.13 million tonnes of organic waste was disposed of at landfills, accounting for 33% of all urban solid waste disposed of at landfills, and 86% of the organic waste was food waste. In other words, the food waste disposed of at landfills accounted for 29% of all urban solid waste.

MR TOMMY CHEUNG (in Cantonese): *Madam President, does the exploration mentioned by the Secretary earlier cover recycling of the cooking oil used by the catering industry into biological diesel or soap? If not, will she consider exploring the idea?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, technically speaking, the treatment of organic waste including food waste is different from the treatment of used cooking oil about which the Honourable Tommy CHEUNG keeps a constant concern. The EPD has been discussing with the relevant industries, including restaurants, how waste cooking oil can be most effectively treated.

MR IP KWOK-HIM (in Cantonese): *Madam President, the Secretary has stated in part (c) of her main reply that the Government is experimenting the application of food waste treatment technologies in Hong Kong and is inviting the private sector to participate in pilot projects. In fact, our neighbouring regions such as the Mainland and Southeast Asian countries have advanced equipment*

and technologies for this. Has the Secretary explored that? I recently heard that some buildings in Shanghai are installed with independent facilities for the treatment of organic waste. Has the Government examined such information or the introduction of such technologies and facilities into Hong Kong?

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, we are very willing to make reference to all feasible technologies in Hong Kong, overseas or the Mainland. As I said, the EPD is prepared to carry out a pilot scheme for the development of a composting factory in Ngau Tam Mei and the public can submit letters of intent to us. We have received six letters of intent so far.

Concerning individual technologies such as the recycling of food waste in buildings, we have to take into account the actual environment of Hong Kong because buildings generally have inadequate space for recycling activities. But if our pilot scheme turns out to be successful, we will know what technologies best suit the environment in Hong Kong, then, I do not rule out the possibility that we may consider installing such facilities in buildings when we design new buildings in future.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, does the Secretary know if anybody use food waste as pig feed? If so, is there any problem with this practice?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, we have considered the problem of animal feed very carefully and we will shortly propose to the Legislative Council a motion on the control of animal feed. If food waste that has not been treated or recycled is used as pig feed, it seems that it is out of tune with the latest agricultural technologies. But I must say that this is only my personal understanding.

MR CHAN KAM-LAM (in Cantonese): *Madam President, in her reply earlier the Secretary said that 1.13 million tonnes of organic waste would be disposed of at landfills per year and 86% of the organic waste, around 1 million tonnes, would be food waste. Can the Secretary tell us if the Secretary has collected*

statistics on whether the 1 million tonnes of food waste per year is produced by all restaurants, food establishments and hotels in Hong Kong? If there is other food waste, how will it be treated?

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese):
Madam President, I have just given the figures of all food waste in Hong Kong.

DR TANG SIU-TONG (in Cantonese): *Madam President, the Secretary has stated in part (c) of her main reply that the Government is carrying out certain pilot schemes. When will the schemes complete? Where will composting factories be established after the conclusion of these schemes? As composting factories will affect the environment, I believe many people will raise objections.*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese):
Madam President, one of the pilot schemes mentioned by me earlier is the establishment of a composting factory in Ngau Tam Mei. I hope that the factory could start operating in mid-2002. I do not have specific information on other pilot schemes on hand. I believe Hong Kong will be able to adopt more than one composting method, so, similar pilot schemes will be carried out continuously. As to when the existing pilot schemes will be concluded, I will give a written reply for Members' reference. (Annex IV)

MR HOWARD YOUNG (in Cantonese): *Madam President, Miss CHOY has taken the HKD as an example in her question. I believe this is because she has considered that the HKD will have over 10 000 visitors daily and there will be a lot of restaurants in the HKD. In fact, an air caterer in Hong Kong has the largest food-manufacturing kitchen and it produces tens of thousands of inflight meals every day. The company also collects large quantities of food waste. Will the Secretary inform us if the Government has contacted these organizations and made reference to their experience in treating large quantities of food waste so that the HKD or other large organizations can draw on their experience?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese):
Madam President, as far as I know, at least one airline — Mr YOUNG may

know the name of the airline — has co-operated with some farms and provided food waste for use by the farms. We will continue to follow up the issue with other airlines and examine whether similar treatment measures can be promoted among other airlines.

MR JASPER TSANG (in Cantonese): *Madam President, will the Secretary inform us if the Government has collected statistics on how much money it has spent on the treatment of over 1 million tonnes of organic waste including food waste annually? Will the Government consider spending the money on subsidizing the food waste recycling experiments or industries mentioned in part (c) of her main reply?*

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): *Madam President, concerning the first part of Mr TSANG's supplementary question, we have not separately collected statistics on the public money spent in the treatment of food waste annually. As regards the second part of Mr TSANG's supplementary question, I believe Mr TSANG will understand that the consistent practice of the Government is that it will not customize funds, for instance, using the funds for the treatment of food waste every year to explore how food waste can be recycled. However, the Government will subsidize the relevant industries. In respect of study and promotion, the Government will co-operate closely with the industries. Although the Government has not given financial assistance directly, if the industries wish to research into new technologies, they can file applications for assistance with the relevant funds. The Government has allocated land to recycling industries and assisted in their development. Finally, if we actively promote the recycling of food waste, just like waste separation and recycling, it will be indirectly helpful to the relevant industries because they will know that there will be a constant supply of food waste for recycling.*

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

MR LAW CHI-KWONG (in Cantonese): *Madam President, on the basis of the figures given by the Secretary, it is roughly estimated that 2 000 to 3 000 tonnes of food waste will be produced in Hong Kong daily. According to the existing*

plans of the Government, can it project how many tonnes of food waste will be treated daily in the future? When will it be able to treat the 10 to 15 tonnes of food waste that will be produced by the HKD every day?

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, as we are carrying out several pilot schemes, I cannot ascertain at this stage how many tonnes of food waste could be treated in the future. However, I am sure about one point, that is, if the Ngau Tam Mei pilot scheme turns out to be successful, we will have sufficient capacity to treat the food waste that will be produced by the HKD every day in the future?

PRESIDENT (in Cantonese): Third question.

Regulation of Smoking in Sports Venues

3. **DR LO WING-LOK** (in Cantonese): *Madam President, I have learnt that a member of the public had complained that, during the Hong Kong Rugby Sevens Tournament held at the Hong Kong Stadium for three consecutive days from 30 March this year, the stadium staff had not prohibited people from smoking in the spectator stand. Regarding the regulation of smoking in sports venues, will the Government inform this Council:*

- (a) *given that major sports events often attract tens of thousands of spectators, whether it has assessed the fire risk involved in allowing smoking in the spectator stand, and whether emergency measures such as evacuation plan have been formulated for the venues concerned; if so, of the details, if not, the reasons for that;*
- (b) *whether it will, by making reference to the practice of the last Olympic Games, prohibit smoking in sports venues during major sports events; and*
- (c) *as smoking is already prohibited in cinemas, public transport carriers and shopping malls, whether it will consider legislating against smoking in sports venues?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, my replies to Dr LO Wing-lok's questions are as follows:

- (a) The architectural design of major sports facilities managed by the Leisure and Cultural Services Department (LCSD), such as the Hong Kong Stadium, is in compliance with the provisions of the Fire Services Ordinance. There are appropriate fire escapes and fire service installations such as sprinkler systems, fire hydrant and hose reel systems, emergency lighting and portable extinguishers to ensure public safety.

The LCSD has also formulated contingency plans to deal with emergencies arising from fire, disturbances or suspicious objects, as well as safety measures for evacuation. Contingency drills are held annually with the police, the Fire Services Department, the St. John Ambulance Brigade, venue security units and other relevant organizations. Take the Hong Kong Stadium as an example, before major activities are held, the LCSD would work with the police, the venue security staff and hiring organizations to conduct a risk assessment of the event and draw up appropriate emergency measures to ensure the safety of the spectators and participants. So far, there has been no outbreak of fire in the Hong Kong Stadium, which was caused by spectators smoking in the venue.

- (b) As the theme of the last Olympic Games held in Sydney was environmental protection, smoking was prohibited in all the sports venues except for designated smoking areas therein. At present, smoking is not allowed in the indoor public facilities of the Hong Kong Stadium. We shall consider whether no smoking areas should be extended to outdoor places, taking into account the practices adopted in the Olympic Games in Sydney.
- (c) Smoking is prohibited in indoor sports facilities managed by the LCSD, as well as some outdoor recreational and sports facilities including children's play areas, aviaries, holiday villages, water sports centres, athletic grounds, artificial turf bowling greens, artificial grass pitches, tennis courts and swimming pools.

The Government will consider whether further restrictions should be imposed to prohibit smoking in all outdoor sports venues.

DR LO WING-LOK (in Cantonese): *Madam President, could the Secretary inform this Council whether any difficulty has been encountered in enforcement in facilities managed by the LCSD, including whether staff members have had any disputes with facility users in enforcing the no smoking requirement? Could the Secretary also inform this Council whether the LCSD keeps any figures on the numbers of warnings issued and prosecutions initiated?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, the existing no smoking requirement in LCSD facilities is made in accordance with the Pleasure Grounds Regulation and the Stadia Regulation under the Public Health and Municipal Services Ordinance. Since the implementation of these Regulations in 1996, members of the public have all along been ready to observe the provisions. I do not have on hand any record of enforcement difficulty.

MR ANDREW CHENG (in Cantonese): *Madam President, the Secretary's main reply gives us the impression that smoking is prohibited in some of the indoor and outdoor sports facilities managed by the LCSD. May I ask the Secretary how the LCSD or the Home Affairs Bureau determines that smoking should be prohibited in certain sports facilities, such as athletic grounds and artificial turf bowling greens? Why is smoking prohibited in these facilities but not in the Hong Kong Stadium or other facilities? Could the Secretary inform this Council of the criteria for imposing such no smoking restrictions?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, regarding the issue of prohibiting smoking in recreational facilities, the LCSD is basically uses public safety and health needs as its criteria. Let me explain with some examples. Smoking is prohibited in children's play areas mainly to protect children from the harmful effects of smoking, whereas in indoor venues, smoking is prohibited on the grounds that the problem of "passive smoking" is more serious indoors. As for other facilities like artificial grass pitches and swimming pools, smoking is prohibited there because smoking can easily cause the facilities of the former venues to suffer damage or cause the water in the pools to be polluted. For the meantime, we have not yet set down any no smoking requirement for outdoor sport facilities like the Hong Kong Stadium. However, as I said in the main reply, the LCSD is currently reviewing the relevant measures.

MR NG LEUNG-SING (in Cantonese): *Madam President, according to part (a) of the Secretary's main reply, major sports facilities are currently equipped with appropriate fire escapes and fire service installations. However, in many cases, smokers need to know how they can dispose of their cigarette ends and ash. In this connection, could the Secretary inform this Council whether the Hong Kong Stadium has provided sufficient facilities for smokers; if not, of the seriousness of the resultant environmental hygiene problem?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *Madam President, as far as I know, even though smoking is not prohibited in the Hong Kong Stadium, it is not encouraged there either. In fact, with the exception of the Hong Kong Rugby Sevens Tournament and the Lunar New Year football matches, the size of the audience at the Hong Kong Stadium is always very limited. Perhaps it is because of this fact that we have not noted any environmental hygiene problem there. Taking the Hong Kong Rugby Sevens Tournament 2001 as an example, we recorded a total of 95 600 spectators during the tournament week, but the management of the venue received only one complaint against "passive smoking" made by a member of the audience. This tells us that the nuisance caused by people smoking should not be too grave. Nevertheless, we will further review the question of whether smoking should be prohibited also in outdoor facilities in the light of the Government's overall anti-smoking policy and the relevant international trend.*

MR LAU PING-CHEUNG (in Cantonese): *Madam President, could the Secretary inform this Council whether the utilization rate of the relevant facilities managed by the LCSD has dropped upon the implementation of the no smoking requirement?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *Madam President, we have not noted any influence in this respect. I believe the vast majority of the Hong Kong public are law-abiding and understand the rationale for such requirement. As such, most of them will co-operate voluntarily when they use the sports facilities where smoking is prohibited. I have already pointed that out when answering another supplementary question.*

MR ABRAHAM SHEK (in Cantonese): *Madam President, according to part (b) of the Secretary's main reply, the Government is considering whether no smoking areas should be extended to outdoor sports venues. Could the Secretary inform this Council when would the consideration process be completed?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, the LCSD is now discussing with the major hirers of the Hong Kong Stadium to solicit their views on whether no smoking areas should be extended further to outdoor places. I believe the LCSD would come up with a conclusion in the next few months.

MR TOMMY CHEUNG (in Cantonese): *Madam President, I wish to make some suggestions to the Secretary rather than raising a supplementary, so that he*

PRESIDENT (in Cantonese): Mr CHEUNG, I believe I need not remind you that Members should not make suggestions to Secretaries during question time. You may raise your supplementary question only.

MR TOMMY CHEUNG (in Cantonese): *Madam President, in part (b) of his main reply, the Secretary pointed out that smoking was prohibited in all the sports venues of the last Olympic Games except for designated smoking areas therein. May I ask the Secretary whether he knows the designated smoking areas were located inside or outside the sports venues concerned?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, insofar as I understand it, the designated smoking areas were located far away from the spectator stand but still within the venue confines. Actually, in discussing with major venue hires the extension of no smoking areas the LCSD also has in place two proposals; one is to designate the spectator stand as no smoking area, the other is to borrow the practices of the last Olympic Games and designate a smoking area far away from the spectator stand, so that spectators may go to the designated smoking areas to smoke when necessary.

MR DAVID CHU (in Cantonese): *Madam President, has the Government considered consulting the public on smoking prohibition?*

PRESIDENT (in Cantonese): Excuse me, Mr David CHU, I am afraid I did not catch your question clearly.

MR DAVID CHU (in Cantonese): *Would the Government consider consulting the public?*

PRESIDENT (in Cantonese): Mr CHU, do you wish the Secretary to answer your supplementary in relation to smoking prohibition?

MR DAVID CHU (in Cantonese): *I mean the views of the public on prohibiting smoking in outdoor sports venues.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, the LCSD is currently discussing the issue with the major venue hirers. I believe the LCSD will solicit opinion via the organization hiring the venue once it has reached an initial conclusion. Indeed, the Government has set up similar review groups for its major sports and recreational venues to solicit users' opinions on the management of the venues from time to time.

MR CHAN KAM-LAM (in Cantonese): *Madam President, the Secretary has been very careful in answering supplementaries relating to consultation and review efforts. I should like to know more about the stance of the Government. May I ask the Secretary what is the major consideration of the Government in determining whether smoking should be prohibited in all sports venues? Could the Secretary also inform this Council whether the Government is afraid that prohibiting smoking in all sports venues may affect adversely the number of spectators at ball games or impact on the interest of the public in sports?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, we have been keeping a close watch on the overall anti-smoking policy and at the same time taking into account the practices adopted in similar venues overseas, and we do not think there is any particular cause for concern. Nevertheless, a decent government should listen to the representative views of venue users and relevant audience before determining the methods to be adopted to implement certain measures that would affect users or consumers.

DR LO WING-LOK (in Cantonese): *Madam President, could the Secretary inform this Council whether consideration would be given to posting notices of advice in sports venues or facilities during the period when the anti-smoking policy is still under review by the LCSD or the Government? For example, the Government may consider displaying on the large screen some advice persuading spectators to smoke less for the sake of their own health and the health of other people during the next rugby tournaments.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I thank Dr LO for his suggestion. I will relate it to the Director of Leisure and Cultural Services.

MR LAW CHI-KWONG (in Cantonese): *Madam President, earlier on the Health and Welfare Bureau submitted some papers to the Panel on Health Services, but I noted that there was no discussion on the issue. May I ask the Secretary whether it is because Dr LO has submitted this question that the LCSD is now soliciting opinions on and following up the issue? Could the Secretary also inform this Council whether the two Policy Bureaux concerned have maintained communication on the issue?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, insofar as I understand it, the LCSD had already made reference to the practice adopted in the last Olympic Games and started substantive discussions on the issue before Dr LO raised this question. Moreover, we have also been keeping a close watch on the proposals recently put forward by the Health and Welfare Bureau to further prohibit smoking in public areas and referring to their discussion papers. However, the major difference lies in that while the paper

published by the Health and Welfare Bureau is related to indoor places, the subject we are now discussing is related to outdoor areas. So, this is the fundamental difference.

PRESIDENT (in Cantonese): Members, I owe you a commendation because more than 10 Members were able to raise supplementary questions on each of the two questions dealt with by us just now, and the Council has spent some 15 minutes on each question only. I hope this efficiency can be maintained so that more Members can have the chance to raise supplementary questions.

Fourth question.

Regulation of Evil Cults by Legislation

4. **MISS EMILY LAU** (in Cantonese): *Madam President, regarding the regulation of evil cults and their activities by legislation, will the executive authorities inform this Council:*

- (a) *whether they are collecting and studying, for the purpose of dealing with the issue of "Falun Gong", information on the regulation by legislation of evil cults and their activities in places outside Hong Kong; and*
- (b) *before deciding if legislation should be enacted to regulate evil cults, whether they will consider the views expressed by several representatives of religious bodies at the special meeting of the Legislative Council Panel on Home Affairs on 20 February this year, and whether they will fully consult the public and this Council?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as a responsible government, we must uphold public order and peace in the Hong Kong Special Administrative Region (SAR). Any organizations carrying out activities in Hong Kong must abide by the law of Hong Kong. In dealing with the activities of these organizations, the SAR Government always acts in accordance with the law. My reply to the Honourable Miss Emily LAU's two questions are as follows:

- (a) In recent years, activities of evil cults have become a matter of concern around the world. It is not unusual for a responsible government to keep track of developments and study the experience of other places in dealing with similar problems; and
- (b) Articles 32 and 141 of the Basic Law safeguard the freedom of religious belief. Likewise, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the Hong Kong Bill of Rights also provide for the protection of freedom of religion. The SAR Government is committed to the protection of such freedom and all measures taken are in strict compliance with the relevant provisions of the Basic Law and the ICCPR. We will take into full consideration the views of this Council and the community, including those expressed by representatives of different religious bodies at the special meeting of the Legislative Council Panel on Home Affairs on 20 February this year.

MISS EMILY LAU (in Cantonese): *Madam President, my main question asks whether the Government has any plans to regulate evil cults by legislation to deal with the issue of Falun Gong. However, the Secretary has not answered my question. I hope she can answer it now. In addition, how does Falun Gong affect public order and peace in Hong Kong and are the moves taken by the Secretary for Security a result of her acting under the instructions of Beijing?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, first of all, I would like to say that I have already answered the question raised by Miss LAU. The activities of evil cults have become a matter of concern around the world. It is not at all surprising that the SAR Government is also concerned about this and studying into the issue. Second, Falun Gong is a very complicated issue. Personally I do not think that it has any thing to do with the issue of freedom of religion. We should keep a close watch of its activities and development in Hong Kong. Third, I would like to state that any policy decisions will be made with the overall interest of the people of Hong Kong in mind and it is to be made by the SAR Government free of any pressure from any party.

MISS EMILY LAU (in Cantonese): *Madam President, the Secretary has not answered my question on how the Falun Gong has upset public order and peace in Hong Kong.*

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

SECRETARY FOR SECURITY (in Cantonese): Madam President, in my main reply I have not accused any body of upsetting public order and peace in Hong Kong. I was only saying that we would keep track of developments.

MS AUDREY EU (in Cantonese): *Madam President, in part (a) of the main reply, the Secretary mentions that it is not unusual for a responsible government to keep track of developments, especially the activities of evil cults. May I ask if the Government has any evidence showing that evil cults are carrying out activities in Hong Kong and what kinds of activities they are carrying out so that the public can be alerted to them?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, it is a matter of fact that evil cults have emerged in China and other developed countries in the world such as the United States and caused great problems there. That is why many foreign governments are making in-depth studies into the issue. In the past there were also activities of evil cults in Hong Kong. I do not wish to name these organizations, but I believe Honourable Members are quite familiar with the activities of these religious sects. For example, there are those which tell their followers to drink hydrogen peroxide or instruct young girls to recruit members, and so on. These activities caused damage to individuals as well as society in general. They have happened in Hong Kong, the Mainland and around the world. So as a responsible government, we must study into the issue and keep track of the developments of such organizations in Hong Kong.

MS AUDREY EU (in Cantonese): *Madam President, the Secretary has not answered my supplementary question, perhaps because I did not make myself clear. May I ask the Government whether there is any evidence showing that*

evil cults are operating in Hong Kong and what kinds of activities they are carrying out? The Secretary seems to have talked about what happened in the past, whereas I would like to know what the present situation is.

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have in fact answered the supplementary question raised by Ms EU. Activities of evil cults did happen in Hong Kong and they caused a lot of problems, such as broken families, people leaving their families, or people giving up all their possessions and offered them to these organizations. There were also evil cults telling their followers to drink hydrogen peroxide to cure diseases and instructing young girls to recruit members by offering sex, and so on. A lot of problems do exist and we must be very cautious for these problems may arise again. So we must never say that these problems will never come back.

MR JAMES TO (in Cantonese): *Madam President, may I ask the Government, whether in contemplating legislation on this respect, that if an organization has been characterized by the Mainland or the Central Government as an evil cult, would this become a criterion for the SAR Government in formulating its definition of an evil cult, or would this be taken by the SAR Government as reference? Also, would considerations of avoidance of political confrontation with the Central Government oblige the Hong Kong Government to follow suit if once an organization has been determined by the Central Government as an evil cult?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the supplementary question raised by Mr TO makes a lot of hypotheses. It can be considered as a leading question as well. Mr TO hoped that I would give an answer on whether a hypothetical situation would happen or not. Since the supplementary question is hypothetical, I would not answer it.

MR JAMES TO (in Cantonese): *Madam President, what I have asked just now is not a hypothetical question. I would like the President to make a ruling on that point. Let me state the crux of the question again. As the Government is studying into the issue of legislating on the regulation of evil cults, and since*

these legislation must certainly make some definitions, would the Government make reference to the definitions made by the Mainland in determining certain organizations as evil cults when it formulates such definitions? This is not a hypothetical question, but a supplementary question on policy.

PRESIDENT (in Cantonese): Mr TO, you have asked me to give a ruling. In fact, when I asked the Secretary for Security to answer your question, it already showed that your supplementary question had not contravened the provisions in the Rules of Procedure. A ruling would therefore be unnecessary.

Secretary, do you have any other information to add?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I still think that the supplementary question raised by Mr TO is hypothetical, for he says that the Government is studying into the issue of enacting legislation to regulate evil cults. However, in nowhere in the reply given by me earlier have I mentioned that the Government wishes to legislate to regulate evil cults. I do not know from which source Mr TO has got such information. Maybe he has been influenced by the reports of certain newspapers. In any case, we have not indicated that we would do anything in this respect. Madam President, I do not know how to answer a hypothetical question.

MR JAMES TO (in Cantonese): *Madam President, I demand that a ruling be made on the issue of whether of not my supplementary question is a hypothetical question. In accordance with the Rules of Procedure, a hypothetical question need not be answered.*

PRESIDENT (in Cantonese): Mr TO, what I feel to be most difficult is that you are not satisfied with the reply given by the Secretary, nor can you accept her reply. And so you have asked me to make a ruling. However, when I asked the Secretary for Security to answer your question, that showed that your supplementary question is not a hypothetical question. For if not, I would not have asked the Secretary to answer it, more so, I would have asked you to withdraw your question. However, as to how the Secretary would answer, the

President does not have any powers to intervene. Therefore, I asked the Secretary earlier whether she had anything to add, and there is nothing I can do when she has indicated that she has nothing to add.

This is how things are like under the Rules of Procedure. Honourable Members may indicate that they are not satisfied with replies made by government officials. However, Mr TO, you cannot ask the President to make a ruling repeatedly.

MR JAMES TO (in Cantonese): *Madam President, I would like to be given an unequivocal answer as to whether it is your ruling that my supplementary question is not of a hypothetical nature. As to how the Secretary would like to shape her reply, I think the public will have an opinion on that.*

PRESIDENT (in Cantonese): I do not think we should argue on this point any more. Now the next supplementary question.

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary mentioned in her main reply that study would be made on the experience of other places in dealing with similar problems. May I ask the Secretary what places have been studied and what the preliminary findings so obtained are?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the issue of evil cults is very pervasive and it can be said to have haunted the West over the past few decades. In China, evil cults have a history of at least a thousand years and they have haunted our country for at least a thousand years, if not a few thousand years. In this regard, I am aware that a lot of research has been done overseas. In Europe, for example, the European Union has done some research on this and published a report. Germany and France are also disturbed by the problem of evil cults and they have studied into the problem and released reports on this. Different countries have come up with different methods to tackle the problem, taking into account their respective traditions, political situations and the prevalent view in society.

MR ALBERT HO (in Cantonese): *Madam President, as the authorities would study into overseas experience and use it as a basis for legislation at a later stage, and for the related organizations, countries would usually look into whether the behaviour of the members of these organizations will affect public order, peace and the safety of third parties, and that will be the limit of the study, then would the authorities in Hong Kong take any further steps to regulate their thinking and faith? If this is the case, would this affect the freedoms of religious expression and association?*

PRESIDENT (in Cantonese): Mr HO, you are asking the Secretary what will happen when legislation is to be enacted on this, but the Secretary has not said that there are plans to make legislation.

MR ALBERT HO (in Cantonese): *Madam President, I think when after the authorities have made reference to*

PRESIDENT (in Cantonese): Mr HO, I can give you permission to ask your question, but could you try to shape it in another way?

MR ALBERT HO (in Cantonese): *Madam President, what I wish to ask is: Having studied the experience of overseas countries, what basis will the authorities use when legislation is to be enacted? According to our customs, governments should regulate the behaviour of an individual that affects peace in society or the safety of a third party or public order, but never thinking. Would the Secretary undertake that this principle will be adhered to when legislation is to be enacted in the future?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, this afternoon three Honourable Members, namely Miss Emily LAU, the Honourable James TO and the Honourable Albert HO, have made assumptions that the Government has decided to or is about to make legislation on this issue. But in fact the Government has never indicated that legislation will be enacted on this. We are just keeping close track of the problem of evil cults, for it is our

responsibility to uphold public order and peace in Hong Kong. The premise of our governance is acting according to the law. For any measure we may devise, it must not contravene the provisions of the Basic Law. The International Human Rights Covenant is implemented in Hong Kong through Article 39 of the Basic Law. Provisions in the International Human Rights Covenant, including Article 18 of the ICCPR, have safeguarded the freedom of religion. We will not violate this major principle with any of the measures we take. That is how the basic human rights and freedoms in Hong Kong can be safeguarded.

MISS MARGARET NG (in Cantonese): *Madam President, when the Secretary answered the supplementary question raised by the Honourable Ms Audrey EU earlier, she mentioned that activities of evil cults had happened in Hong Kong. However, the previous administration did not take any steps to legislate to regulate the activities of evil cults. Now the Secretary is saying that the experience of overseas countries would be studied. May I ask the Secretary directly that at this present juncture, do the authorities have any plans to introduce a bill like the anti-cult law of France; if so, when will such a bill be introduced?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, the answer is, we have no such plans at the present moment.*

MR ANDREW CHENG (in Cantonese): *Madam President, the Secretary has made the criticism that Falun Gong has some characteristics of an evil cult and in the special meeting of the Panel on Home Affairs of the Legislative Council on 20 February this year, most of the religious leaders thought that there was no need to regulate the activities of evil cults currently. Would the Secretary be worried that the view of the Chief Executive in that the nature of Falun Gong resembles somewhat of an evil cult will be misused by anyone, leading to consequences like, for example, the branding of Buddhism as an evil cult? This is a possibility because there are some Buddhists who hold the view that the recent poultry cull would result in the ghosts of the chickens accumulate grievances and this will result in storms, rainstorms and epidemics in the territory.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, maybe I would correct the remarks made by Mr CHENG on the Chief Executive's view that the nature of Falun Gong resembled somewhat of an evil cult. In my opinion, it resembles more of heresy (*laughter*). I say this because I have read all the publications by Falun Gong. Its leader, LI Hong-zhi, talks about exorcizing or driving away evil spirits, catching snakes, and practising the teachings for thousands of years, and so on, and all this makes me think that I am reading a fantasy novel. As I am asked a question on this, I will answer like this; this is what I feel after reading books by Falun Gong. Of course, in anything we say or do, we must not contravene the Basic Law. That applies also to the ICCPR which is implemented in Hong Kong through the Basic Law. Article 18 of the ICCPR states that "everyone shall have the right to freedom of thought, conscience and religion" and "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or a belief of his choice". In other words, even if I make some remarks, these would only represent my personal view on a certain subject. After I have made these remarks, other people may say things to refute me, but what I have said will not coerce or do any harm to them. Honourable Members must be aware that after I had raised the point that Falun Gong was heresy, many people said things to attack me. But will the followers of these sects and religions come under any coercion or suffer any harm as a result of my remarks? In any case, I would like to reiterate, the policy objectives of the Government will not violate the rule of law.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. Last supplementary question.

DR YEUNG SUM (in Cantonese): *Madam President, the Government has made it clear that it will act according to the law. But if the law it follows is an evil law, that may not help protect human rights. The Secretary has said earlier that evil cults have been in existence for a long time, then why has the Government not taken any action until now? Is that because the Central Government has determined the nature of Falun Gong as an evil cult and so our Government is taking action now?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I would like to thank Dr YEUNG for raising this supplementary question. The situation is like this. In the past, there were some evil cults in Hong Kong, but they were only acting sporadically. Some of them committed some criminal offences and some people were thus sanctioned. It cannot be denied that there has been a grave development in the Mainland in recent years that more than one evil cult organizations have emerged and they come in various sizes. I believe Honourable Members are aware that in the 1980s with the opening up of China, a few hundred *qi gong* organizations emerged in the Mainland. Some of these aimed at duping and swindling the people. Tragedies happening to families and individuals were frequent. Hong Kong is very much susceptible to influences from the Mainland. Many of the things that happen here have come over from the Mainland. That is the so-called overspill effect. As such phenomena happen in the Mainland which is so close to us, then as a responsible government, the SAR Government must keep a close watch of the developments of the matter, and that I think is a responsibility which we cannot evade.

PRESIDENT (in Cantonese): Fifth question.

Property Management and Security of Offices of Government Departments and Statutory Bodies in Possession of Sensitive and Confidential Information

5. **MR LAU PING-CHEUNG** (in Cantonese): *Madam President, regarding the property management and security of the offices of government departments and statutory bodies which possess sensitive and confidential information, will the Government inform this Council:*

- (a) *of the respective criteria currently adopted by government departments and statutory bodies for determining whether the property management work (including building maintenance and security services) of their offices should be contracted out to private property management companies;*
- (b) *whether background checks on private property management companies and their employees are conducted before engaging these companies to provide the services; and*

- (c) *whether it will consider enhancing the security systems of the government departments and statutory bodies accommodated in private commercial premises, such as the Hong Kong Monetary Authority (HKMA); if so, of the details; if not, the reasons for that?*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, generally speaking, property management includes regular maintenance, cleansing of premises and security and guarding services for common areas. For government offices, regular maintenance is arranged by the Architectural Services Department (ASD). The responsibility for other property management services falls on individual user departments or the Government Property Agency. On security matters, individual Heads of Departments may seek advice and assistance from the Secretary for Security and the Government Security Officer.

Statutory bodies (such as the HKMA) are independent legal entities. They are responsible for their own property management and security matters and for making their own arrangements.

At present, the ASD has contracted out most of the regular maintenance works for government offices through tendering. Other relevant government departments have also outsourced the remaining property management services to private property management companies and security companies through stipulated procurement procedures. In determining whether property management services for government offices should be contracted out, individual government departments would, as a general rule, have due regard to cost-effectiveness, efficiency, and the quality and reliability of services. Besides, departments can consult the Government Security Officer of the Security Bureau on security arrangements. He will, after conducting a risk assessment, tender appropriate advice, say, on whether security services should be contracted out and, where necessary, recommend requirements and restrictions to be stipulated in the department's tender document.

On the question of background checks on property management companies and their employees, government departments will check the qualification and service quality of the relevant companies when assessing tenders. Under the Security and Guarding Services Ordinance, all security and guarding services companies must have a valid licence issued by the Security and Guarding

Services Industry Authority (the Authority), and all the guards and watchmen employed must hold a Security Personnel Permit issued by the Commissioner of Police.

The Government also has in place detailed Security Regulations. These set out specific requirements and guidelines on building security, room security and custody and handling of classified documents. They provide comprehensive safeguard against access to, tampering with and stealing of confidential and sensitive information by unauthorized personnel including property management companies and their employees. The purpose is to ensure proper protection of such information. All government departments must observe the Security Regulations.

Practical experience shows that at present there is no need for general enhancement of security systems for government offices in private commercial premises. Heads of Departments can of course introduce enhancement or improvement measures whenever necessary, according to operational needs.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, the Secretary stated in the first and third paragraphs of the main reply that government departments may seek advice from the Government Security Officer of the Security Bureau. She has used the word "may" in her reply. In this connection, will the Secretary inform this Council whether any policy has been made to specify under what circumstances government departments must seek advice from the Government Security Officer of the Security Bureau? This is my first supplementary question. As for the second one, in the fourth paragraph of the main reply*

PRESIDENT (in Cantonese): Mr LAU, you can only raise one supplementary question.

MR LAU PING-CHEUNG (in Cantonese): *Well, I should raise the supplementary question just asked by me.*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, I would like to thank the Honourable Member for this supplementary question. The Government's Security Regulations have set out in detail the security work needed to be carried out by Heads of Departments and their matters of concern. They should decide whether it is necessary to consult professionals again and seek their advice. Insofar as the Government is concerned, professionals mean the Government Security Officer. Thus Heads of Departments are required, under the Security Regulations, to decide whether it is necessary to seek advice and assistance from the Government Security Officer.

MR CHAN KWOK-KEUNG (in Cantonese): *Will the Secretary tell us the difference between contracted-out property management services and property management services provided by the Government in terms of cost-effectiveness?*

PRESIDENT (in Cantonese): Mr CHAN, what is the connection between your supplementary question and the main question raised by Mr LAU Ping-cheung or the Secretary's reply?

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, the Secretary stated in the main reply that due regard would generally be given to cost-effectiveness, efficiency and the nature of service in determining whether property management services should be contracted out. This is why I raised this supplementary question.*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, it will differ from case to case. But according to our experience, such service contracts generally require low skills. Contracting out such services will raise cost-effectiveness by 20% to 30% compared to directly engaging civil servants to provide such services.

DR LO WING-LOK (in Cantonese): *Madam President, in the fifth paragraph of the main reply, the Secretary mentioned that all government departments must observe the Security Regulations. However, in the event that security services are contracted out to guarding services companies or property management*

companies, what can the Government do to ensure that these companies observe the Security Regulations and provide against the leaking of or tampering with confidential information?

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, I would like to thank the Honourable Member for raising this supplementary question. The Security Regulations have clearly provided for security work related to building security, room security and handling of confidential documents. Most importantly, the relevant civil servants must keep confidential or sensitive documents in a safe place. Upon leaving their offices, they must lock up these documents properly. If cleansing staff enter their offices to perform cleansing, they must monitor or designate an authorized civil servant to monitor the cleansing staff, ensuring that employees of contractors cannot gain access to any confidential or sensitive documents. As to security, I have stated in the main reply that our security and guarding work is targeted mainly at government offices accessible by the public. Members might have had the experience that when entering government offices, a security guard at the entrance will inquire the visitors of the name of the civil servant they are looking for and request the visitors to put down their names and pin an identification badge on their chests. In some cases, the visitors may even be required to wait at the entrance for a civil servant to accompany them upstairs to meet the one they are looking for. Security and guarding work contracted out to contractors are mainly targeted at these government offices. All internal offices, that is, places not accessible by members of the public unless accompanied by a civil servant, have been installed with keypads. Non-civil servants will be denied entry if they do not have the passwords.

MR JAMES TO (in Cantonese): *Madam President, in part (b) of the main reply, Mr LAU actually asked the Government whether background checks on employees of private property management companies, besides checks on these companies, had been conducted. In the fourth paragraph of the main reply, the Secretary mentioned that government departments will check the background of the employees of these companies when assessing tenders. It is also stipulated in the law that individual staff members will be checked. In other words, the Commissioner of Police may check whether the relevant security workers have criminal records, their conduct, and so on. Is the Commissioner of the view that these standards have provided sufficient safeguard with respect to the issue of Security Personnel Permits? Will more stringent procedures be imposed?*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, I will ask the Commissioner to confirm this point after the meeting. But insofar as I understand it, the Commissioner will approve applications for security guard permits with reference to the general requirements. In other words, there are no specific criteria governing the approval of applications from those who might provide security and guarding services for the Government in future. This is what I have been given to understand. I will confirm this point with the Commissioner. (Annex V)

MR JAMES TO (in Cantonese): *Madam President, my supplementary question is: Will the criteria be not stringent enough? This is because these criteria might be applicable to general property management. Is it necessary for special treatment to be given to properties related to government departments because they are sensitive in nature?*

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

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, thank you for giving me a chance to supplement my answer. I have emphasized again in the main reply and follow-up reply that all civil servants must observe the provisions of the Security Regulations. Therefore, our first consideration is to prevent unauthorized persons from gaining access to confidential or sensitive information. We take precautionary measures like building security. In other words, entrances and exits of buildings will be guarded. Just now, I cited one such example for illustration. Then what is in office security? In government buildings or private buildings rented to the Government for office accommodation, we will assess the windows of the offices and, if necessary, provide safes in the offices. As for room security, in order to prevent any third party from gaining access to confidential or sensitive information, we will inspect the windows of each room to examine if peeping or distant shooting can be done easily or if such information can be seen by someone from a building high above. In special government offices, we will take security measures to prevent eavesdropping on a regular basis. Of course, these measures include general measures Members can well imagine. Examples are scramble locks, keys and requiring all staff to lock up confidential or sensitive information upon

leaving their offices. Our first step is mainly to take these measures in a pragmatic manner in order to prevent any third party from gaining access to such information as far as possible. I have also cited another example in the supplementary reply given by me earlier. When workers of the cleansing contractors entered an office to clear refuse, the civil servant to whom the office belongs or an authorized civil servant must be present. I believe all government offices will take adequate measures to prevent any third party from stealing confidential and sensitive information.

MR AMBROSE LAU (in Cantonese): *Madam President, the Secretary mentioned in the third paragraph of the main reply that the Government Security Officer would, after conducting a risk assessment, tender appropriate advice on, say, whether security services should be contracted out and, where necessary, recommend requirements and restrictions to be stipulated in the tender document. Under general circumstances, what criteria will the Government Security Officer adopt in assessing whether such services should be contracted out; and what criteria will be adopted for the purpose of recommending restrictions?*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, I do not have such information on hand. With your permission, I shall give a written reply after consulting with the Government Security Officer. (Annex VI)

PRESIDENT (in Cantonese): Last supplementary question.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, in the fourth paragraph of the main reply, the Secretary mentioned that all security and guarding services companies are regulated by the valid licences issued by virtue of the Security and Guarding Services Ordinance. In addition, all the guards and watchmen employed must hold a Security Personnel Permit issued by the Commissioner of Police. However, the Secretary has not mentioned whether checks on the background of the owners, licensees or persons-in-charge of these companies will be carried out too.*

PRESIDENT (in Cantonese): Mr LAU, what is your supplementary question about?

MR LAU PING-CHEUNG (in Cantonese): *Madam President, my supplementary question is: Will the owners, licensees or persons-in-charge of these companies be similarly regulated by the Security Personnel Permit issued by the Commissioner?*

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, let me try to answer the supplementary question raised by Mr LAU according to my understanding. A company intending to provide security or guarding services in Hong Kong must, first of all, apply for a licence under the Security and Guarding Services Ordinance. Who will eventually be responsible for approving this licence? This licence is actually not issued by the Commissioner. Instead, the Authority will give approval in accordance with the criteria established under the Ordinance. Perhaps Mr LAU might wish to know that the incumbent chairman of the Authority is the Honourable Mrs Miriam LAU. She is a colleague of Honourable Members too. According to the law, the Commissioner can require applicants to furnish information and pass it on to the Authority for reference. The Authority will eventually decide whether or not a licence will be issued to the applicant. I am not sure whether such information can answer the follow-up question raised by the Honourable Member.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, I understand the Secretary's point. However, is such a procedure compulsory? Is it absolutely necessary for the Commissioner to screen the background of the applicant before passing the relevant information to the Authority for examination and approval? Or will it depend on the circumstances of individual cases as it is not absolutely necessary?*

PRESIDENT (in Cantonese): Mr LAU, please sit down first. Actually, your follow-up question has gone beyond the scope of your supplementary question. Let me see if the Secretary has the relevant information to provide you a reply as there are no more Members waiting to raise their questions.

SECRETARY FOR THE TREASURY (in Cantonese): Madam President, as the follow-up question raised by Mr LAU is operational in nature, I can only give a reply in accordance with what is stipulated in the law. Section 20(1) of the Security and Guarding Services Ordinance states, "Where an application is made for a licence, the applicant shall at the same time send a copy of the application to the Commissioner, and the Commissioner may cause an investigation to be carried out in respect of the application for the purpose of determining whether, in the opinion of the Commissioner, there are grounds for objecting to the application". The wordings used in the legal context are "the Commissioner may cause an investigation to be carried out". However, will the Commissioner handle each case in the same way or will he do this randomly or only when he encounters apparently problematic cases? This is actually an operational issue. I am sorry that I cannot give Mr LAU a reply.

PRESIDENT (in Cantonese): Mr LAU, we have spent 19 minutes on this question. I think you should follow up this issue through other channels.

Question time ends here.

WRITTEN ANSWERS TO QUESTIONS

Cross-border Direct Bus Services

6. **MR HOWARD YOUNG** (in Chinese): *Madam President, regarding the cross-border direct bus services between Hong Kong and the Mainland, will the Government inform this Council:*

- (a) *of the respective daily average numbers of bus trips and ridership in the past three years; and the estimated annual growth rates of daily ridership in the coming five years; and*
- (b) *whether, to facilitate tourists travelling to the Mainland by direct buses, it will consider setting up terminuses for direct buses in the vicinity of the Olympic and Tsing Yi Stations of the Airport Railway, where information such as the routing, frequency and fare of the various bus routes will be displayed?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, the average daily number of cross-boundary coach trips crossing the three road crossing points and the average daily patronage of the cross-boundary coach services in the past three years are given below:

	<i>1998</i>	<i>1999</i>	<i>2000</i>
Cross-boundary coach trips	681	699	830
Cross-boundary coach patronage	14 425	15 799	17 344

The average annual growth rate in cross-boundary coach patronage in the past five years was 9.1%. If future growth follows the same trend, the average daily cross-boundary coach patronage will be around 29 000 by 2006.

At present, there is one off-street cross-boundary coach terminus (CBCT) at Austin Road in Tsim Sha Tsui and a number of on-street terminating stops in different parts of Hong Kong. The Government's policy on the provision of CBCTs is to provide off-street CBCTs as part of public transport interchanges at suitable locations to facilitate passenger accessibility and convenient interchange with other public transport services. In accordance with this policy and to meet the demand for CBCT facilities arising from the future increase in cross-boundary coach patronage, we have plans to provide new CBCTs at railway stations or public transport interchanges. The locations of these planned CBCTs are selected having regard to the departure pattern of cross-boundary coach trips.

Altogether, eight new CBCTs are planned for completion by 2006-07. One of the new CBCTs will be situated at the Airport Railway Kowloon Station, which will provide convenience to tourists travelling to and from the Mainland by cross-boundary coaches as they can interchange with other public transport modes including the Airport Railway. It is planned to be completed by 2004-05. We are also exploring the possibility of providing a CBCT at the Tsing Yi Airport Railway Station.

A typical CBCT will be provided with regulator cum ticketing office with passenger waiting and toilet facilities. Passenger information facilities showing the timetable, faretable and routing of the coach services will be provided for the convenience of passengers.

Support to Hong Kong Representatives Participating in International Cultural and Sports Activities

7. **MR ERIC LI** (in Chinese): *Madam President, regarding the support given to Hong Kong representatives participating in international cultural activities and sports competitions held overseas, will the Government inform this Council:*

- (a) *among the international cultural activities and sports competitions held overseas in which Hong Kong representatives have participated, of the occasions on which it has sent officials to attend in the past three years; and*
- (b) *whether the Hong Kong Economic and Trade Offices (ETOs) overseas have provided assistance to the Hong Kong representatives who went there to participate in such activities and competitions; if so, of the details; if not, whether it will consider instructing these Offices to provide such assistance?*

SECRETARY FOR HOME AFFAIRS (in Chinese): Madam President,

- (a) In the past three years, government officials attended six international sports competitions in which Hong Kong representatives participated. The competitions included the World Masters Games held in Portland, United States in August 1998, the Asian Games held in Bangkok, Thailand in December 1998, the Australian Masters Games held in Adelaide, Australia in September and October 1999, the Olympic Games and the Paralympic Games held in Sydney, Australia in September and October 2000 and the Asia Pacific Masters Games held in the Gold Coast, Australia in October and November 2000.

As for cultural activities, government officials also attended three international cultural events in which Hong Kong representatives participated, namely the "Festival of Contrast" held in Amsterdam and Rotterdam, the Netherlands in November 1998, the "Festival of Vision — Hong Kong in Berlin" held in Berlin, Germany in July 2000 and the "Hong Kong — Philippines Cultural Exchange Dialogue" held in Manila, Philippines in September 2000.

- (b) The main task of the overseas ETOs is to promote Hong Kong's economic and trade interests. With the exception of the Geneva Office which represents Hong Kong as a Member of the World Trade Organization in its activities, the other overseas offices provide, so far as circumstances appropriate and resources permit, logistics support to Hong Kong participants in international cultural events and sports competitions held locally and assist in arranging media interviews and publicity activities, and so on. For example, the Sydney Office organized a reception for Hong Kong representatives of the Olympic Games and the Paralympic Games held in Sydney. The Brussels Office assisted in liaison matters for the "Festival of Vision — Hong Kong in Berlin". For non-government organizations taking part in international cultural activities or sports competitions requiring assistance, they can contact the ETOs through the Leisure and Cultural Services Department. However, due to manpower and resource constraints, ETOs may not be able to provide assistance for the activities.

Adjustment Mechanism for Interest Rate on Student Loans

8. **MR YEUNG YIU-CHUNG** (in Chinese): *Madam President, at present, the interest rate for the Non-means Tested Loan Scheme (NLS) for tertiary students (interest rate on student loans) is set at 0.5 percentage point below the average of the prime rates quoted by the note issuing banks. The Finance Bureau reviews the interest rate on student loans at the end of each month according to the prevailing prime rate. The interest rate will be adjusted in accordance with the prevailing prime rate if it differs by one percentage point or more from the average prime rate, or if it has remained unchanged for a period over six months. Since the prime rate only dropped by less than one percentage point on every occasion in recent months, such adjustments could not be reflected in the interest rate on student loans in a timely manner. In this connection, will the Government inform this Council whether it will consider revising the adjustment mechanism for the interest rate on student loans, so that it will closely follow the movements of the prime rate; if so, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, the NLS operates on a "no gain, no loss" and "cost recovery" basis. The principle is that the Government should not seek to make a profit out of the loans, nor incur a loss. On this basis, the interest rate is set at the Civil Service Housing Loan Scheme (CSHLS) interest rate, plus a 1.5% risk-adjustment factor to cover the Government's risks in disbursing unsecured loans. The CSHLS interest rate, which is set at "no gain, no loss" to the Government is currently 2% below the average of the best lending rates (BLRs) of the note-issuing banks. Under the existing review mechanism, the Administration reviews such rate at the end of each month and will adjust it if the rate calculated under the formula differs from the prevailing interest rate by one percentage point or more, or when the prevailing rate has remained stationary for six months. This arrangement seeks to strike a balance between administrative efficiency and concerns about possible frequent fluctuations in the BLR.

The Administration has recently conducted a review on the above adjustment mechanism and proposed to adjust the rate more in tandem with the revisions in the BLR. The intention is to review the rate at the end of each month, and adjust it in the following month according to changes in the BLR during the month. Any change to be introduced eventually will be applied to the NLS.

Elimination of Hawker Black Spots

9. **MR FRED LI** (in Chinese): *Madam President, regarding the elimination of hawker black spots, will the Government inform this Council of:*

- (a) *the locations of the hawker black spots currently identified and the years in which they were so identified and, among them, those which were so identified again;*
- (b) *the respective criteria adopted for identifying a place as a hawker black spot and one that is no longer such a spot; and*
- (c) *the hawker black spots the Food and Environmental Hygiene Department (FEHD) plans to eliminate in the next two years and the methods it will adopt?*

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

- (a) As of 31 March 2001, there were a total of 81 hawker black spots in Hong Kong. The locations and the years in which they were identified as hawker black spots are listed in the table at Annex.
- (b) To assess the magnitude of hawker related problems for better deployment of hawker control resources, the FEHD conducts quarterly survey to identify and update hawker black spots. A certain location will be classified as hawker black spot if at any one time of the day during the survey, there is an assembly of 10 or more unlicensed hawkers of five or more unlicensed cooked food hawkers.

A site will be taken out from the list of hawker black spots if the number of unlicensed hawkers falls short of the above criteria during a quarterly survey.

- (c) The FEHD intends to eliminate about 10% of the black spots in 2002-03. However, to ensure the effectiveness of the coming black spot elimination exercise, it is not advisable to disclose the locations of such spots at this stage. To eliminate these spots, the FEHD will step up surveillance and enforcement action.

Annex

List of Hawker Black Spots

<i>No.</i>	<i>Location of Hawker Black Spot</i>	<i>Year included</i>
1.	Nathan Road, Peking Road, Haiphong Road, Hankow Road and Lock Road	1994
2.	Carnarvon Road, Cameron Road, Granville Road and Humphreys Avenue	1995
3.	Tai Shing Street, Tai Tung Street and the vicinity	1993
4.	Kam Chi Path, Wah Chi Path and the vicinity	1993
5.	Tai Yau Street and San Po Kong Industrial Area and the vicinity	1993
6.	Yuk Wah Street and Yuk Wah Crescent	1998

No.	<i>Location of Hawker Black Spot</i>	<i>Year included</i>
7.	Lung Cheung Road near Wong Tai Sin Mass Transit Railway (MTR) Station entrances, the portion near Chuk Yuen United Village and vicinity	1993
8.	Wong Tai Sin MTR Station exits near Ching Tak Street	1995
9.	Lok Fu MTR Station Exit near Wang Tau Hom East Road	1995
10.	Choi Hung Road Footbridge linking Choi Hung Road and Tung Kwong Road and vicinity	1997
11.	Fung Wong Sun Chuen and its vicinity	1997
12.	Near Mui Wo Complex, Ngan Shek Road, Mui Wo	1993
13.	Wing On Street and Tai O Market Street, Tai O, Lantau Island	1991
14.	Yung She Wan Main Street, Lamma Island	1991
15.	Praya Street, Cheung Chau	1991
16.	Statue Square and Legislative Council	1995
17.	Chater Garden and Murray Road	1995
18.	Footbridge along Connaught Road Central, Pedder Street and vicinity	1995
19.	Causeway Bay Area (Daimaru and Sogo and its vicinity)	1991
20.	Wan Chai MTR Exit and its vicinity	1991
21.	Bowrington Road and its vicinity	1991
22.	Wanchai Road and its vicinity	1991
23.	Johnston Road and its vicinity	1991
24.	Open space outside Heng On Estate and Yiu On Estate	1993
25.	Footbridge across Kwun Tong Road from Kowloon Bay MTR to Blocks 8 and 13, lower Ngau Tau Kok Estate and Ngau Tau Kok Road pavement of Amoy Plaza	1987
26.	Tsun Yip Street, How Ming Street and its vicinity	1974
27.	Lam Tim Estate passageway between Tak Tin Street and Ping Tin Street at side of Lam Tin Estate Bus Terminus	1985
28.	The area around Chai Wan Temporary Market, Walton Estate bounded by Yee Tai Street, Chai Wan Road and Yee Fung Street, the lane in front of Winnie Centre and the lane in between Chai Wan Temporary Market and Tak Shou House of Walton Estate	1990
29.	Kam Wa Street area including Mong Lung Street and Tai Tak Street	1991
30.	Marble Road area including North Point MTR exits, Kam Hong Street, Shu Kuk Street, a section of King's Road between Kam Hong Street and Tin Chiu Street and vicinity of Java Road Market	1991
31.	Chun Yeung Street area including North Point Road, Tong Shui Road, a section of King's Road around Kam Hong Street, and Fortress Hill MTR exits	1990

<i>No.</i>	<i>Location of Hawker Black Spot</i>	<i>Year included</i>
32.	Siu Sai Wan area along Siu Sai Wan Road from Bus Terminus up to Fullview Garden	1995
33.	Kut Shing Street and Chai Wan Footbridge outside Chai Wan MTR Station	1991
34.	The streets around Sai Wan Ho Market including Tai On Street and a section of Shaukeiwan Road in front of Tai On Building; the vicinity of Quarry Bay Market including Quarry Bay Footbridge, a section of King's Road between Finnie Street and Hong On Street and the safety Island in front of Jusco	1991
35.	Yung Shu Tau, Temple Street (North), Market Street, Shanghai Street and Public Square Street	Early '50s
36.	Arthur Street junction of Man Ming Lane and Wing Sing Lane	Early '50s
37.	Temple Street junction of Kansu Street and Nanking Street, Sagion Street	Early '80s
38.	Reclamation Street	Early '70s
39.	Nathan Road, Parkes Street junction of Jordan Road and Ning Po Street	Early '70s
40.	Vicinity of Pei Ho Street Market (Area around Ex-Sham Shui Po Market)	1990
41.	Vicinity of Po On Road Market	1990
42.	Lai Wan Road, Mei Poo Bus Terminus and vicinity	1990
43.	Apliu Street and its vicinity	1990
44.	Berwick Street and its vicinity	1990
45.	Tai Nam West Street and its vicinity	1994
46.	Ma Tau Kok Road junction of Pau Chung Street	1997
47.	Hok Yuen Street, Man Yue Street, Ma Tau Wai Road	1997
48.	Tokwawan Market area bounded by Kowloon City Road, Lok Shan Road and Tokwawan Road	2000
49.	Tak Man Street and Hung Hom Road	1997
50.	Tokwawan Road junction of Lok Shan Road	2000
51.	Bulkeley Street	2000
52.	Waterfall Bay Park Carpart	1975
53.	Jumbo Pier/Aberdeen Praya Road	1981
54.	Chengtu Road junction of Nam Ning Street	1983
55.	Stanley Area	1971
56.	Kai Man Path Area	1987
57.	San Wo Lane	2001

<i>No.</i>	<i>Location of Hawker Black Spot</i>	<i>Year included</i>
58.	Sam Shing Estate Periphery	1985
59.	Yau Oi Estate Periphery	1986
60.	Argyle Street between Sai Yeung Choi Street and Fa Yuen Street and vicinity	1983
61.	Nelson Street junction of Nathan Road (Bank Centre and Grand Tower Hotel)	1983
62.	Vicinity of Mong Kok Market (including Nelson Street, Canton Road, Argyle Street, Tong Mei Road, Sham Chun Street and Name Tau Street)	1983
63.	Tung Choi Street between Argyle Street and Dundas Street	1983
64.	Fa Yuen Street between Mong Kok Road and Nullah Road	1983
65.	Fa Yuen Street between Boundary Street and Bute Street; and between Shan Tung Street and Dundas Street	1983
66.	Kilung Street junction with Poplar Street (Mainly No. 42-74 and No. 87-99 Kilung Street, and No. 18 and No. 7-19 Poplor Street)	1983
67.	Tai Po Market, Kowloon-Canton Railway (KCR) Station	2000 @
68.	Centre Street and Water Street Including Cente Street Market and Sai Ying Pun Market and its vicinity	1978
69.	Shek Tong Tsui area including Shek Tong Tsui Market and its vicinity, Chong Yip Centre, Hill Road and "Fo Cheng" (火井)	1978
70.	Kennedy Town area including Smithfield Market and its vicinity. North Street, Belcher's Street, Catchick Street and Hau Wo Street	Smithfield, 1978
71.	Fanling KCR Station and its vicinity	1984
72.	Sheung Shui KCR Station and its vicinity	1982
73.	Luen Wo Hui	1973
74.	Shek Wu Hui Town Centre	1971
75.	Tin Yiu Light Rail Transit (LRT) Station	1999
76.	Tin Shui LRT Station	2000
77.	Hop Choi Street	2000
78.	Tsuen Wan MTR Station and its vicinity	1995 @
79.	Shek Wai Kok	1998 @
80.	Lei Shue Road	1999 @
81.	Texaco Road	1998 @

@: Included into the list again

Designation of Pedestrian Precincts

10. **DR RAYMOND HO** (in Chinese): *Madam President, regarding the designation of pedestrian precincts, or extension of existing ones, in Causeway Bay, Mong Kok, Tsim Sha Tsui, Central and Wan Chai, will the Government inform this Council of:*

- (a) *the design characteristics of, as well as the landscaping and greening works to be carried out, in each pedestrian precinct; and*
- (b) *its plans to divert vehicular traffic from the pedestrianized streets to other roads?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, the Administration takes into account the nature of activities in the district, the traffic pattern, the level of pedestrian flow, and the availability of alternative route to divert traffic in designing pedestrian precinct for each district.

For Causeway Bay and Mong Kok, which are hubs of substantial commercial and retail activities, pedestrian flow is extremely heavy and pedestrians compete with vehicles for the use of the limited road space. To provide a safe and more comfortable environment for pedestrians, the pedestrian schemes implemented in these two districts involve designating some of the busiest streets, for example, Sai Yeung Choi Street South, Paterson Street and Lee Garden Road, as either full-time or part-time pedestrianized streets.

Tsim Sha Tsui is a key commercial and tourist area. The concentration of hotels and restaurants creates a strong demand for road space for loading and unloading activities. To improve the pedestrian environment whilst maintaining vehicular access to these establishments, the pedestrian scheme implemented in Tsim Sha Tsui involves a reallocation of road space by widening the footpaths as well as providing designated loading and unloading areas along the principal pedestrian corridors, such as Canton Road, Haiphong Road and Hankow Road.

For Central and Wan Chai, the Administration is consulting the relevant District Councils and local parties affected on the detailed design of the pedestrian schemes, having regard to the nature of activities of the two districts, the traffic pattern and the level of pedestrian flow. Under the proposed

pedestrian schemes, Theatre Lane, Lan Kwai Fong, the section of Queen's Road Central between D'Aguilar Street and Pottinger Street, and the section of Johnston Road between Luard Road and Fleming Road would be designated as either full-time or part-time pedestrianized streets.

In implementing pedestrian schemes in Hong Kong, the Administration also recognizes the need to beautify the pedestrian environment and create an overall identity for pedestrianized streets such that they can be distinguished easily from other streets. In this regard, special paving tiles and paving patterns have been used for repaving the footpaths and road surface. Unique streetscapes such as decorative street lamps have been installed. Specially designed hand railings have been erected and trees have been planted at locations which do not affect pedestrian flow.

In introducing pedestrian schemes, complementary traffic management measures are implemented in the districts concerned to divert non-essential traffic away from the pedestrianized streets. For example, the taxi and public light bus stands in Causeway Bay are relocated to avoid traffic from entering the heart of the district; the direction of vehicular flow in Argyle Street and Sai Yeung Choi Street South is re-routed in order to maintain a smooth traffic flow in the whole district; and on-street parking spaces are either cancelled or relocated in Tsim Sha Tsui to reduce the number of vehicles circling in the district.

Similar complementary traffic management measures will be implemented in designing the pedestrian schemes for Central and Wan Chai after consulting the relevant District Councils and local parties affected.

Residence Requirement of CSSA Scheme

11. **MISS EMILY LAU** (in Chinese): *Madam President, to be eligible for assistance under the Comprehensive Social Security Assistance (CSSA) Scheme, applicants are required to have resided in Hong Kong for one year. However, the Social Welfare Department (SWD) may exercise discretion to approve applications from persons who do not meet the residence requirement. In this connection, will the executive authorities inform this Council:*

- (a) *of the number of CSSA applications received last year from persons who did not meet the residence requirement, as well as the number of such applications which were approved on a discretionary basis; and*
- (b) *among those applications approved on a discretionary basis as mentioned in (a) above, of the number of cases in respect of which the offices of this Council's Members had liaised with the SWD?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, regarding the Honourable Emily LAU's inquiry on applicants of the CSSA Scheme who do not fulfil the one-year residence requirement, our response is as follows:

- (a) We started capturing information relating to CSSA cases involving applications not fulfilling the one-year residence requirement in October 2000 with the new Computerized Social Security System. In the period October 2000 to April 2001, there were 1 090 CSSA applications involving applicants who did not fulfil the one-year residence requirement. Among them, 350 applications were granted assistance by discretion. In the remaining 618 applications, the Director of Social Welfare did not consider the exercise of discretion justified. Another 122 applications are being processed. For the period before October 2000, we do not have an accurate account of the number of applications involving applicants not meeting the one-year residence requirement.
- (b) We do not keep any separate record of the number of cases which have been granted discretionary approval, and which involved input from Legislative Council Members' offices. Cases referred by the Legislative Council Members are processed in the same manner as other cases, that is, the Director of Social Welfare will exercise discretion on individual merits.

Quantity of Dongjiang Water Supplied to Hong Kong

12. **MR LAU KONG-WAH** (in Chinese): *Madam President, the 1989 Water Supply Agreement signed between the Hong Kong Government and the Guangdong Authority specifies the minimum quantity of Dongjiang water to be supplied to Hong Kong every year; in accordance with the Agreement, even if a smaller quantity of water has actually been supplied to Hong Kong in a particular year, the water charges are to be determined on the basis of that minimum quantity. In this connection, will the Government inform this Council:*

- (a) *in respect of each of the past three years,*

 - (i) *of the actual quantity of Dongjiang water supplied to Hong Kong, and how it compares with the minimum quantity of water supply in the same year under the Agreement;*
 - (ii) *of the amount of water charges which would have been paid to the Guangdong Authority had the charges been determined on the basis of the actual quantity of Dongjiang water supplied, and how it compares with the actual amount paid;*
 - (iii) *based on the price of water per cubic metre under the Agreement, of the value of the potable water discharged into the sea from the Muk Wu Pumping Stations; and*
 - (iv) *of the amount of savings in electricity charges for the conveyance of potable water resulting from the supply of a smaller quantity of water than the minimum quantity under the Agreement;*

- (b) *whether, it has arrangements for reviewing annually the rainfall yield, reservoir storage level and actual water consumption in a previous year, so as to calculate the quantity of Dongjiang water which should have been drawn in that year; if so, of the figure for each of the past three years; if not, the reasons for that; and*
- (c) *of the progress in the negotiations since January last year between the Government and the Guangdong Authority on adjusting the minimum annual quantity of water supply and how the water charges are to be calculated?*

SECRETARY FOR WORKS (in Chinese): Madam President,

- (a) In respect of each of the past three years,
- (i) the actual quantity of Dongjiang water supplied to Hong Kong and the quantity stipulated in the water supply agreement are as follows:

<i>Year</i>	<i>Actual Water Supply Quantity (million cubic metres (mcm))</i>	<i>Agreed Water Supply Quantity (mcm)</i>
1998	760	760
1999	738	770
2000	706*	780

*Note: In 2000, as some Dongjiang water was discharged at the Muk Wu Pumping Station, the actual quantity of water drawn by Hong Kong was 642 mcm.

- (ii) the actual amount of water charges paid to the Guangdong Authority is as follows:

<i>Year</i>	<i>Amount Paid (\$ billion)</i>
1998	2.16
1999	2.38
2000	2.41

The minimum supply quantity of Dongjiang in each year has been fixed in the water supply agreement. Even if the actual quantity of water drawn in any year is less than the agreed annual quantity, the Hong Kong side still has to pay in full the water charges for it. Therefore, the amount of water charges calculated on the basis of the actual water supply quantity would be the same as the actual amount paid for the supply quantity fixed in the water supply agreement.

- (iii) we started in 2000 to discharge 64 mcm of Dongjiang water at the Muk Wu Pumping Station to save the electricity charges. However, since the Hong Kong side has to pay the charges on the basis of the agreed annual water supply quantity, reducing or avoiding the discharge of water from the Muk Wu Pumping Station cannot lead to a reduction in water charges payable to the Guangdong Authority.
- (iv) the electricity charges saved as a result of the reduced intake of Dongjiang water are as follows:

<i>Year</i>	<i>Electricity Charges Saved (\$ million)</i>
1998	-
1999	2.56
2000	11*

*Note: Including the electricity charges saved as a result of discharging water from the Muk Wu Pumping Station.

- (b) In reviewing the actual quantity of Dongjiang water required, we not only have to take into factors such as reservoir storage level, water consumption, amount of rainfall and the distribution of rainfall in terms of time and location, but also have to give consideration to corresponding future data which are not yet available. This is to ensure that the reservoir storage will not drop to such an excessively low level that could affect the reliability of our water supply or increase the risk of water rationing. In each of the past three years (1998-2000), the actual quantity of water drawn by the Hong Kong side was 760 mcm, 738 mcm and 642 mcm respectively. The water intake in 1999 and 2000 was less than the agreed quantity. However, this does not mean that in future Hong Kong can likewise reduce the intake of Dongjiang water. The reason is that our future reservoir storage level and rainfall amount are still unknown.
- (c) As mentioned above, the water supply agreement already stipulates the annual quantity of water supply. Hence any request for reducing supply quantity by the Hong Kong side has to be made

through negotiation, and the actual level of reduction can only be realized with the consent of the Guangdong side. In the past few years, the Hong Kong side repeatedly requested the Guangdong side to reduce the water supply quantity. Yet the Guangdong side had reservations about these requests on the ground that any drastic change in the water supply quantity would give rise to operational problems in their electricity utility plan, water plant operation and staffing arrangement. After many rounds of negotiations, the Guangdong side has agreed in principle to adopt flexible ad hoc arrangements similar to those implemented in 2000. Details of the arrangements are now under discussion.

As regards the adjustment of water charges, it is still under negotiation, in which both sides will take into consideration the changes in operation costs in the Dongshen Water Supply System, price indices and currencies of both sides as stipulated in the water supply agreement. We will continue to negotiate with the Guangdong side to strive at a reasonable and acceptable level on the supply quantities and water charges.

Cleaning of Beaches Not Designated as Bathing Beaches

13. **MR FRED LI** (in Chinese): *Madam President, it has been reported that, following a clean-up activity organized earlier on by a civic organization to collect litter at a beach on Lamma Island, which is not a designated bathing beach, the Food and Environmental Hygiene Department (FEHD) undertook to remove the litter-packed plastic bags. Members of the organization returned to the scene several weeks after the activity and found that only some of the plastic bags had been removed and the rest were just discarded in the bush near the beach. In this connection, will the Government inform this Council:*

- (a) *of the reasons for the FEHD's failing to remove all the plastic bags weeks after the activity; and*
- (b) *of the current number of beaches in Hong Kong which are not designated bathing beaches; whether the FEHD has arranged regular cleaning of these beaches; if it has, of the details?*

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

- (a) According to the FEHD, a civic organization phoned the FEHD's Islands District Office on 30 March 2001 and asked for its help to remove the litter that would be collected by the organization on the next day at "Wan Chai", an ungazetted beach near Sok Kwu Wan on Lamma Island. The civic organization collected 1.5 tonnes of litter after carrying out the cleaning operation on 31 March 2001. As "Wan Chai" beach is located at a remote area and is only accessible by boats, the FEHD had to hire a motorized sampan to remove the litter collected. On 6 April 2001, the FEHD hired a motorized sampan and removed most of the litter collected but found that there were large pieces of refuse that could not be loaded onto the motorized sampan. The FEHD thus contacted the Marine Department (MD) and arranged a joint operation on 19 April 2001 to remove the large pieces of refuse on that beach. In the meantime, the FEHD found that more litter was carried to the "Wan Chai" beach by the waves and deposited thereon. Hence, staff from the FEHD cleaned up the beach again on 14 April 2001, packed the refuse in plastic bags and placed them near the bushes on the beach so that they would not be washed or blown away easily, pending removal during the joint operation with the MD on 19 April 2001. On 19 April 2001, the FEHD and the MD removed all remaining litter on the beach.
- (b) The FEHD has no statistics of the current number of ungazetted beaches in Hong Kong. Currently, staff from the FEHD arrange regular cleaning operation at 133 ungazetted beaches (including the "Wan Chai" beach) to remove the refuse thereon. Depending on the location, the seasonal water currents and the wind direction of these beaches, whether they are tourist spots or complaint black spots and the availability of resources, the frequency of such cleaning operation ranges from four times a week to once every six months. The FEHD will increase the number of cleaning operations as and when necessary.

Erection and Maintenance of Traffic Sign Posts

14. **DR RAYMOND HO** (in Chinese): *Madam President, it was reported that on 31 March this year, a traffic sign post suddenly fell over and injured a tourist. With regard to the erection and maintenance of traffic sign posts on pavements, will the Government inform this Council:*

- (a) of the cause of the accident;*
- (b) whether traffic sign posts on pavements are inspected regularly to make sure they are firmly fixed; if so, of the details;*
- (c) of the measures it will take to prevent the recurrence of similar accidents; and*
- (d) whether it plans to review the number and the location of traffic sign posts on pavements to ensure no obstruction to pedestrian access, and to minimize recurrence of such accidents?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, the Highways Department (HyD) has a regular maintenance programme to inspect traffic sign posts on pavements to ensure that they are erected safely and would not cause obstruction to pedestrians and other road users. There are two types of road inspection programmes. The first type is general safety inspection on main roads, which is carried out once per week. The other is detailed inspection on all roads, which is conducted once every six months. The staff of HyD will also inspect problematic signs immediately upon receipt of any suggestions or complaints from the public. In the course of carrying out general maintenance to the traffic signs, the maintenance staff of HyD will also check sign posts to ensure that they are stably erected.

On 31 March 2001, a pedestrian walking along Stanley Street was hit by a falling traffic sign post. Inspection on site showed evidence of cracked road surface caused by illegal parking of vehicles on that section of pavement. The traffic sign post was loosened probably after being hit repeatedly by such vehicles, hence the unfortunate accident. The police have been asked to step up enforcement against illegal parking on pavement in this area.

It is an ongoing task of the Transport Department (TD) to review traffic signs on a regular basis with a view to improving their visibility and at the same time reducing their numbers. We are aware of the potential obstruction problem caused by having too many traffic sign posts on pavements. To improve the situation, we will reduce the number of traffic signs on the pavement by revising the design, placing multiple traffic signs on a single post, making use of lamp-posts as sign support or using cantilever overhead signs, where appropriate. The sign posts would also be located in positions, such as at the sides of the pavement, to minimize obstruction to pedestrians.

To ensure prompt rectification of defective traffic signs, both the TD and the police front-line staff have been asked to report to the HyD any defective traffic signs during their daily routine patrol or inspection. The HyD would carry out urgent repairs within 48 hours upon receipt of such reports. This will be in addition to HyD's regular maintenance programme.

Safety of Pedestrians Crossing Roads

15. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding the safety of pedestrians when crossing roads, will the Government inform this Council:*

- (a) *of the current number of signalled pedestrian crossings which trams or Light Rail Transit (LRT) trains pass through; the number of traffic accidents involving pedestrians at such crossings in the past three years, together with a breakdown of such figures by the causes of the accidents and the seriousness of the injuries to the pedestrians concerned;*
- (b) *of the criteria adopted for setting the duration of the pedestrian green phase of traffic lights at pedestrian crossings;*
- (c) *of the respective duration of the pedestrian green phase of traffic lights at carriageways of various widths under the existing standards, and whether the pedestrian green phase at pedestrian crossings passed through by trams or LRT trains lasts longer; if so, of the details;*

- (d) *whether the duration of the pedestrian green phase of traffic lights at various crossings is reviewed regularly and extended accordingly in response to an increase in pedestrian flow; and*
- (e) *of the outcome so far of the current trial use of the "flashing green count-down timers" at two pedestrian crossings, and whether there are plans to install such devices at other pedestrian crossings?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, there is a total of 71 signalized pedestrian crossings across the tram tracks on Hong Kong Island. From 1998 to 2000, a total of 47 tram traffic accidents involving pedestrians occurred at these junctions causing injuries to 47 pedestrians, of whom 29 were slightly injured, 17 seriously injured and one killed. As for the causes, about 36% were attributable to pedestrians crossing roads heedless of traffic, 15% due to the pedestrians being inattentive, 25% due to other pedestrian factors such as illness causing dizziness, distraction by audio devices or mobile phones, and so on, and the remainder due to other causes.

There is a total of 61 signalized pedestrian crossings across the LRT tracks in the New Territories. From 1998 to 2000, a total of three LRT traffic accidents involving pedestrians occurred at these junctions causing injuries to three pedestrians, of whom two were seriously injured and one slightly injured. As for the causes, two cases were attributable to pedestrians crossing roads heedless of traffic and the other one due to the pedestrian being inattentive.

The pedestrian green period of a traffic light signal is made up of two portions, namely the steady green period and the flashing green period. The steady green period is set, taking into account a number of factors, such as the volume of vehicle and pedestrian flows, the width of the crossing and the local environment. For instance, if the pedestrian volume is high and the road crossing is near an elderly centre, more pedestrian steady green time will be given. The flashing green period is determined by the length of the crossing and is set to provide sufficient time for pedestrians to comfortably cross the full length of the crossing at normal walking speed. Therefore, the longer the pedestrian crossing, the longer will be the flashing green period.

We take into account the operation characteristics of trams and LRT vehicles, such as their manoeuvring speed, in designing the vehicle green periods

of signal junctions to ensure that these vehicles have sufficient time to clear the junction before the opposite traffic streams commence moving. At the same time, sufficient pedestrian green period would be designed to ensure that both pedestrians and vehicles have a balanced share of a traffic signal cycle.

The Transport Department conducts regular surveys at signalized junctions to monitor variation in the vehicular and pedestrian traffic flows in response to suggestions and complaints from the public. If there are changes to the traffic flows due to such factors as the completion of new developments or the introduction of new bus routes, the Transport Department will review the signal timings and adjust the green time settings as necessary.

To reduce possible conflicts between pedestrians and vehicles at busy signalized junctions, the Administration has installed pedestrian flashing green countdown timers on a trial basis at two crossings at the junction of Lai Chi Kok Road and Nathan Road since June 2000. The trial is still ongoing. To enable us to have more data for assessment, we will select another site in Kowloon with heavy pedestrian flow for a further trial in the next few months. Subject to the outcome of these trials, the Administration will assess the effectiveness of such devices and their possible introduction into Hong Kong.

Assistance to Multinational Companies by TDC

16. **MR KENNETH TING** (in Chinese): *Madam President, regarding the collaboration between multinational companies (MNCs) and local enterprises in developing the mainland market, will the Government inform this Council whether it knows:*

- (a) *the number of MNCs which made relevant inquiries to the Hong Kong Trade Development Council (TDC), with a breakdown of the enterprises by trade; and*
- (b) *the number of MNCs which were offered assistance by the TDC, the details of the assistance concerned and the resources used by the TDC*

in each of the past two years?

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

- (a) Through its local and overseas offices as well as Trade Portal, the TDC received a total of 700 000 and over one million trade inquiries in 1999 and 2000 respectively. The TDC did not itemize the inquiries by company background (that is, whether the companies concerned were multinational corporations) or by industry. As a matter of fact, over 90% of the inquiries were made via the Trade Portal from which the inquirers could directly obtain the information they needed. The TDC has no ways to know the contents of such inquiries or have information on the inquirers' companies.

Information which the TDC has at hand reveals that, in the past six months, the TDC handled a total of 45 000 trade inquiries through face-to-face interviews, telephone and e-mail. Of these inquiries, 17 132 were made by overseas enterprises seeking information on Hong Kong companies which had production facilities in the Mainland. As mentioned above, the TDC did not itemize the inquiries by institution.

- (b) As the TDC does not keep any statistical breakdown of trade inquiries by company background, it is unable to provide the number of multinational corporations which have been offered assistance, or the expenditure incurred in providing assistance to such companies.

In handling trade inquiries from overseas enterprises, the TDC staff normally provide the inquirers with information on individual local companies, together with the means of contact so that the inquirers can liaise with the local companies direct. In case the overseas enterprises have difficulties in contacting the local companies, the TDC staff will provide follow-up assistance on a case-by-case basis.

Review on Land Use of Sites Earmarked for Public Housing Development

17. **MR ABRAHAM SHEK:** *Madam President, regarding the sites that have been earmarked, or for which feasibility studies are being conducted, for development or redevelopment of public housing in the next five years, will the Government inform this Council:*

- (a) of the location and size of each site;*
- (b) of the number of housing units that each site will produce;*
- (c) of the criteria for their selection; and*
- (d) whether it will consider selling some of the earmarked sites in urban areas which have high land value and with good amenities for private development purposes, so that the land sale proceeds obtained can finance more public housing and infrastructural projects, and provide more funds for the Home Purchase Loan Scheme and the Home Starter Loan Scheme?*

SECRETARY FOR HOUSING: Madam President, the location and size of sites and the number of public housing units to be built thereon in the next five years are at Annex.

The selection criteria for these public housing sites can broadly be classified under three categories:

- (a) sites in New Development Areas, which were selected on the basis of findings of planning and development studies conducted by the Government;
- (b) in-fill sites and other new sites, which were identified by the Housing Department in consultation with other government departments on the basis of available infrastructure capacity of surrounding areas; and

- (c) redevelopment sites, which were selected by the Housing Authority and the Housing Society on the basis of a number of factors including the physical conditions of existing buildings, cost of maintenance, financial viability and redevelopment potential.

As regards part (d) of the question, land supply for public and private sector housing is kept under regular review. For example, following a government decision to reduce the production of subsidized flats for sale in January 2000, four public housing sites in the urban area, with a potential for 8 800 flats, were transferred for private housing development.

Annex

Location of public housing sites to be completed in 2001-02 to 2005-06

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Fanling	Area 36 (West) Po Kin Road, Sheung Shui	-	920	2.03
Fanling	Fanling Area 36	1	-	2.47
Fanling	Fanling Area 36	2	3 167	1.82
Fanling	Fanling Area 36	3	640	1.4
Fanling	Fanling Area 36	3	1 598	-
Fanling	Fanling Area 36	4	1 598	1.02
Hong Kong	Aldrich Bay	4	640	1.18
Hong Kong	Aldrich Bay	4	576	-
Hong Kong	Aldrich Bay	5	-	0.57
Hong Kong	Aldrich Bay	5	684	-
Hong Kong	Aldrich Bay NCC	4	414	0.3
Hong Kong	Kwun Lung Lau Redevelopment Phase I, Kennedy Town	-	856	2.27
Hong Kong	Shek Pai Wan Redevelopment	1	1 835	1.87
Hong Kong	Shek Pai Wan Redevelopment	1	1 112	-
Hong Kong	Shek Pai Wan Redevelopment	2	800	0.66
Hong Kong	Shek Pai Wan Redevelopment	2	1 598	2.22
Hong Kong	Shum Wan Road South	-	1 540	1.59
Hong Kong	Tanner Hill Estate Redevelopment, North Point	-	1 032	0.86
Hong Kong	Welfare Road	-	822	0.65

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Islands	Cheung Chau (RH04NR)	-	306	4.58
Islands	Cheung Chau (RH04NT)	-	116	-
Islands	Tung Chung Area 30	4	-	2.12
Islands	Tung Chung Area 31	1	-	3.56
Islands	Tung Chung Area 31	2	2 782	1.31
Islands	Tung Chung Area 31	3	2 000	1.33
Islands	Tung Chung Area 31	4	-	0.86
Islands	Tung Chung Area 31	5	1 600	1.03
Kowloon	Cheung Sha Wan West	1	1 718	1.7
Kowloon	Cheung Sha Wan West	2	2 857	1.7
Kowloon	Cheung Sha Wan West	3	1 010	1.5
Kowloon	East Harbour Crossing Site	1	1 200	2.25
Kowloon	East Harbour Crossing Site	1	900	-
Kowloon	East Harbour Crossing Site	1	450	-
Kowloon	East Harbour Crossing Site	2	800	1.81
Kowloon	East Harbour Crossing Site	2	800	-
Kowloon	East Harbour Crossing Site	2	800	-
Kowloon	East Harbour Crossing Site	3	2 800	2.75
Kowloon	Ho Man Tin Redevelopment	4	-	0.62
Kowloon	Ho Man Tin South	2	600	0.8
Kowloon	Hung Hom	2	1 176	1.1
Kowloon	Hung Hom Bay	-	2 470	2.8
Kowloon	Jordan Valley, Kowloon Bay (SEN)	-	330	0.27
Kowloon	Kai Tak Garden Phase 2, Wong Tai Sin	-	472	0.42
Kowloon	King Shan Court	2	344	0.3
Kowloon	King Tung Street	-	2 010	2.3
Kowloon	Lam Tin	6	720	1.1
Kowloon	Lam Tin	8	960	1.4
Kowloon	Lam Tin	9	-	0.25
Kowloon	Lam Tin	10	252	0.3
Kowloon	Lam Tin South	8	294	0.2
Kowloon	Lei Yue Mun	1	1 598	2.24
Kowloon	Lei Yue Mun	1	799	-
Kowloon	Mong Kok West	4	758	0.4
Kowloon	North West Kowloon Reclamation Site 10	1	2 358	2.2
Kowloon	North West Kowloon Reclamation Site 10	2	1 992	1.2

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Kowloon	North West Kowloon Reclamation Site 10	3	-	0.92
Kowloon	North West Kowloon Reclamation Site 10	4	558	0.2
Kowloon	Pak Tin	3	1 583	0.78
Kowloon	Pak Tin	6	243	0.45
Kowloon	Po Lam Road	1	-	2.1
Kowloon	Po Lam Road	1	620	-
Kowloon	Po Lam Road	3	1 050	0.9
Kowloon	Po Lam Road	4	3 116	2.8
Kowloon	Po Lam Road	5	1 050	0.9
Kowloon	Redevelopment of Lei Yue Mun Road Estate	-	1 465	1.94
Kowloon	Redevelopment of Lei Yue Mun Road Estate	-	219	-
Kowloon	Redevelopment of Ko Chiu Road Estate	3	500	1.35
Kowloon	Redevelopment of Ko Chiu Road Estate	3	500	-
Kowloon	Redevelopment of Ko Chiu Road Estate	5	1 800	1.56
Kowloon	Redevelopment of Yau Tong Estate	2	1 758	1.39
Kowloon	Redevelopment of Yau Tong Estate	3	1 880	1.74
Kowloon	Redevelopment of Yau Tong Estate	4	-	1.38
Kowloon	Redevelopment of Yau Tong Estate	5	1 992	1.54
Kowloon	Sau Mau Ping	7	-	4.16
Kowloon	Sau Mau Ping	9	2 537	1.8
Kowloon	Sau Mau Ping	10	200	0.3
Kowloon	Shek Kip Mei	1	2 032	1.5
Kowloon	Shek Kip Mei	2	1 758	0.8
Kowloon	Shek Kip Mei	4	1 518	0.6
Kowloon	Southeast Kowloon Development Area Site 1A	1	2 142	1.95
Kowloon	Southeast Kowloon Development Area Site 1A	2	2 732	1.51
Kowloon	Southeast Kowloon Development Area Site 1B	1	1 600	1.38
Kowloon	Southeast Kowloon Development Area Site 1B	2	1 550	1.06
Kowloon	Southeast Kowloon Development Area Site 1B	3	2 030	1.18
Kowloon	Southeast Kowloon Development Area Site 1B	4	2 530	2.06

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Kowloon	Southeast Kowloon Development Area Site 1C	-	4 270	4.8
Kowloon	Southeast Kowloon Development Area Site 1C	-	1 000	-
Kowloon	Tai Hang Tung No. 1 Playground	-	640	0.4
Kowloon	Tsz Man	2	2 000	1.7
Kowloon	Tsz On	3	265	0.2
Kowloon	Tung Tau	9	1 598	1.4
Kowloon	Un Chau Street	2	2 400	2.2
Kowloon	Un Chau Street	4	330	0.2
Kowloon	Upper Ngau Tau Kok	1	2 133	1.9
Kowloon	Upper Wong Tai Sin	3	740	0.6
Kowloon	Upper Wong Tai Sin	4	648	2.3
Kowloon	Valley Road	1	1 104	1.7
Kowloon	Valley Road	2	1 768	1.6
Kowloon	Valley Road	3	880	0.5
Kowloon	West Kowloon Reclamation (URA Clearees)	-	1 356	0.81
Sha Tin	Fung Wo Lane	-	226	0.25
Sha Tin	Ma On Shan Area 90	5	827	1.9
Sha Tin	Ma On Shan Area 90	5	1 284	-
Sha Tin	Ma On Shan Area 90	5	608	-
Sha Tin	Ma On Shan Area 77, Site 9B	-	800	1.08
Sha Tin	Sha Tin Area 11	1	2 730	2.5
Sha Tin	Sha Tin Area 11	2	1 560	1.58
Sha Tin	Sha Tin Area 2B	-	799	0.78
Sha Tin	Sha Tin Area 31A	-	640	0.81
Sha Tin	Sha Tin Area 36C	-	1 600	2.11
Sha Tin	Sha Tin Area 36C	-	400	-
Sha Tin	Sha Tin Area 4C/38A	1	799	2.55
Sha Tin	Sha Tin Area 4C/38A	1	1 598	-
Sha Tin	Sha Tin Area 4C/38A	2	799	0.4
Sha Tin	Sha Tin Area 52	-	2 500	2.52
Tseung Kwan O	Tseung Kwan O Area 44 (SEN)	-	234	0.16
Tseung Kwan O	Tseung Kwan O Area 59 NCC Site	9	208	0.25
Tseung Kwan O	Tseung Kwan O Area 65 Lot B	1	2 400	2.03
Tseung Kwan O	Tseung Kwan O Area 65 Lot B	2	2 400	2.03

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Tseung Kwan O	Tseung Kwan O Area 73A	1	1 313	2.48
Tseung Kwan O	Tseung Kwan O Area 73A	2	1 598	1.49
Tseung Kwan O	Tseung Kwan O Area 73A	3	1 280	1.86
Tseung Kwan O	Tseung Kwan O Area 73A	4	2 449	2.69
Tseung Kwan O	Tseung Kwan O Area 73B	-	2 650	1.74
Tseung Kwan O	Tseung Kwan O Area 74	1	-	0.67
Tseung Kwan O	Tseung Kwan O Area 74	3	400	1.64
Tsuen Wan	Kwai Chung	3	2 742	3.24
Tsuen Wan	Kwai Chung	4	1 983	1.27
Tsuen Wan	Kwai Chung	5	4 515	4.75
Tsuen Wan	Kwai Chung	7	800	0.68
Tsuen Wan	Kwai Chung Flatted	-	2 000	2.14
Tsuen Wan	Kwai Fong	7	800	0.96
Tsuen Wan	Kwai Lok THA	-	760	0.9
Tsuen Wan	Kwai Shing East NCC	7	362	0.34
Tsuen Wan	Kwai Shun THA	-	360	0.47
Tsuen Wan	Lai Chi Kok	1	1 514	1.09
Tsuen Wan	Lai Chi Kok	K2	1 920	1.62
Tsuen Wan	Lei Muk Shue	3	1 953	3.31
Tsuen Wan	Lei Muk Shue	4	320	1.41
Tsuen Wan	Lei Muk Shue	4	1 598	-
Tsuen Wan	Shek Lei	9	2 078	1.64
Tsuen Wan	Shek Lei	10	792	0.87
Tsuen Wan	Shek Lei NCC	12	360	0.43
Tsuen Wan	Shek Yam (Community Hall)	5	340	0.43
Tsuen Wan	Tai Pak Tin Street	-	772	0.77
Tsuen Wan	Tai Wo Hau	6	512	0.46
Tsuen Wan	Tsing Luk Street, Tsing Yi	-	912	1.12
Tsuen Wan	Tsing On THA	-	510	0.6
Tsuen Wan	Tsing Yi Area 10	1	1 597	1.64
Tsuen Wan	Tsing Yi Area 10	2	1 917	2.52
Tsuen Wan	Tsing Yi Area 10	2	759	-
Tsuen Wan	Tsing Yi Area 10	3	-	1.05
Tsuen Wan	Tsing Yi Area 10	4	-	0.95
Tuen Mun	Tuen Mun Area 4C	-	1 152	0.90
Yuen Long	Fung Cheung Road	-	312	0.2

<i>Area</i>	<i>Location</i>	<i>Phase</i>	<i>No. of flats</i>	<i>Site area (hectares)</i>
Yuen Long	Hung Shui Kiu Area 13 (Phase 1), Yuen Long	-	1 100	2.11
Yuen Long	Tin Shui Wai Area 103	-	3 120	4
Yuen Long	Tin Shui Wai Area 101	1	3 976	1.58
Yuen Long	Tin Shui Wai Area 101	2	2 112	2.49
Yuen Long	Tin Shui Wai Area 101	3	-	0.8
Yuen Long	Tin Shui Wai Area 31	1	640	2.04
Yuen Long	Tin Shui Wai Area 31	1	320	-
Yuen Long	Tin Shui Wai Area 31	1	320	-
Yuen Long	Tin Shui Wai Reserve Zone Area 111	1	2 250	2.72
Yuen Long	Tin Shui Wai Reserve Zone Area 111	2	1 850	1.65
Yuen Long	Tin Shui Wai Reserve Zone Area 102	3	640	1.79
Yuen Long	Tin Shui Wai Reserve Zone Area 102	3	320	-
Yuen Long	Tin Shui Wai Reserve Zone Area 102	3	320	-
Yuen Long	Tin Shui Wai Reserve Zone Area 102	5	1 598	0.86
Yuen Long	Tin Shui Wai Reserve Zone Area 105	1	799	2.04
Yuen Long	Tin Shui Wai Reserve Zone Area 106	1	1 850	1.39
Yuen Long	Tin Shui Wai Reserve Zone Area 106	2	1 480	1.77
Yuen Long	Tin Shui Wai Reserve Zone Area 110	1	1 120	1.33
Yuen Long	Tin Shui Wai Reserve Zone Area 110	2	640	2.51
Yuen Long	Tin Shui Wai Reserve Zone Area 110	2	800	-
Yuen Long	Tin Shui Wai Reserve Zone Area 110	3	1 920	1.41
Yuen Long	Tin Shui Wai Reserve Zone Area 110	4	1 280	6.79
Yuen Long	Yuen Long Estate	-	1 600	1.88

Manpower of Front-line Police Officers

18. **MR CHEUNG MAN-KWONG** (in Chinese): *Madam President, the unfortunate incident in which a police constable was killed while performing beat duty alone in March this year has aroused the concerns of the public and police officers' unions about the adequacy of the manpower of front-line police officers. Regarding the manpower of front-line police officers and the carrying out of beat duties by officers of the Hong Kong Auxiliary Police Force, will the Government inform this Council:*

- (a) *as far as each of the three shifts of a day in each district is concerned, of the respective target and actual percentages of beat duty currently performed by two or more police officers in all beat duties and, if the actual percentages are below the target, the reasons for that;*
- (b) *of the monthly minimum beat duty hours required of each auxiliary police officer at each rank at present, and the average monthly beat duty hours performed by each auxiliary police officer at each rank for the past five years;*
- (c) *of the progress of the study on increasing the manpower for performing beat duty, and when it plans to implement the improvement initiatives; and*
- (d) *whether it will consider deploying additional auxiliary police officers to perform beat duty for the purpose of increasing flexibly the manpower for on-street beat duty to avoid police officers performing beat duty alone?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) According to the police operational policy, a beat is normally covered by a police officer on beat patrol. However, Formation Commanders may flexibly adjust the number of patrol officers in each beat having regard to the operational or circumstantial need of individual districts. Usually, two police officers will pair up for beat patrol in the second half of the middle shift (when it is getting dark) and the night shift. In other words, the police have not set any target percentage of beat duty performed by two or more police officers and therefore do not have the relevant statistics.
- (b) At present, the Police Force require each auxiliary police officer to be on beat duty for at least 96 hours a year in order to meet the statutory efficiency training requirement. For the past five years from 1996 to 2000, the average monthly beat duty hours performed by individual auxiliary police officers were:

1996-1998 : around 22 hours

1999-2000 : around 8 hours

- (c) The current beat patrol system, which enables Formation Commanders to have flexibility in deploying officers and adjusting the pattern of beat duty, has proved to be effective over the years. That said, the police will keep the system under review from time to time in order to further improve the effectiveness of beat duty. Improvement initiatives that are being implemented include the deployment of the Police Tactical Unit and Panda Cars to render support to beat officers, and stepping up the monitoring of the procedures followed by beat officers in response to duty calls. These initiatives can help enhance the police's capability in performing beat duties, strengthen support to front-line officers and further improve the services provided by the police. In addition, more than 2 000 additional officers have been deployed to carry out front-line duties since 1992. The police at present have no plan to further increase the manpower for beat duties.
- (d) Given the full strength position of the regular police officers and the satisfactory law and order situation in Hong Kong, the police see no pressing need for the moment to deploy additional auxiliary police officers to perform beat duties.

Sending and Receiving Short Messages among Customers of Different Mobile Phone Network Operators

19. **MR ERIC LI** (in Chinese): *Madam President, will the Government inform this Council whether the customers of different mobile phone network operators can receive and send short messages among one another with their mobile phones at present; if they can, of the details; if not, the reasons for that and the improvement measures to be taken?*

SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING (in Chinese): Madam President, currently, the Short Messages Services (SMS) provided by the various mobile phone network

operators can only be used among respective customers subscribing to the same operator's network. Since the SMS centres of the networks are not interconnected, no inter-network SMS is available to the customers.

Nevertheless, under the co-ordination of the Office of the Telecommunications Authority (OFTA), the six operators have reached an agreement on the interconnection of their networks' SMS and the establishment of a central processing system for transmitting intra- and inter-network SMS. The operators are proactively making progress in establishing, installing and testing the new system for the interconnection of the SMS. If the progress is smooth, operators expect that the system will be completed around July this year. The OFTA will closely monitor the progress of the project, and continue to provide the necessary co-ordination, to ensure an early provision of the inter-network SMS for the benefit of the customers.

Security of Public Hospitals

20. **MR MICHAEL MAK** (in Chinese): *Madam President, on 9th this month, a nurse was held hostage in the United Christian Hospital for three hours by a man suspected of suffering from psychiatric disorder. The nurse was later rescued but was slightly injured. Regarding the security of public hospitals, will the Government inform this Council of:*

- (a) *the respective numbers of theft, indecent assault and wounding cases which occurred in public hospitals in the past five years;*
- (b) *the security staff establishments and the details of the security measures implemented in public hospitals at present; and*
- (c) *the measures in place to prevent the holding of hostage in public hospitals?*

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

- (a) The number of thefts, indecent assaults and physical assaults which occurred in public hospitals in the past five years are shown below.

	<i>2000</i>	<i>1999</i>	<i>1998</i>	<i>1997</i>	<i>1996</i>
Theft	161	128	183	120	163
Indecent Assault	7	11	10	44*	20*
Physical Assault	36	44	32		

* Separate breakdown is not available.

- (b) To ensure the safety of hospital staff, patients and visitors, all Hospital Authority (HA) hospitals are manned by security staff and have in place appropriate security measures such as security zoning, access control/visitor control, and the establishment of centralized security offices. In addition, the HA hospitals have installed security systems such as electronic patrol monitoring system, close-circuit television system (CCTV), alarm system and access control system to enhance hospital surveillance work. The actual number of security staff employed and the security measures adopted by individual hospitals would depend on the size, nature and physical environment of the hospitals. For instance, a major public hospital employs 16 to 30 security staff. Individual hospitals have also established mechanisms such as hospital security steering committees to closely monitor security incidence in the hospitals, conduct periodic risk assessments, and regularly review the effectiveness of security measures adopted with a view to identifying further improvement measures.
- (c) Apart from the measures outlined in (b) above, the HA Safety Manual on Work Place Violence provides guidance to all front-line staff on how to prevent and manage violence situations in the workplace, such as how to minimize risk to themselves and immediate response procedures during such incidents, including seeking assistance from hospital security. Hospitals are required to conduct on-going risk assessments to identify control measures to reduce or eliminate the risk of workplace violence. Examples of preventive measures include the installation of CCTV systems at strategic locations and alarm systems in high risk areas, and improving office layout to protect staff from the risk of workplace

violence. Another important aspect of prevention of workplace violence is to raise staff alertness. In this connection, the HA provides periodic training to its staff to empower them with skills to prevent and handle workplace violence. These include risk assessment, skills in managing clients with violent tendency and counselling skills.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) BILL 2001

COMPANIES (CORPORATE RESCUE) BILL

CLERK (in Cantonese): Mandatory Provident Fund Schemes (Amendment) Bill 2001
Companies (Corporate Rescue) Bill.

Bills 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.

MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) BILL 2001

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, I move that the Mandatory Provident Fund Schemes (Amendment) Bill 2001 be read the Second time.

The objective of the Bill is to make technical amendments and improvements to the provisions in the Mandatory Provident Fund Schemes Ordinance (the Ordinance) and the Mandatory Provident Fund Schemes (General) Regulation (the Regulation), to better protect the scheme members and facilitate the effective operation of the Mandatory Provident Fund (MPF) System.

Firstly, I will explain the proposals to enhance the protection of scheme members. At present, the prior approval of the Mandatory Provident Fund Schemes Authority (MPFA) is required before changes can be made to the governing rules of a scheme. This is to ensure that such amendments would not contravene the requirements of the Ordinance. However, the present definition of governing rules in the Ordinance is not wide enough to cover the offering document and participation agreement, which respectively set out details of the registered scheme and the terms and conditions agreed between a participating employer and the scheme trustee. The content of such documents should also comply with the requirements of the Ordinance. The Bill therefore proposes to include such relevant documents in the definition of governing rules and any changes to such documents by the scheme trustees will require the prior approval of the MPFA.

Improvements are also required for the provisions in respect of default contributions. At present, if employers have default contributions, a surcharge of 20% per annum may be imposed on them. However, the Regulation only provides for levying the surcharge on arrears up to the end of the second payment period. If an employer continues to delay his contributions after the second payment period, the amount of surcharge will not be further increased. To deter any further delay by the defaulting employer in making good the default contributions, we propose to empower the MPFA to issue further notices to the defaulting employer, levying surcharge on any outstanding arrears after the second payment period.

At present, the MPFA is empowered to impose conditions with respect to registered schemes, trustees, and pooled investment funds upon granting the relevant approval. However, it is unclear whether the MPFA can impose additional conditions or amend existing ones after the relevant approval has been granted. The conditions imposed by the MPFA usually reflect the prevailing best practices in the industry, and such conditions should be updated in accordance with such practices. To put it beyond doubt, the Bill clarifies that the MPFA would have the power to modify and update the conditions imposed

upon registered schemes, approved trustees and approved pooled investment funds.

The Bill also seeks to remove certain anomalies in the existing provision, for instance, to amend the definition of contribution day in respect of casual employees to allow their employers to make contributions on the next working day following the payment of income. Such arrangement aims at facilitating the employers who pay their staff very late at night. Besides, the Bill also contains provisions to put it beyond doubt that self-employed persons who are less than 18 or who have reached the retirement age of 65 are not required to join MPF schemes, and an employer can enrol his employees who are under 18 or above 65 in MPF schemes and make voluntary contributions.

Madam President, at present, the Ordinance sets out the functions of the MPFA. We now propose to add two functions in the relevant provisions, to better reflect the work of the MPFA. The two functions include considering and proposing law reforms relating to occupational retirement schemes or provident fund schemes, and promoting and encouraging the development of the retirement scheme industry in Hong Kong.

Since the implementation of the MPF legislation, we have received comments on the relevant legislative provisions from various parties. We intend to review the operational aspects of the MPF legislation towards the end of the year, a year after the full implementation of the MPF System.

The Mandatory Provident Fund Schemes (Amendment) Bill 2001 improves the provisions of the MPF legislation, helps to enhance the protection of members' interests and the effective operation of the MPF System. I hope Members will support the Amendment Bill. Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Mandatory Provident Fund Schemes (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.

COMPANIES (CORPORATE RESCUE) BILL

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, I move that the Companies (Corporate Rescue) Bill be read the Second time. The Bill seeks to implement the recommendations of the Law Reform Commission (LRC) that a statutory corporate rescue procedure should be introduced in Hong Kong and that provisions should be added to the Companies Ordinance to impose liability on the responsible persons of a company which traded while insolvent.

At present, section 166 of the Companies Ordinance provides for a company in financial difficulty to agree to an arrangement with its creditor or members. There is a shortcoming in this provision as the company may, at any time in the process of reaching such an agreement, be subject to its creditors' legal action to apply to the Court to wind up the company thereby frustrating the company's effort to turn around by restructuring its debts.

To address this issue, the LRC recommended in 1996 the introduction of a corporate rescue procedure to enable companies with good potential but in financial difficulty to turn around. It recommended introducing a moratorium during which there will be a stay of all proceedings against the company and the company will be put under the control of an independent provisional supervisor whose main task is to formulate a voluntary arrangement for the company and its creditors.

The introduction of a corporate rescue procedure could give companies in financial difficulty an opportunity to turn around and continue to operate as a going concern, in whole or in part. It would be a win-win situation for the three parties, namely, the creditors, shareholders and employees. The creditors and shareholders would get a better return, whereas the employees might retain their jobs.

Past experience has it that in a cyclical economic downturn, some companies might face short-term cash flow problems. Allowing those companies with good potential to formulate voluntary arrangements with their creditors would give them some breathing space, thereby helping to relieve us from some of the pressure in an economic downturn.

The provisions in this Bill on corporate rescue originally formed part of the Companies (Amendment) Bill 2000, which was introduced into the Legislative Council in January 2000. The then Bills Committee was generally supportive of introducing a statutory corporate rescue procedure. However, having regard to the complexity of the provisions and time constraints, its Members suggested and we agreed that the provisions be excised from the Companies (Amendment) Bill 2000.

Some members of the Bills Committee expressed reservation about the requirement placed on a company to set aside sufficient funds, before commencing the corporate rescue procedure, to settle all arrears of wages, severance pay, and so on, that it owed to its employees. They proposed that the Administration should consider introducing some flexibility to the requirement with a view to allowing employers and employees to settle the arrears of wages by other means and consult the Labour Advisory Board (LAB) on this matter.

We consulted the Protection of Wages on Insolvency Fund (PWIF) Board and the LAB in late 2000 on a proposal of allowing employers and employees to settle the arrears of wages through deferred payment in lieu of cash and if this proposal was accepted, on whether the employees should be allowed to claim the PWIF in respect of the deferred payments or benefits traded in if the rescue failed and the company had to be liquidated.

While both bodies supported the introduction of a corporate rescue procedure in Hong Kong, they objected to the proposal. They considered that the proposal would erode the protection afforded to employees under the existing labour legislation and that it was inconsistent with the objective of the PWIF. The PWIF has been set up to provide prompt relief in the form of *ex-gratia* payment to employees of insolvent employers and not to bail out companies in financial difficulties. They also pointed out that the proposal would give rise to additional financial burden for the PWIF. We have therefore retained the original proposal on the settlement of arrears of wages in this Bill.

The provisions in the present Bill are broadly the same as the relevant provisions in the Companies (Amendment) Bill 2000. The Bill sets out the details of the corporate rescue procedure; the appointment of a provisional supervisor and his powers and responsibilities; creditors' rights; and the arrangements for creditors' meetings.

Moreover, after taking into account the views from professional bodies and trade organizations on the Companies (Amendment) Bill 2000, we have amended the relevant provisions as appropriate. For example, the Bill now provides that secured creditors, be they major or minor, have the right not to accept the voluntary arrangement proposed by the provisional supervisor. We also propose that if a member of a company considers that his interests are adversely affected by a resolution on the voluntary arrangement, he may apply to the Court for a determination on the resolution.

The LRC has also recommended that provisions on insolvent trading be introduced to impose liability on the directors and senior management of a company if they permit the company to continue to trade while insolvent, thereby resulting in its eventual liquidation. Unless they can prove that they have given appropriate warning to the company or taken appropriate action, they will be required to be responsible for paying compensation to the company. This provision will help to encourage the directors and senior management of a company in financial difficulty to be more alert and take prompt actions, including initiating a corporate rescue procedure, to address the fact that the company is slipping into insolvency.

Since the LRC recommended introducing a statutory corporate rescue procedure in 1996, we have conducted two rounds of consultation on the details of the procedure, one in 1998 and the other in 2000. Although the community supports the introduction of a corporate rescue procedure, there have been different views on the detailed arrangements. This is inevitable because the details of the procedure would affect the interests and rights of creditors; shareholders and employees and professionals (in the capacity of provisional supervisors) would also have a role play in this process.

Madam President, we do not think this should impede the implementation of the recommendation. In preparing the present Bill, we have adopted a pragmatic and cautious approach, taking into account the views received on this matter in the past four years and striking a balance between the interests of all the parties concerned. I hope Members will support the Companies (Corporate Rescue) Bill so that we can make the first, and important, step towards introducing a statutory corporate rescue procedure in Hong Kong.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Companies (Corporate Rescue) Bill 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.

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. Since Members are very familiar with the time limits, I will not repeat them here. I only wish to remind Members that I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Conserving valuable and old trees.

CONSERVING VALUABLE AND OLD TREES

MISS CHOY SO-YUK (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, whenever we think of the Repulse Bay Hotel, old Hong Kong and Shanghai Banking Tower, old GPO Building, old Hong Kong Club, Gloucester Building, Club Ritz in North Point, and so on, all of which have been demolished, we would always feel so sorry and regretful. These buildings represented the history of Hong Kong, witnessed the changes in Hong Kong, and most of them were our landmarks as well. It is distressing to see their demolition. At the same time, however, are we aware that many old trees, which have watched us grow and witnessed the changes of times in silence, are falling down one after another due to lack of care and insufficient conservation efforts? Have we ever felt sorry about that? Are we aware that nine climbing fig trees growing on the stone wall in Caine Road were felled overnight? Are we aware that the 100-year-old date palm outside the former Marine Police Headquarters has been blown down by a typhoon? Are we aware that in order to make way for the expansion of the campus of the University of Hong Kong, numerous Chinese hackberry trees and camphor trees have been felled? In

order to protect antiquities and heritage, the Government has at least set up the Antiquities Advisory Board (AAB), albeit the resources put in are very limited. Yet so far we cannot see any measures taken by the Government to effectively protect the only conservable and living witnesses to history on earth.

In 1995, Madam President, the former Urban Council selected 300 champion trees from the various districts within its ambit. By the end of 2000, however, 26 of such champion trees died or fell down due to different reasons. But this is not the end. Rather, this is a continuous nightmare. So long as Hong Kong is still developing continuously, the precious trees in the urban areas will still be face with all sorts of threats. Let me cite the 100-year-old banyan tree in Lung Wah Street in Sai Wan as an example. The original plan was to fell the tree, but thanks to the efforts made by different sectors of the community, the tree was spared. Likewise, a date palm in Hung Shui Kiu, which was originally planned to be felled for road expansion purposes, will be replanted somewhere else after repeated arguments and protests. From these examples we can see that since Hong Kong does not have in place any particular mechanism to protect trees of particular significance, more often than not the Government is forced to take action only after the matters have been made public and given rise to overwhelming public opinion. In the event that some trees are felled secretly, there is nothing we can do to prevent such things from happening.

Today, it is fortunate of us to see certain buildings of historical significance being protected by laws. These include the small white building housing the Environmental Resource Centre, the former Marine Police Headquarters, the Legislative Council Building, the Yaumati Theatre, and so on. The Government is willing to commit ample resources to repairing and maintaining these buildings by means of legislation and the AAB as well as the Antiquities and Monuments Office set up by it, so that we can still see more than 70 declared monuments. But what has the Government done for the trees that are also witnesses to history? I think it is time we came forth and did something for these valuable trees.

Madam President, trees are more than just witnesses to history. In Chinese traditions and customs, trees are always considered as having sagacity. One most well-known example should be the Wishing Tree in Lam Tsuen, Tai Po, as many people who believe in the sagacity of the tree would go there to make a wish every year. Further still, in southern China, neighbourhood activities are often held under large trees. I believe Members must have heard

about and seen many times people sitting under large trees chatting and telling tales. Although we can hardly see scenes like these in Hong Kong these days, if we have the chance to tour around Yau Ma Tei, we can still see elderly persons sitting under large banyan trees enjoying the cool, playing chess, savouring tea or just chatting. Indeed, the community activities in Hong Kong should breakthrough from their existing mode of being confined to concrete buildings but make better use of our large old trees, thereby making those trees our mini-community centre.

From an environmental point of view, in addition to giving us fresh air, trees are also contributing in numerous ways towards the improvement of our environment. Take the banyan tree which is most common in southern China as an example, while the fine hair on the surface of its leaves can absorb the particulates and heavy metal in air, its exceptionally large crown is a very effective heat and acoustic shield.

Madam Present, at present, the conservation of trees is mainly provided for under the Forests and Countryside Ordinance, which stipulates that it is an offence to damage trees on government land. Apart from that, in selling land lots, the Government would also impose the condition that any development projects that might cause damages to trees of rare species must be submitted to the Lands Department for approval beforehand, while the Lands Department is required to consult the relevant government departments before making the decision. However, these measures are by no means sufficient, as the relevant provisions are made mainly to cater for some 27 rare species. That being the case, the vetting and approving department could very easily sacrifice trees that are not of rare species but other historical or cultural significance just for the sake of development.

Madam President, just because trees are protected from being felled, it does not follow that they are conserved properly, for the daily care given to trees is also very important. Many of the trees mentioned by me earlier were blown down in typhoons. Let me cite a most recent example. Earlier on, we found the tallest white jade orchid tree in Hong Kong, which is located in Caine Road, was affected by pests, so upon receiving our report, the Government removed the pests for the tree. But then, the tree is now facing another threat. As a large part of its root is now covered by cement, the tree cannot breathe or absorb water properly. So, this white jade orchid tree is now in a critical condition.

The Democratic Alliance for Betterment of Hong Kong holds that if the Government is to implement to the full its greening policy, it should refrain from sticking to the present undecided attitude towards the conservation of trees. Rather, it should expeditiously draw up legislation to provide specifically for the conservation of trees that are exceptionally large and old, and of historical as well as cultural significance. In order to meet the requirements set down in the legislation concerned, the Government should set up a "valuable and old trees committee" which shall operate in a way similar to that of the AAB. The responsibilities of this committee should include:

- formulating objective standards regarding the age, height, girth, and species of different trees, so as to specify what trees are accorded statutory protection;
- vetting and approving the inclusion of other trees among the statutorily protected species on such factors as historical and cultural significance;
- managing the information on the protected trees;
- setting up specific teams responsible for the conservation and care of protected trees;
- setting up an appeal board to handle cases in which development projects might cause damages to protected trees; and
- providing the Town Planning Board and the Environmental Protection Department with advice on land use and environmental assessment reports affecting protected trees.

In addition to conserving valuable trees in a systematic manner, it is hoped that the composition of the committee, which should include members of the public, experts and scholars, can cater better for both the rights and interests of trees and public opinion in vetting and approving development projects.

Madam President, once upon a time a foreign missionary found a very elegant plant along the shore near today's Pok Fu Lam. He then transplanted parts of the plant to the neighbourhood of the monastery where he lived. The species was eventually planted in the Hong Kong Zoological and Botanical

Gardens and identified by botanists as a new species. This species is now known as Bauhinia — the city flower of Hong Kong that the public is very familiar with. Although the Bauhinia specimens collected from the Zoological and Botanical Gardens then are still kept in the herbarium of the Agriculture, Fisheries and Conservation Department, it is regrettable that it is not possible to check the exact location where the missionary first found the plant or the Bauhinia tree from which the specimens were collected. Hence, a very important part of the Hong Kong story is missing. Just think about this. If the mechanism suggested by us just now were in place then, we would not have lost the information on the source of our city flower.

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

Miss CHOY So-yuk moved the following motion: (Translation)

"That, as currently the Government does not have a set of effective measures to conserve trees and, as a result, various kinds of trees in the territory, such as those which are exceptionally old and big, rare and valuable and of historical value and of significance, may be destroyed, damaged or removed for development or other reasons, this Council urges the Government to put forward more effective measures which accord with the preservation and conservation of such valuable and old trees."

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

MR WONG YUNG-KAN (in Cantonese): Madam President, I would like to declare interests before delivering my speech. The subject of today's motion, namely "Conserving valuable and old trees", has something to do with my godparent. Why? It is because I became a godchild of a banyan when I was very small. This explains why my name "Yung-kan" has something to do with banyans. I believe many people will not know why I was given such a name if I have not told them. One of the reasons is that this name is a favourite name of boat people. Moreover, villagers of the New Territories and boat people have the tradition of taking a banyan as a godparent in the hope that their children will be blessed with good health and rapid growth with the help of Buddha.

Often reaching more than 100 years old, banyans have long been protected in villages in the New Territories. Banyans are considered as fung shui trees by people in the New Territories, who believe that the trees will bring prosperity to the places where they are grown. Therefore, people are strictly prohibited from damaging the trees. I am not trying to mislead people into superstition by saying something like this. I only wish to illustrate the fact that there are a number of trees in Hong Kong that are exceptionally old and big, and of historical value and significance and that we should protect them. Let me cite Tai Po, the place where I live, as an example. I believe Members should be familiar with the Wishing Tree in Lam Tsuen, Tai Po. During the Lunar New Year and on festive occasions, a lot of villagers will purposefully throw auspicious things onto the Wishing Tree to make wishes and pray for blessing. In fact, effective conservation of trees will not only protect the environment in concrete terms, but also attract tourists, thereby bringing us a more flourishing tourism industry.

Earlier, the Democratic Alliance for Betterment of Hong Kong (DAB) conducted a survey by way of questionnaire to collect the views of the public on the work carried out by the Government for tree conservation. 60% of the respondents opine that the effectiveness of the work carried out by the Government for conserving trees is only average. At the same time, nearly 70% of the respondents consider that the Government has, on the one hand, constantly appealed to the public to build up a green Hong Kong and, on the other, allowed constant felling of trees to make way for development. As a result, members of the public are confused about the Government's greening policy.

Madam President, as the Government does not have a dedicated law and a designated department to protect trees which are exceptionally old or of special value, many valuable trees have been felled to make way for development projects, or have withered because of a lack of protection or care, or have been blown down by typhoons. Of course, there is nothing we can help in the case of strong wind. Sometimes, even if we want to protect them, it is very difficult to wrestle with Nature. After all, it is not a bad idea if good protection can be provided for trees. For these reasons, we have lost many trees in Hong Kong, the significance of which is equal to that of antiquities and monuments. It is also for the same reasons that more than 80% of the respondents opine that the Government should make legislation and set up a designated department to protect valuable trees.

When it comes to the question of conflicts arisen between project development and the conservation of trees, nearly 40% of the respondents consider that the projects should be altered and the same number of respondents think that the Government should relocate the trees elsewhere and bear the relevant costs. Their objectives are actually the same — to ensure that the trees can continue to grow. This reflects that whenever there are conflicts between development works and tree conservation, most citizens tend to give priority to preserving the trees rather than sacrificing them for the sake of development.

The DAB urges the Government to expeditiously enact specialized law for the purpose of protecting and conserving valuable trees. At the same time, it should set up a "valuable and old trees preservation committee" to establish objective standards to specify what trees require protection, to set up specific teams responsible for care of protected trees, to set up an appeal committee to vet and approve applications related to protected trees affected by development projects, and to advise the Town Planning Board and the Environmental Protection Department on land use and environmental impact assessment report in relation to protected trees.

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

MR LAW CHI-KWONG (in Cantonese): Madam President, I was extremely afraid of the dark when I was small, particularly when I saw an old tree because it gave me a feeling of horror. Of course, such fear diminished as I grew up.

When I first heard the Honourable Miss CHOY So-yuk mention the conservation of old trees, my response was that there should be no age discrimination against human beings, or trees. Old trees are valuable natural resources. We should protect these "live" monuments in order to preserve their research and cultural values. While there is census for the population, the Government should gain a better understanding of information on trees of conservation value, including information on their distribution, age, rarity, historical significance, and so on. Such information can not only enhance public knowledge of old trees, but also form the base for future study of whether and how law should be enacted for this purpose. With respect to the enactment of law for the conservation of old trees, the Government should examine whether it is necessary for law to be enacted to conserve valuable, old trees and their habitat. Should the Government decide that the relevant study should be

conducted, it should consider the issue from three aspects: first, to define valuable and old trees and the scope of application; second, to determine whether it is necessary for a statutory body to be set up to ensure trees protected under the law are given proper conservation; and third, to determine whether it is necessary for a package to be drawn up to compensate for the possible losses suffered by owners of private land.

At present, law on tree conservation has been enacted in many places around the world, including Guangdong, Wuhan and Shanghai in China, Taiwan, Japan, Europe, Sydney in Australia, and so on. There are indeed a number of aspects in their experience that merit our reference. As Miss CHOY So-yuk mentioned earlier, we may consider a number of factors, such as diameter, age and height, to determine whether a tree should be conserved. Of course, other factors, including historical value, should be considered as well. For example, a certain important person was born near a certain tree, or a certain person has performed a certain act at a certain tree, and so on. These trees might therefore carry historical value and memorial significance. Furthermore, the shape and species of a tree should be considered too.

The Government must consult the public extensively on approaches that best suit Hong Kong if it is decided that law should be enacted. Moreover, it should consider whether all trees, including those on private land and public land, should be covered.

As regards whether a statutory body should be set up to take charge of the conservation of trees in general, various government departments have already done their best to conserve trees under the existing constraints. Once I sent the Government an inquiry letter immediately after I had seen a tree felled. In reply, the Government explained to me carefully the procedures needed to be taken. After reading the reply letter, I felt strongly that although a set of working guidelines had been laid down by the Works Bureau, various departments would still take into account various factors and go through different procedures in dealing with tree felling applications. Yet there were just too many enforcement departments, including the Agriculture, Fisheries and Conservation Department, the Leisure and Cultural Services Department, the Lands Department, the Architectural Services Department, and so on. I am really concerned that problems might arise with the co-operation, co-ordination and efficiency of various government departments. The advantage of setting up a statutory body is that it will be solely responsible for conserving trees of

preservation value and protecting their habitat. At the same time, the public can submit their views to the Government through that statutory body in connection with the conservation of valuable and old trees. Apart from taking measures to conserve trees and conduct a survey on old trees when necessary, the statutory body should also be responsible for examining tree felling applications, prohibit all acts affecting the growth of valuable and old trees, and enhancing public awareness and concern for valuable and old trees in Hong Kong. Earlier, I also raised the point that if the authorities really decide to examine the possibility of legislation, it should consider whether trees on private land should be covered as well. If these trees are to be covered, the Government should further consider proposing a compensation package. This is because developers may come across tree resources which meet the protection requirements in the course of developing private land. In that case, the developers might need to propose concrete proposals of conserving these trees in order to meet the requirements imposed on the commercial development. Should the Administration give compensation to cover any losses incurred as a result of the limitation imposed by these clauses?

Madam President, these are the views of the Democratic Party with respect to the conservation of valuable and old trees. The Democratic Party supports the motion in principle. Thank you, Madam President.

MRS SOPHIE LEUNG (in Cantonese): Madam President, the Liberal Party supports the motion moved by Miss CHOY So-yuk today in principle. Of course, in the community there may be misgivings about the need to care about trees at a time when members of the public are caught in severe hardships. But I think that in our lives that span only several decades, there are actually many things that we should care about. We cannot neglect other things simply because we need to focus all of our attention on certain individual aspects at one time.

Madam President, now that we have entered the 21st century, an era of information explosion, so to speak. To us human beings, we have to deal with a multi-directional inflow of information in addition to the heavy workload. In order to consistently keep tabs on the ever accelerating and intensifying pulse of society, the time that we can spend on attending to our soul may be comparatively less. So, when we see a green tree or an old tree, we often think of the journey of a tree's life and we can thus gain much enlightenment from it.

History tells us that in an increasingly bustling society where the tempo of life is getting faster and faster, we must pay more attention to the surrounding environment before we can maintain the ability to strike a balance. From this perspective, and as preached in Buddha's teachings, we must respect all life forms and we should live together in the world peacefully. From an environmental or scientific point of view, our society as well as the entire earth are primarily an equilibrium that hinges on the roles played by different life forms. Only when a balance is struck can we have good living and psychological conditions. From these perspectives, it is all the more necessary for us to respect all creatures on earth, particularly the old trees. This also brings out another point, that is, in future, if people of all age groups are convinced to respect all living things, including flowers, plants, trees, and so on, and hence develop a sense of mutual respect, they will be able to gain much more enlightenment from it.

Here, I wish to thank Miss CHOY So-yuk for moving this motion today from another perspective, for she has given me the opportunity to start with the way that the Chi Lin Nunnery handles timber and explain my views. Earlier on there were reports in the newspapers about the handling of timber at Chi Lin, and these reports were even placed on the front page. It was reported that the timber was going to crack very soon and this had aroused public concern. Some people were even worried that there might be problems with the structure. Here, I would like to explain the situation to Members. Since the ancient times, these circumstances have been taken into consideration when old trees are used for construction purposes. Consideration has also been given to the need to respect trees because a tree will remain alive even if it is felled. It can still live on for a long time because its veins are still there to keep the tree alive for a long time. Over the past two or three decades, many people considered that trees felled were dead timber. Then they proceeded to dry up the tree by heat forcibly until it was completely desiccated. As a result, the internal circulation and transportation system of the tree, that is, ducts used for transporting oxygen, water or nutrition all shrivelled in the drying process and the tree was then considered dead. That is the way how trees were treated after they were felled in the past when the construction industry was thriving. But many people have also said that it was not easy to build a temple in the past for it could not be completed in one's lifetime. The construction process would at least span three generations of the manager of a temple. Why? It is because it would take a long time to prepare the timber. After the trees had been felled, they were made to dry up slowly and naturally, and it was also necessary to see how the

timber could be mended by trees that were growing before the timber could be put to use.

Madam President, why do I have to talk about these at length? What is involved here is actually a question of respect. In this world that we live in, we are, to some degree, co-existing with the other living things. If we can show a certain degree of respect to them, we will be able to foster a sense of mutual understanding and mutual care among us, and we will be able to show more respect and attach more importance to the feelings or sentiments of other people.

I have made the above speech purely from this perspective. Back to the timber used for constructing the Chi Lin Nunnery. In fact, we very much respect the timber there. At first, in order to gain a better understanding of it, we hired an expert of high repute in Japan (I am not sure if such experts can be found in Hong Kong) to give us some talks and conduct studies in this area. In painting the timber, we did not use the ordinary kinds of paint. The paint we used and the way the timber was painted will allow the timber to breathe continuously, and steps have been taken to protect the timber against pest. It is expected that the timber would crack to a certain degree at the most three years later and the cracking would then stabilize. By then, we can use timber from other similar trees to mend the cracks. However, we expect that cracks will again appear at the other corner five years later, which is natural. In fact, the public should obtain such valuable information by learning more about the natural ecology. I hope that this motion about showing respect to old trees will strike home the message that we should respect all living things in this world where we live.

Thank you, Madam President.

MR DAVID CHU (in Cantonese): Madam President, many countries and cities throughout the world have in place measures to conserve valuable and old trees. The "Regulations on Urban Landscaping" promulgated by the State Council of the People's Republic of China in 1992 has specific provisions requiring the executive authorities of municipal people's government in charge of greening work to keep records of and erect signs for old and valuable trees and to strengthen the conservation and management of these trees. To comply with the regulations, various regions in China have already adopted relevant conservation measures. In some areas in Zhejiang Province, for example, the conservation

of valuable and old trees has become a planning criteria for social and cultural development. In Chongqing Municipality, the conservation of valuable and old trees has become an assessment criteria for the year-end performance appraisal of government officials under the target-oriented management and accountability system. In Shanghai Municipality, the locations of valuable and old trees are marked on the map. Situated in the proximity of Hong Kong, Guangdong Province has put the conservation of all valuable and old trees under the centralized administration of the Afforestation Committee at all levels, with the management responsibilities being devolved to the relevant units and officials. In comparison with the Mainland, Madam President, Hong Kong is lagging behind in its conservation of valuable and old trees and we need indeed rise to catch up.

At present, the Government does not have a set of effective measures to conserve valuable and old trees, not to mention a comprehensive database on such trees. Therefore, the first step that the Government should take is to conduct a comprehensive survey and registration of all valuable and old trees in Hong Kong in order to facilitate effective conservation measures in future. Secondly, some old and valuable trees in Hong Kong are being threatened due to the lack of suitable care. In view of this, the Government should deploy staff to perform suitable conservation of these trees. Thirdly, the Government should strengthen its publicity and education efforts so as to foster among the public a fuller understanding of valuable and old trees and to enhance their awareness of the conservation of such trees.

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

MISS CHAN YUEN-HAN (in Cantonese): Madam President, I am very fond of trees, and I also like going near to the nature to breathe fresh air (if I can spare the time). Whenever I am at a place full of trees, say, in a forest, I will invariably be clear-headed and feel relaxed, and all my blues will drift away. I like the way banyans dance elegantly in the breeze, and the heroic uprightness of kapok trees. I also like the graceful bauhinia, which looks particularly beautiful when caressed by a gentle breeze. All these are trees that grow up with Hong Kong, and trees with which we are familiar. Besides, a gardenia tree in the Hong Kong Zoological and Botanical Garden is also one of my favourites. The Hong Kong Park used to have a beautiful large gardenia too, but a typhoon last year had blown down the tree which later became insect-eaten and finally withered. I found it very regrettable.

There is an old song called "Under the old tree", and let me just read out a few lines of its lyrics: Coolness comes along with night breezes; Soughing and sighing, the night breezes ask the setting sun who is standing under the old tree silently gazing at the faraway places. The picture depicted by the lyrics is so poetic and artistic. But if we do not bother to cherish the things surrounding us, it is difficult for us to identify with these feelings amidst the hustle and bustle of city life, and we will stand to lose lots and lots of things. For example, there used to be kapok trees growing all along the Queensway, and if we walked out from the Mass Transit Railway station in Admiralty, we would see a row of these beautiful trees, which flowered every April, on the side where the Labour Department used to be situated. But none can be found now. So, we can see that with the rapid development of Hong Kong, the beautiful scenery that used to fill our eyes has gradually diminished. Now, we will have to go to some faraway places for such beautiful scenery. If we still do not cherish the things surrounding us, I am worried that the trees in urban areas, which are already in a small number, will eventually vanish. So, when Miss CHOY So-yuk initiated the campaign to protect old and valuable trees, I told her that I must lend her a hand in locating these trees. Miss CHOY So-yuk and other colleagues found it strange as to why CHAN Yuen-han would have the leisure and mood to locate trees amidst her busy schedule. I do so for I have immense affection for trees. Trees make me feel comfortable and help relieve pressure. I guess many Hong Kong people should have this feeling too, particularly as the tempo of everyday life in Hong Kong is so fast and hectic. So, I think there should be many people who share my view, and I trust you, Madam President, and the Clerk to the Legislative Council will also share my view.

Some people may ask whether we, Members of this Council, cannot find anything more meaningful to do? For example, we should be very busy today for we have to deal with the aftermath of the avian flu. In response, I would say that whether it be a rich country or a developing country, policies will have to be drawn up for the conservation of old and valuable trees in the process of urban development. For instance, in our country, which is a developing country, consideration is given to this aspect when implementing major construction projects. In Gansu Province, there was a case where the original proposal on a major national railway project was modified in order to protect an old tree, which had entailed an additional spending of over \$1 million. To be honest, a developing country has indeed exerted great efforts by spending over \$1 million to preserve a tree. Developed countries in Western Europe and North America have done even better in this regard. They are committed to protecting not only

century-old trees, but also those that are 50 years of age. As they consider century-old trees their national treasure, they will do whatever they can to preserve them. The kind of protection that they afford their trees is quite apart from ours. They provide their trees with greater care and protection.

All in all, does it mean that the effort made by Hong Kong is utterly worthless? Madam President, it appears to be not that bad at all. Under the laws of Hong Kong, some valuable trees can be felled only with the consent of the Government. But old trees and trees of commemorative value are not protected by law. Moreover, I wish to stress that a multitude of departments are now responsible for the management of woodlands (I know it for I have participated in tree-planting activities), which include the Agriculture, Fisheries and Conservation Department, Leisure and Cultural Services Department and Environmental Protection Department, and sometimes we really have no idea about which department is responsible for the relevant work. In my view, while the Government seems to have a policy on trees, the relevant responsibilities are nevertheless divided up among various departments, for this area is not considered a major part of urban development.

Under such circumstances, some distressing incidents about old trees have arisen. For instance, an old lady had to go hither and thither in order to save the only date palm tree in Asia. Another example is Miss CHOY So-yuk. I know that she had been lobbying people everywhere to save a tree. In the past year or so, all I saw was that she had kept on lobbying the persons concerned, asking them not to touch this tree and not to touch that tree. Besides, she had taken great pains to approach many different departments for this cause. I very much hope that Members will agree that apart from rapid development and erecting buildings (particularly in the past three years in the wake of the financial turmoil that hit Hong Kong, we must draw lessons from the bitter experience and make adjustments to our mindset), it is incumbent on us to turn our city into a green place where old trees can grow, so that foreign tourists would be willing to live in Hong Kong. In fact, Hong Kong is blessed with good climate for we have distinct and stable weather conditions in all the four seasons, which is suitable for the growth of many species of trees. For tree lovers like us, we certainly welcome this, and it is also very important to the economic development of the city as a whole.

Madam President, the entire airport had moved out of my district recently, and planning will start afresh in relation to the development of Southeast

Kowloon. However, all the monuments, antiquities and old trees in this area have long become part of my life and interests. It appears on the surface that this motion today is about something poetic and artistic or something that has nothing to do with the plights of the people, but it is actually inextricably linked to the people's livelihood. Our efforts to conserve monuments, antiquities, and old and valuable trees will also benefit the overall economic development of Hong Kong.

Madam President, I do not like to drink wine. But I know that trees are like wine, for the older they are, the better. Wine is for people to drink, whereas trees can soothe the hectic city life, bestowing on us plenty of delights of life. Therefore, I hope that the Government can formulate a specific policy in this regard.

With these remarks, I support the motion.

MR IP KWOK-HIM (in Cantonese): Madam President, when a person has lived in a district for a certain period of time, he will develop a somewhat subtle relationship with the scenes and things there. Even a wall or a tree which seems to be negligible, or an old man sitting in front of a store every day enjoying the breeze, will evoke our memories. When we look back, our recollections of the past — the game of "cops catching thieves" that we used to play with neighbours when we were small or the "puppy love dreams" that we made during adolescence — are refreshers to the hectic daily life. One important reason to conserve old trees is that while they seem to be trivial, their value cannot be translated into such figures as the proceeds from land sale or the area of green belts. Beautiful memories and the uprooted old trees are irrecoverable by any compensation planting.

One example in reality is the trees that grow on a stone wall in Forbes Street in the Western District. Adjacent to the Forbes Street is the Sai Wan Estate which has a history of over 40 years, and the blocks of building, the names of which begin with the word "Luen", along the road also have a history of over 30 years. Just take a look at the vintage of these buildings and we can tell that at least three generations have grown up and lived out their years in this street. The stone wall and the old trees have silently witnessed the joy, anger, sorrow and happiness of three generations. Prof JIM Chi-yung of the Department of Geography, University of Hong Kong, pointed out earlier that the

retaining wall in Forbes Street was constructed with an ancient masonry skill. The wall and the big trees that grow in the gaps have a history of 70 to 80 years. The construction method of this stone wall, which has long become extinct, is a cultural heritage. From this viewpoint, the importance of the old trees on the stone wall in Forbes Street has transcended geographical boundaries.

As the Western District has a longer history of development, there are many old trees that must be protected and conserved. Earlier, the Government planned to build two blocks of residential buildings on the slope in Lung Wah Street for sale, and a century-old tree in Lung Wah Street would have to be felled to make way for this. Certainly, the plan met objection from the relevant District Council and residents. After a series of discussions, the Government, which adopted an open attitude, has taken their views on board, and the century-old tree is finally saved. The collective memories of residents and the old tree are, therefore, preserved. However, without statutory protection, wars to defend old trees like that in the case of Lung Wah Street will only be waged unceasingly.

According to the statistics done by Prof JIM, there are now 504 stone walls and 1 532 trees growing on them in the Central and Western District alone. Regarding century-old trees, there are a total of 370 in Hong Kong. Statistics also show that only one in every 50 trees that grow in a natural environment can survive for a century and so, so century-old trees in the urban areas are even more valuable. In recent years, the community of Hong Kong has paid more attention to greening and is aware of the importance of a green environment to upgrading the quality of living of the public. But I am afraid that by the time when the community becomes genuinely concerned about the quality of greening, not many of the existing 370 century-old trees would be left. Therefore, the motion moved by Miss CHOY So-yuk today is essential indeed. In order to truly protect these old trees, we must encourage planners and builders to attach more importance to old trees with a history as long as a century and pay more respect to the collective memories of the residents, so that the scenes and things in association with their memories will not be trampled by the wheel of development.

Childhood memories are beautiful. Looking back on the good old days through the colour filter of time and tide, the pictures, though yellowing, still wear glowing hues. Old trees are precisely a filter in a camera that performs the function of a time tunnel. They are part of the quality of living of residents

and must be protected properly. Whilst Hong Kong is developing rapidly, we must at the same time strike a right balance by legislation made to protect old trees, so that the works programmes and planning in future can be conducted in a more reasonable manner and thus commanding public support.

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

MR ALBERT CHAN (in Cantonese): Madam President, I am very glad to be taking part in the discussion on this special topic regarding the conservation of valuable and old trees. After so many vigorous discussions on political issues, much hostility has been accumulated in this Chamber. Some Members have pointed out that Miss CHOY So-yuk dresses like a tree today, very much in congruity with the question of conserving valuable and old trees. I shall be doing myself injustice if I do not rise to say a few words on this topic.

I recall seeing many large banyan trees on Nathan Road, Tsim Sha Tsui, when I was a child, and I was delighted to see them along the road. I do not know whether it is because they were designated as valuable trees in those years that they have been preserved up to the present. These trees have become an impressive and unique sight in the area as it is rare to have a large stand of beautiful trees among the city hustle and bustle. The official who made the decision to preserve the trees should merit credit and commendation for his contribution. In fact, talking about trees, most of the trees today cannot be considered old and valuable, however, if they are preserved today, they will become old trees in a century's time. In most cases, whether a tree species is valuable or not may change with the times. Recently, I saw a few large Buddhist Pines during a visit to a tree nursery in Yuen Long. I then learnt from the person-in-charge that a Buddhist Pine over 10 ft tall may cost \$200,000 to \$300,000. A Buddhist Pine which is 20 ft to 30 ft tall may be over \$1 million worth. I initially thought that the trees were imported from China, but then I was told that they had been imported from Japan and will be re-exported to China. Owing to the rapid development of many state or private enterprises in China, many such enterprises consider placing a large stand of Buddhist Pine at the main entrance a symbol of authority and status. Therefore, the export of Buddhist Pine has become a lucrative business. A Buddhist Pine may cost a few hundred thousands dollars to as much as several million dollars and it is re-exported from Hong Kong to the Mainland. Given the tremendous economic value, it has dawned on me that old trees could also be developed into a business with high

profit returns. As such, felling trees is burning our money. Thus conserving valuable and old trees does not only serve the purpose of landscaping, it also generates economic returns.

When it comes to the conservation of valuable and old trees, the Government should consider a number of issues. I have previously written to the Director for Agriculture, Fisheries and Conservation and a few other Secretaries on this subject. When I was driving in areas within the purviews of the Agriculture, Fisheries and Conservation Department, the Highways Department and the Leisure and Cultural Services Department, I could notice a number of trees which are eight to 10 years old, or even more than a few decades old. There are also some large trees adjacent to the West Wing of the Central Government Offices. However, sometimes I would feel sorry for these trees, as there are a number of climbing plants growing on them and the trees have started to wither. It may be the climbing plants that are endangering the trees and causing them to wither. However, I fail to see the Government taking any actions to remedy the situation (or the Government may have already taken some actions). To my surprise, being a major scenic spot and a location where people pass by every day, a big tree, tall as a four to five storey building, next to the West Wing of the Central Government Offices has been strangled unnoticed by some unknown climbing plants. There are barely leaves on the tree, with only a few on the top. I have recently written to the government departments concerned and asked them to address the case and take appropriate actions.

The value of trees depends on personal preference. Different people may have preference for different species. However, old trees standing in a busy city should be conserved. I had a few impressive personal experiences when I was studying in Vancouver, Canada, many years ago. One of these was taking a walk in Stanley Park. It was very enjoyable as the park was full of trees over a hundred feet tall. The local government has adopted conservation measures to protect the trees. When Vancouver began its development a hundred years ago, many trees were felled. Eventually the government decided to retain some trees in the city centre and drew up an area to become Stanley Park and planted trees in it. Therefore, the trees in the park are very valuable. It was my memorable pastime to take a walk, cycle and jog in the park or take the children there to play. In the area around Capideno Bridge, Vancouver, you can see trees planted all over the hill. It is difficult to embrace one single tree even if a few persons join their hands to do so. These trees have been conserved thanks to policies made by the local government.

In fact, valuable trees can be found in many areas in Hong Kong, such as southern Lantau, North District and Yuen Long. I have been to Yuen Long recently, and found that developments in certain areas have threatened the trees in the region of eventual felling. Those trees have been growing there for several decades and are very valuable.

Last year, I had another personal experience that I would like to share with the Secretary. Two large banyan trees in Fok Loi Estate, Tsuen Wan, had been pulled from the ground by strong winds last year. In view of the government decision to remove the trees, I mobilized the residents to lodge a petition. The Housing Manager was forced to — he was very bold and helpful — allocate more than a hundred thousand dollars to replant the banyan tree in-situ. However, according to the policy of the Housing Department, those trees should have been sawn and removed immediately. In the end, the commendable act of the Housing Manager was applauded by the residents, and I have already written a commendatory letter to the Director of Housing. However, the supervisor of the Housing Manager did not agree to his arrangement.

As such, I hope that the Government will improve the policy to conserve valuable trees. Trees uprooted by typhoon should be replanted in-situ, instead of being sawn and removed. I also hope that the trees in Hong Kong will grow into an abundance and prosperity in future, and the environment in Hong Kong will improve in due course. Thank you, Madam President.

MR TOMMY CHEUNG (in Cantonese): Madam President, the Liberal Party considers that the lack of maintenance of old trees warrants serious attention, and the Government should take effective measures to improve the situation. While there is the Forests and Countryside Ordinance which prohibits the felling and plucking of 27 species of rare plants by the public, and provides for the protection of over 70 species of plants of conservation value, there is no legislation to protect old trees and trees of historical significance.

As the Government has all along failed to properly conserve trees, many trees have gradually withered away as a result of diseases or being eaten by insects, or as a result of damages done to their roots. For example, a century-old giant orchid tree in front of the Teaware Museum in Hong Kong Park was blown up by wind two years ago. A century-old banyan tree which was renowned as "Queen of Trees" in Kowloon Park was also destroyed in a typhoon.

The true cause of their death was that insects had eaten into them due to the lack of maintenance and so, they could not withstand a single blow and finally collapsed. Had adequate preventive measures been taken, such losses might have been avoided.

In the past, while some steps were taken to protect old trees, they were just piecemeal. For example, in the 1980s when the Government put to auction a site at Queensway, it was stipulated that an old banyan tree which has been growing there since 1870 must be preserved. The developer later built a huge casing for the tree at a cost of \$23,890,227, and this went in the Guinness World Records as the largest sum of money ever spent on preserving a tree. In the early 1990s when redeveloping its clubhouse in Happy Valley, the then Royal Hong Kong Jockey Club preserved the two giant banyan trees in Sports Road as required by the Government, and expended massive resources and manpower to relocate the two trees for replanting at a new location. However, we cannot always rely solely on the Government negotiating with developers or the relevant organizations by administrative means on a case by case basis. We should have clear stipulations or guidelines on the preservation of old and valuable trees in urban areas or districts under development.

Madam President, a successful greening policy does not only hinge on how many trees are planted each year. We must at the same time pay attention to what number of trees that have grown for decades or even a century are destroyed in the name of urban development projects year in, year out. At present, quite a number of government departments are responsible for greening in Hong Kong, but we lack a dedicated and designated department to consolidate the guidelines and measures on the conservation of trees, which is indeed an irony. I hope the Government can pay attention to this and expeditiously make improvement.

In fact, old trees are witnesses to the changes in a city as well as its history. They are symbols of history and culture, and they are the living green monuments and heritage in nature. As our economy develops, we have seen more and more buildings but less and less natural woodlands. Therefore, we must endeavour to preserve the valuable trees. There are now many old trees in Hong Kong, and some of them are old banyans that have witnessed the history of Hong Kong for a century. Apart from contributing to a green environment, absorbing exhausts, providing shelters from the sun and rain, and providing homes for birds, they can also add a touch of rustic simplicity to this "concrete

jungle". They can even be developed into tourist attractions with historical and cultural features, which will, to some degree, facilitate the development of tourism.

The Liberal Party considers that in order to protect the old trees, Hong Kong can follow the example of mainland cities where legislation is enacted to provide for the scope, methods, facilities and rewards and penalties in respect of the conservation of old trees. The State Council enacted laws on greening as early as in 1992, whereby century-old trees are protected and trees of value preserved. Dedicated agencies are made responsible for the conservation of trees, and unauthorized felling of trees is made a criminal offence. As Hong Kong claims to be an international metropolis in Asia, there is definitely no reason for us to lag behind the Mainland in this regard.

Moreover, the Government should immediately conduct a systematic survey of old trees, open an individual file for each tree, and carry out maintenance on a regular basis. The Government can even consider providing designated sites for setting up old tree parks where old trees that must be relocated are preserved. Efforts can be made to beautify these parks to become tourist spots with special features.

The Government aside, members of the public are also duty-bound to protect old trees, but the problem is that the community at large is not aware of it. So, there are cases where trees are treated as targets of shooting practice, or plaques to carve one's name or words to record his visit to a place. Therefore, I also hope that the Government can foster a sense of civic responsibility among the public and enhance their green awareness of protecting trees.

Madam President, to make its greening policy a success, Hong Kong should not lose sight of the importance to conserve the existing trees and to allow them to grow healthily.

I so submit. The Liberal Party supports the motion.

MR LAU PING-CHEUNG (in Cantonese): Madam President, on 9 May I moved a motion in this Council urging the Government to formulate a territory-wide landscaped development and greening policy, which received unanimous

support from Members of this Council. The motion moved by Miss CHOY So-yuk today should form part of the overall landscaped development policy. I believe this motion, which focuses on the conservation of trees which are old, valuable and of significance, will also command the support of Members.

In fact, tree planting is one of the many areas of work of landscape architects in beautifying the environment, and a measure most welcome by the public in general. But unfortunately, the landscape element has always been ignored in the construction process. As a result, the original trees may all be hastily felled during site formation. This is a bad habit for the sake of expediency. It is because an empty site will make the design work easier and obviate the need to accommodate the original landscape.

However, we cannot entirely blame the engineers for this. First, as I have said just now, the landscape element has all along been neglected; even if it is not neglected, it is considered less important. The existing work instructions, including the Tree Survey and the Works Bureau Technical Circular 24/94 on Tree Preservation, only set out the application procedures and compensation outlines for the felling of trees necessitated by a development project. They have not provided for assessments of trees with reference to their species, rarity, age, contribution to the environment of the community, and historical and cultural values. Without the support of a policy on landscape resources, theoretically every tree can be replaced by a newly-planted tree. It is because throughout the implementation of a project, a diversity of factors will have to be taken into consideration, for instance, the completion date, construction costs, cost-effectiveness, and so on. These factors may sometimes be incompatible and in conflict. For example, in the event of a shortage of time for construction, the time for the overall design work may very likely be reduced in order to complete the project on schedule; and if the construction costs exceed the budget, it is necessary to squeeze or economize on other expenditure items.

Besides, in relation to the designation of land use, when a site covering an old tree or a cluster of valuable trees is designated for development, how can the Government protect these trees?

In any case, whenever problems crop up, people in different positions will invariably fight for the best interest of their respective spheres. But given the absence of a landscaped development policy, professional landscape assessments often cannot come into full play. Under such circumstances, trees within a construction site may all have to be felled.

Therefore, in order to effectively protect the natural landscape, we must, as a first step, formulate a landscaped development policy, so that the landscape factor will be given weight in all development projects, and independent and sufficient professional resources will be made available to ensure a balanced consideration of the various factors, including the protection of landscape and trees.

Madam President, human civilization is manifested by development, not destruction. When looking at a magnificent building, we will gasp in heartfelt admiration; but when looking at a colossal pit left by a bomb explosion, we will only be overwhelmed by fear and horror instead of singing praises of it, however big or deep the pit is. Therefore, we must be alert to damages that may be done to the natural landscape in the course of development.

Trees are part of the natural landscape. Their significance lies not only in their existence as trees. They are part of the places where they grow. The fact that trees can improve the living environment of Hong Kong people, cultivate a sense of belonging among us, and contribute to a botanical landscape unique in Hong Kong for the benefit of tourism illustrates a deeper meaning borne by trees. Imagine what Hong Kong will look like if there is no yellow bamboo in Wong Chuk Hang¹; if there is no more woodland in Pok Fu Lam²; and if kapok trees are nowhere to be found in Cotton Tree Drive? Without the Wishing Tree, will tourists still be visiting Lam Tsuen in Tai Po? Past examples of the environment being damaged in the name of town development abound.

Furthermore, we have been singing our own praises that Hong Kong is a place where the East meets the West and a place with the freedom of religion. Fifty years ago, a Muslim brought a seed of date palm from Mecca and the seed has taken root in Hong Kong. But the Government, saying that it wanted to embark on a road-widening project, ordered the felling of the tree. As a result, Saudi Arabian diplomats came to Hong Kong on purpose to testify to the species of the date palm tree. To foreigners, a date palm tree may not necessarily be proof to the freedom of religion in Hong Kong. But if Hong Kong cannot tolerate even a date palm tree, the freedom of religion in Hong Kong may perhaps be open to question.

¹ Wong Chuk Hang literally means yellow bamboo pit.

² The word "Lam" in Pok Fu Lam literally means woodland.

In fact, for trees of historical value, they do have different fates. For instance, when removing the Barracks in Queensway, the former colonial government removed the granite blocks from the entire Barracks piece by piece for rebuilding in future, and the Barracks, which is rebuilt in Stanley, is now open to the public. What is more, it even took all the trouble to relocate a dozen of palm trees time and again for replanting, and the trees can now be found at the entrance of the Aberdeen Tunnel.

Madam President, while these are all trees in need of protection, why are their fates different? This precisely reflects the lack of a centralized policy and awareness of the conservation of trees on the part of the Government. As I said in this Council on 9 May, "In a densely-populated place like Hong Kong, to plant a tree is one thing; to formulate policies and administrative guidelines on the provision of sufficient space and resources (for tree planting) is another.". Therefore, it is indeed necessary for Hong Kong to map out a centralized policy and measures to protect trees that are relatively big and of special value. With these remarks, I support the motion. Thank you, Madam President.

MR HENRY WU (in Cantonese): Madam President, today's motion on "conserving valuable and old trees" may be a subject relatively new to Hong Kong. According to my understanding, however, the Mainland has actually promulgated the Environment Protection Act in as early as 1989, requiring government departments at all levels to conserve the various ecosystems, heritages, as well as valuable and old trees.

Last year (which was 2000), the Ministry of Construction in the Mainland formulated an even more detailed set of "methods to conserve and manage valuable and old trees in city areas", with a view to enhancing the efforts made by the various urban planning regions and landscaped areas in conserving and managing valuable and old trees conservation. In addition to setting out clearly the definition of "old trees" and "valuable trees", categorizing the trees into different classes, and specifying the powers and responsibilities of the management authorities, these methods also make it clear that "no units or individuals are allowed to fell or relocate any valuable and old trees on whatever grounds and in whatever ways without authorization". If any of such trees must be relocated due to special reasons, the relocation application must first be examined and approved by the relevant management authorities.

Madam President, in recent years, many mainland cities of different sizes, such as Shanghai, Guangzhou, Shenzhen, Zhuhai, Zhongshan, Nanning, Guilin, and so on, have formulated their own laws to protect valuable and old trees as well as ecosystems. Here, I should like to give Honourable Members an account of the policies and achievements of an ancient city of 1 670 years — Nanning — in this respect.

Actually, Nanning has been attaching great importance to landscaping and environmental efforts over the past dozen years. Although it was already elected as the "national advanced city in landscaped development" in 1994, the city is still working hard to seek further improvement, so as to enable its residents to enjoy a pleasant working and living environment. In November 1996, the City Landscaping Act of Nanning was passed, and the provisions contained therein are even more stringent than those promulgated by the Central Government. For instance, in addition to prohibiting felling and relocating valuable and old trees, the Act also regulates the pruning of such trees. Further still, it even provides against any accumulation of harmful substances, building construction works, ditching, borrowing, and so on in areas within 3 m immediately surrounding the vertical projection of the crown of the valuable and old trees concerned. As proven by facts, the determination and efforts demonstrated by Nanning have not been wasted, for the city was awarded the honour of "landscaped city" in August 1997. If the Secretary should be interested, I could furnish her with tons of relevant material for reference later on.

Whereas in Hong Kong, although we do have in place the Forestry Regulations specifying the 27 types of protected rare and endangered plants the felling or plucking of which is prohibited. However, it seems that these regulations have stressed the rarity of the plant species to the neglect of other factors such as the age of the trees concerned or their commemorative value.

Madam President, the lack of knowledge about valuable trees and even historical heritage on the part of the Administration or certain government officials can be rather shocking sometimes. I have been a member of the Eastern District Council for more than a year, and during this period I have seen at least two incidents relating to the conservation of trees in the district.

One of the incidents happened around October last year, when the Water Supplies Department planned to construct a seawater service reservoir in the

green area of the Quarry Bay Tree Walk without conducting any formal environmental assessment because the Department considered the works site too small in size. Nevertheless, within that small site there is a 100-year old *Delonix regia*, which would have been specified as a Class II valuable tree in the Mainland.

Another incident took place this year. The North Point Estate which has a history of over 40 years will be demolished for redevelopment shortly, and the residents there have all along hoped that the so-called old trees in the estate could be conserved by the authorities. In the end, as the Eastern District Council had passed a motion to urge the Government to conserve the old trees within the Estate, the relevant government departments eventually agreed to follow up and consider the issue.

Yet one more example, Madam President. At the Legislative Council Public Works Subcommittee meeting I attended last week, one of the items for discussion was related to road and drainage works in Sai Kung, and some of the works to be carried out would be within the area of the Sha Ha Archaeological Site, which was the archaeological site where New Stone Age finds were unearthed for the first time in Hong Kong. Although the archaeological discoveries there are of very important research value and significance to the study of Hong Kong's trade development history, it is regrettable that, as reflected in their tone and attitude, the government officials attending the meeting consider the archaeological finds nothing more important than some broken porcelain wares or glass bottles. These government officials have failed to attach due importance to the precious archaeological discoveries and, what is more, I am afraid they have also failed to give due respect to the archaeologists and other personnel concerned.

Madam President, the aforementioned examples have in fact reflected that in considering the various project plans involving valuable and old trees or historical heritage, the authorities have utterly overlooked the importance of conserving trees or protecting historical relics. More often than not, attention is focused only on cost-effectiveness and land development. In my view, the crux of the problem lies in the fact that the Government does not have in place a set of complete and specific policies on the conservation of natural and historical heritage.

The people of Hong Kong and the business circle have been keeping a keener interest in environmental issues in recent years. Besides, more and more importance has also been attached to the concept of sustainable development. In this connection, however, the conservation of our natural environment and resources is in fact the very first step in environmental protection, and the conservation of valuable and old trees is but one of the many small steps in this respect. If we should continue to fell these valuable and old trees, or if we should fail to protect them properly, we could never remedy the situation regardless of how many saplings we plant.

Madam President, I so submit.

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

MR SIN CHUNG-KAI (in Cantonese): Madam President, my speech will be very brief. Recently, I have paid a visit to New York and Washington together with Mr Henry WU and several Honourable colleagues. When we arrived at Washington on 8 April, we were able to enjoy the beautiful scene of Japanese cherry in full bloom. Later on, I learnt that the Japanese Consul had given 100 cherry trees to Hong Kong some years ago. At that time, staff members of the Leisure and Cultural Services Department planted the trees in various parks and gardens across Hong Kong, so that members of the public can all enjoy the sight of the trees. However, it turns out that the public is unaware of where they can see those Japanese cherry trees. If those 100 Japanese cherry trees were all planted on one slope, there would certainly be a large number of people visiting the place in April every year to take photographs. In my view, we should concern ourselves with the conservation of not only old trees but also valuable trees. I hope that in the event of any foreign friends or consuls giving any valuable trees to Hong Kong in the future, we can exercise care to plant those trees properly. I have cited this example just to demonstrate that many precious resources will lay to waste because of improper planning. Thank you, Madam President.

DR LO WING-LOK (in Cantonese): Madam President, my speech will also be very brief. I support conserving old trees and providing the old trees in Hong Kong with sufficient conservation and medical care, so that our trees can really

be exceptionally old and healthy. Nevertheless, like any living organism, trees will die one day irrespective of how old they are. Besides, natural disasters and pests will also cause trees to die. Hence, if we do cherish our old trees, we should urge the Government to formulate tree-planting policies for Hong Kong, in addition to the specific actions it takes to conserve old trees. If no or not enough tree saplings were planted, how could we leave behind old trees for our children or grandchildren?

Madam President, I so submit.

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

(No Member responded)

SECRETARY FOR THE ENVIRONMENT AND FOOD (in Cantonese): Madam President, most women love flowers. I am no exception too. However, I like trees more because each tree has its unique character. Therefore, I am pleased to take up the responsibility of making Hong Kong a green place and conserve and protect valuable and old trees. Today's debate provides the Government and Honourable Members a good opportunity to exchange views on this subject.

The Government agrees that tree conservation is a very important task. It will not only help Hong Kong to become a greener place, but also help create a more pleasant living environment. In such a densely populated city as Hong Kong, trees can purify air, reduce dust and provide shade. Therefore, the Government has in recent years devoted much effort to the promotion of greening work by planting more trees. We also understand that we should pay particular attention to the importance of conserving valuable and old trees in Hong Kong.

Before giving my response with respect to today's motion, I would like to explain the tree conservation measures currently taken by the Government.

Insofar as administrative initiatives are concerned, we have put in place a set of internal regulations and guidelines to ensure that all government departments and staff take up the joint responsibility of conserving trees.

The General Regulations, Works Bureau Technical Circular and Land Administration Office Instruction, widely publicized in the Government internally, have clearly stated that government staff are obliged to protect trees and ensure that they will not be pruned or felled unnecessarily.

The Works Bureau Technical Circular even emphasizes that trees must be conserved as far as possible during the planning, design and construction stages. Planning and engineering staff must first of all take into account the necessity of tree conservation and fully consider various feasible design options to conserve trees as far as possible. In addition, they should also exercise caution to scale down the scope of the construction sites as much as possible in order to preserve more trees.

If trees have to be felled inevitably, the persons concerned must seek prior consent. Without valid reasons, the responsible departments will usually not give permission to the pruning or felling of trees.

The Land Administration Office Instruction further set out the responsible departments for approving tree felling applications, which include the Leisure and Cultural Services Department, the Agriculture, Fisheries and Conservation Department and the Lands Department, the procedures for lodging tree felling applications and the criteria for assessing such applications. Generally speaking, tree felling will be allowed only under the circumstances listed below.

First, trees have to be chopped down to make way for development or facilitate traffic when no other alternatives are available. Second, the tree concerned is blocking watercourses and will possibly lead to floodings or losses of property or lives. Third, the tree has become a visual obstacle and posed a serious problem to road safety, which cannot be solved even with proper pruning. Fourth, the tree is in terrible physical condition.

If the tree concerned belongs to a rare species that is irreplaceable or it is an exceptionally big or excellent sample of the species, the relevant tree felling application will not be approved. Even if tree felling has become inevitable, the authorities will, if considered proper and feasible, require the applicant concerned to carry out a compensatory landscaping or replanting project before approval is given.

I must point out that the abovementioned regulations and instructions are not merely administrative hurdles. Our practical experience shows that the requirement for the relevant persons to go through certain procedures before they are allowed to chop down trees has been, to a certain extent, useful for the purpose of tree conservation.

Let me cite some practical examples to illustrate this point. In 1996, a big-leaved fig of about 14 m tall was originally scheduled to be felled to make way for a road-widening works project in Shau Kei Wan Main Street. However, after discussions between the department responsible for vetting and approving the tree felling application and the departments responsible for the relevant works, it was decided that the design of the road should be revised to keep the tree in situ. Last year, five candlenut trees were nearly felled as a result of the construction of a footbridge stretching across Wong Chuk Hang Road. Similarly, these trees were eventually preserved thanks to discussions among the relevant departments.

As to trees grown on "private" land, most leases contain clauses on tree conservation, stipulating that lessees are not allowed to interfere with any trees on the relevant lots unless prior written consent from the Director of Lands has been sought. The relevant clauses have also empowered the Director of Lands to impose conditions with respect to relocation, compensatory landscaping and replanting. Approval will also be given in accordance with the Land Administration Office Instruction.

If a lessee breaches the conditions of the lease by felling trees without permission, the Lands Department may impose heavy fines on the lessee and demand the lessee to compensate through replanting, or even exercise its ultimate power of recovering the lot in question. Over the past few years, the Lands Department has, on a number of occasions, imposed fines on lessees who have felled trees without permission by virtue of the clauses of the leases. Most of the fines range from \$300,000 to \$400,000. In two more serious cases, the fines even exceeded \$2 million.

In addition to the abovementioned administrative measures, there are numerous laws in Hong Kong prohibiting tree felling and imposing sanctions on such an unlawful act. These laws include the Forests and Countryside Ordinance, the Country Parks Ordinance, the Public Health and Municipal Services Ordinance, the Crimes Ordinance and the Theft Ordinance.

Under the Environmental Impact Assessment Ordinance, if certain designated construction works will produce an adverse environmental impact, the person who proposes the construction works are required to conduct a landscape impact assessment, including defining mature woodland, rare or protected species, and so on, in order to prevent or mitigate as far as possible the impact brought about by the development during the planning stage. If the loss of trees becomes inevitable, compensatory planting has to be carried out as a mitigation measure.

Furthermore, under the Town Planning Ordinance, the Town Planning Board may, in the course of considering planning applications, impose requirements to require the person who proposes the construction works to preserve certain trees and forward landscape plans.

In addition, the Government has injected sizable resources into tree maintenance. For instance, a tree gang under the Leisure and Cultural Services Department is specially responsible for the inspection of roadside trees and carrying out such work as regular fertilization, watering, pest control, and so on. If necessary, the gang will even carry out pruning, care and restoration. Last year, the Department spent more than \$23 million on the maintenance of roadside trees alone.

We are aware that some grey areas still exist for there is no specific stipulations with respect to the department responsible for the maintenance of plants, such as trees planted on slopes and along the sides of certain expressways. A working group under the Environment and Food Bureau is now reviewing the distribution of existing duties with a view to clearly defining the division of maintenance work so as to effect better conservation.

The working group will also, through discussions, actively identify suitable sites in urban areas for greening works. In addition, it will examine how clear and uniform greening indexes and guidelines can be made for the formulation of a comprehensive set of standards with respect to various aspects of greening work, such as selection of tree species, design, maintenance, and so on.

It is evident from the examples cited by me earlier and the elaboration of various tasks that the Government has a set of conservation measures. Over the

years, these measures have undergone constant improvement to cope with the changing circumstances. Therefore, I cannot agree entirely with the first part of the motion, that is, the Government does not have a set of effective measures to conserve trees.

Nevertheless, I believe these measures still have room for improvement. The Government is duty-bound to conserve trees. Therefore, I absolutely concur with Honourable Members' request on the Government to strengthen the conservation of trees, particularly those which are old or exceptionally rare.

With reference to Members' views, the Environment and Food Bureau will carefully examine whether more effective measures can be implemented for the conservation of old trees which are valuable and rare.

I would also like to respond to the proposal raised by Honourable Members with respect to the making of legislation on the conservation of valuable and old trees. Our preliminary position is that it is not opportune for law to be enacted for the conservation of valuable and old trees. In order to do that, we must first of all have a set of clear and objective criteria to define valuable and old trees that need to be conserved, to include individual trees into the list of protection, and to put in place a mechanism for updating such criteria. At present, the necessary criteria and mechanism are still lacking. Furthermore, it is very difficult to set an objective standard cited by Members earlier with respect to the reasons for tree conservation, such as historical value, special significance, and emotional and religious factors. I hope the public can, after better understanding and discussing this topic, make reference to the existing conservation measures before examining the case of making.

While we endeavour to conserve trees, we naturally need to look after the needs of development. I am not saying that we should sacrifice or give up valuable and rare trees in order to cater to the needs of planning and development. This is because proper conservation and greening work is of paramount importance to the sustainable development of Hong Kong. Nevertheless, it is also necessary for us to consider how to strike a balance between the two.

Thank you, Madam President.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, you may now reply and you still have five minutes.

MISS CHOY SO-YUK (in Cantonese): Madam President, I am very grateful to the 12 Honourable colleagues for their views on the motion. We have heard Mr WONG Yung-kan explaining to us Chinese customs relating to trees and his profound relationship with them. We have also heard Mr LAW Chi-kwong discussing legal issues involved in handling trees on private lands, Mrs Sophie LEUNG expounding on how we should respect trees in the same way as we respect people, Mr David CHU mentioning the legal experience relating to trees of the various major cities in mainland China, Miss CHAN Yuen-han rhapsodizing about trees poetically, Mr IP Kwok-him telling the story of the Forbes Street stone wall and that of a tree in Lung Wah Street, and Mr Albert CHAN speaking of the preciousness and economic value of trees. Besides, Mr Tommy CHEUNG has sang praises of trees and urged that no expenses should be spared to conserve old trees. Mr LAU Ping-cheung has expressed his views on the approaches to be adopted in making land use planning for areas involving old trees, while Mr Henry WU has introduced to us the various measures taken by a garden city to protect trees. Further still, we have heard Mr SIN Chung-kai discussing the issue of how the Japanese cherry trees in Hong Kong should be accommodated, as well as Dr LO Wing-lok expressing his good wishes for old trees.

From the speeches made by Honourable colleagues just now, we can see that regardless of the different points of view from which they have discussed the motion, Members are in support of Hong Kong formulating some effective measures to protect our trees. Madam President, let me stress that we need to formulate effective measures to conserve the exceptionally valuable trees in Hong Kong.

I am however rather disappointed with the response made by the Secretary just now. Madam President, the Secretary has devoted a considerable part of her speech repeating the existing measures taken by the Government, and we do admit that the Government does have in place some laws on the conservation of trees. But then again, as we have been emphasizing repeatedly, I have to stress again that all those measures are simply ineffective. If those measures were effective, many of the Honourable colleagues who spoke just now and I would

not have said that many valuable and old trees in this city had disappeared due to the insufficiency of the legislation concerned, as well as natural disasters or man-made calamities. Hence, I need to reiterate that the purpose of my moving this motion today is to discuss how we can effectively demonstrate the ineffectiveness of the existing measures, and that we are only focusing on valuable and old trees rather than all the trees in Hong Kong. The Democratic Alliance for Betterment of Hong Kong has never expressed such extreme view as "not a single tree should be lost". We are only suggesting that the Government has to promptly put forward measures to conserve valuable and old trees.

At the end of her speech, the Secretary mentioned that this was not the right time to enact laws on this. In this connection, Madam President, I hold that any time is the right time if the Government is willing to take action, and that the right time will never come if the Government is unwilling to act. As regards the reason given by the Government for not supporting this motion, which is the absence of any clear criteria, I could provide the Secretary with the criteria laid down by a number of countries in this respect if she should need them for reference. All those criteria are laid down in very clear terms, but due to the time constraint, I cannot read them out one by one here. However, given its ample resources, the Government should be able to find out such criteria. For example, it only took me a very short time to find out the criteria for defining valuable and old trees set down by different countries and places over the world.

In fact, Madam President, I do not have to speak too much on that because Members are all aware that there are less and less old trees in the urban areas. What the Government can do now is to relocate the old trees to the countryside or other remote areas. Still, I hope that in the future we do not have to climb up the mountains on Lantau Island to see the old trees in Hong Kong, or that there is not even one single old tree in the urban areas witnessing the changes in history. Actually, we have seen many trees that are capable of attracting tourists and of economic value, the welcoming pine at Huangshan is one example. If the Government does not formulate any measures to enhance the efforts to conserve old trees in the near future, I hope this Council can formulate a more effective law to preserve the valuable and old trees in Hong Kong.

Madam President, I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss CHOY So-yuk be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Opposing Japan's textbooks distorting history.

OPPOSING JAPAN'S TEXTBOOKS DISTORTING HISTORY

MR JASPER TSANG (in Cantonese): Madam President, I move that the motion condemning Japan for distorting the history of the Japanese invasion, as printed on the Agenda, be passed.

On 3 April, the Japanese Ministry of Education, Culture, Sports, Science and Technology (MECSST) approved of a new junior history textbook submitted by an organization called the Society to Make New History Textbooks despite the strong protests by the people and governments of China and various Asian countries. This textbook blatantly distorts history, embellishes Japan's militaristic war of aggression and denies that the invaders have brought great sufferings to the people of China and various Asian countries.

For instance, the Nanjing Massacre that shocked the whole world is described in this textbook as, to this effect, "the trial in Tokyo confirmed that the

Japanese forces killed a large number of Chinese people when they occupied Nanjing during the Sino-Japanese War in 1937 but there are a lot of questionable points in the information on the incident and there are various views and arguments are still ongoing."

Madam President, the above is a revised version with the deletion of some excessively undisguised contents by the MECSST due to the pressure from various quarters. The original text before the revision went even more overboard in stating that the population of Nanjing increased after its fall to Japanese forces, thus proving that a massacre had not taken place. It is also stated to the effect that "the killings, if there were, could not be described as a massacre as it was wartime."

Concerning Japan's invasion of Northeast China, it is stated in the textbook again to the effect that under the so-called "coalition of five nationalities for the construction of a paradise of benevolent government, the 'Manchukuo' had gain rapid economic growth, the living standards of the people improved and there was a mass influx of Chinese people." It is completely silent on the ruthless exploitation and plundering by Japan in Northeast China at all.

The textbook even sings praises of Japan's war of aggression; it is stated that "Japan fought the war for self-existence and self-defence. Japan's victory in the early stage of the war plucked up the courage of many people in Southeast Asia and India to fight for independence." It is also stated that "The Japanese armies' move to the south became one of the turning points for the independence of various Asian countries." It seems that we people of Asia should not oppose Japanese militarism and we should be grateful instead.

Madam President, for over 50 years after the Second World War, actions to revise history textbooks and blot out the militaristic crimes of aggression have actually never stopped in Japan and there have at least been three particularly defiant revisions. The first was made between 1955 and 1965 when the MECSST began to tighten control on the contents of textbooks in 1955. In the 1960 appraisal, the MECSST opposed defining the wars launched by Japan as militaristic wars but advocated that they should be defined as the "Greater East Asia War". It also objected to the textbook account that the war had brought China misfortune but said that the war had "brought Asia an opportunity of independence". This was the decision made by the MECSST in 1960. At that time, a famous Japanese historian and educationalist, Prof IENAGA Saburo, led the compilation of a textbook entitled *The History of Japan*. The textbook

disclosed the brutal acts in connection with the Japanese invasion of China, including the Nanjing Massacre and the notorious bacterial experiments conducted by Unit 731 of the Japanese army on human bodies. The MECSST put up obstacles and made deletions to the textbook. Prof IENAGA started filing charges against the Japanese Government for contravening the constitution since 1965, but the district court and supreme court in Tokyo passed judgement against him time and again.

The second revision was made between 1982 and 1986. When the MECSST appraised the textbooks, it evidently wished to dilute the history of the Japanese invasion, so, it specified that "invasion" should be substituted by "entry" and that the account of the Nanjing Massacre should be rewritten as the result of "Japanese soldiers having been infuriated by the strong resistance of the Chinese army", otherwise the textbook would not be approved. Japanese people of integrity raised objections while such Asian countries as China and Korea protested strongly.

The third revision was begun since 1993 till now. The two previous distortions of history originated from the revision made by the MECSST to textbooks, but the latest incident signified the repulsion of the right-wing forces in the Japanese political and academic sectors. In 1993, the then Prime Minister, HOSOKAWA Morihiro, admitted to a reporter that the Pacific War was an invasion, but his remark immediately drew strong opposition from within the Liberal Democratic Party and the right-wing forces in the Japanese community.

In 1994, Prof FUJIOKA Nobukatsu of the Faculty of Education, University of Tokyo, and others proposed a so-called "modern history curriculum reform" to delete from textbooks accounts of Japan's crimes of aggression. In 1995, this group of people set up the "Liberalism Historical Outlook Research Association (自由主義史觀研究會)" and started to fight for revisions to textbooks in an organized manner. I think that this "Liberalism Historical Outlook Research Association" might as well be renamed as "Liberal Adaptation of History Research Association (自由修改歷史研究會)". In 1996, the Society demanded the deletion from textbooks accounts related to "comfort women". In January 1997, this same group of people formed the Society to Make New History Textbooks and started to systematically compile textbooks that embellished and distorted the history of invasion. The textbook that distorted history, approved by the MECSST last month, was exactly the masterpiece of this Society.

The chairman of the Society was Prof NISHIO Kanji of the University of Electro-Communications in Japan. When he marketed the textbook, he criticized that Japanese politicians had been pursuing the so-called "apology diplomacy" in the past 10 years and that they had been thinking that "apology diplomacy" meant admitting faults. This group of people frequently carried out activities that gave publicity to distorted history. They held over 170 talks and seminars in 1998 and organized over 250 similar activities in 1999. They claimed that the Society had 10 000 members in Japan and it had set up "branches" in various parts of the country. Some local leading figures, parliamentarians and members of local assemblies have become members of the Society and they echo one another inside and outside the assemblies. Therefore, it is definitely not a simple non-governmental education or academic organization.

In fact, the compilation of textbooks that distort the historical facts of the Japanese invasion is definitely not a simple education or academic activity. There has always been a dangerous countercurrent in the Japanese community and political sector to embellish the history of invasion. The countercurrent has become more evident since the 1990s in the last century. According to the analysis of academics, the revival of the right-wing forces in Japan after the war roughly comprised four stages. The 1950s was a stage of recovery, the 1960s to 1970s was a stage in which furious activities began, the 1970s to 1980s was a stage of development, consolidation and enrichment while the 1990s till now was a stage of gaining ground. One of the symbols of this last stage was that they started to deny the history of Japan's invasion in high profile and in an arrogant manner.

In May 1994, soon after Mr NAGANO Shigeto, the then Minister of Justice, assumed office, he openly stated that "it was a mistake to define the Pacific War as an aggression", and he also said that "Japan fought the war to liberate the colonies so as to firmly establish the Greater East Asia Co-Prosperty Sphere" and that "the Nanjing incident was pure fabrication". In August that year, Mr SAKURAI Shin, the then head of the Environmental Agency, also said that "Japan did not want to launch a war of aggression rather than saying that Japan launched a war of aggression, we might as well say that almost all Asian countries became independent from European colonial rule thanks to Japan".

When Mr MURAYAMA Tomiichi of the Social Democratic Party was Prime Minister, he intended to urge the Japanese parliament to pass a "no war

resolution" to uphold peace and oppose aggression on the 50th Anniversary of the End of the Second World War, but the proposal was opposed by the "Alliance of Parliamentarians on the 50th Anniversary of the End of the War (終戰五十周年國會議員聯盟)", an organization formed by over 200 Liberal Democratic Party members. The alliance openly called upon the Japanese "not to forget the more than 2 million people who gave up their precious lives in the war in the hope of achieving the self-existence and self-defence of Japan as well as peace in Asia".

In February 1995, Mr NAGANO Shigeto, whom I just mentioned, and some members of the Diet formed an "alliance of parliamentarians for correct importation of history (正確傳授歷史國會議員聯盟)". They opposed the passage of this "no war resolution" and they called the resolution an "apology resolution", claiming that those who wished to pass the resolution would "discredit the efforts and reputation of the forefathers and Japan would forever be labelled as a brutal and ruthless nation". They said that the first thing Japan should do 50 years after the war was to "salute the spirits of the officers and men who died in the war and express sympathy and solicitude to the injured and the survived of those who died in the war". They wished to strike a sympathetic chord in the hearts of the survived of Japanese who died in the war so as to urge them to oppose the passage of a "no war resolution" by the parliament. Another organization, the "National Committee on the 50th Anniversary of the End of the War (終戰五十周年國民委員會)", chaired by Mr KASE Shunichi, the former Japanese Ambassador to the United Nations, declared that the "no war resolution" was "disrespectful to the spirits of the martyrs who sacrificed their lives for the country and their dependants".

Given the opposition of these right-wing forces, the House of Representative of Japan could only pass an indistinct and ambiguous resolution called a "resolution to learn a lesson from history and restate the determination to have peace (以史為訓重表和平決心的決議)", and it evaded assuming responsibilities and making apologies for the war of aggression.

In July 1996, Mr HASHIMOTO Ryutaro, in his capacity as the Prime Minister of Japan, paid homage to the Yasukuni Jinja Shrine for the worship of such war criminals as TOJO Hideki. The spokesman of the Ministry of Foreign Affairs of China at that time immediately expressed regret over this act and said that this had "seriously hurt the feelings of the people of various Asian countries including China that were deeply victimized by Japanese militarism". Korea and Singapore also condemned this act of Mr HASHIMOTO.

In 1997, Mr KOIZUMI Junichiro, the Prime Minister today and the then Minister of Health and Welfare visited the Yasukuni Jinja Shrine and indicated that "Japan owed its peace and prosperity today to the sacrifice made by the spirits of martyrs in the war". Madam President, having stated the above facts, I would also like to say that Japan has repeatedly occupied the Diaoyu Islands in our territory in recent years and respectively defined "Hinomaru" and "Kimigayo" that had a touch of militarism during the war as the national flag and anthem last year. The Japanese Government also planned to amend the "peace constitution" and turn the Self Defence Forces into regular armed forces. Adding to this are Japanese movies and cartoons that embellish the acts of aggression. All this illustrates that the political sector of Japan is really on a worrying rightist trend. The misdeed of Japan's launching the war of aggression and its strong economic strength is not dreadful, and its expanding military force is not necessarily dreadful. What is really dreadful is that some people in Japan are still unwilling to reflect on themselves for the war of aggression of the past and they are not at all regretful. They even wish to pass on to the next generation such incorrect and dangerous attitudes and ideas.

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

Mr Jasper TSANG moved the following motion: (Translation)

"That this Council strongly condemns the recent approval by Japan's Ministry of Education, Culture, Sports, Science and Technology of the history textbooks for lower secondary schools written by a right-wing group, which brazenly distort the historical facts of Japan's invasion of its neighbouring countries during the Second World War and embellish Japan's acts of aggression; this Council considers that the Japanese Government must totally abandon militarism, face up to the historical facts, and offer its sincere apologies and reasonable compensation to the countries and people who were subjected to its invasion during the Second World War."

MR SZETO WAH (in Cantonese): Madam President, on 18 September 1982, a few non-government organizations jointly organized a mass rally at the Victoria Park to commemorate the September 18 Incident with the theme of "opposing Japan's distortion of the history of its invasion of China". At that time, the word "distortion" was used because the ideogram of the Chinese word was a

mouse dwelling in a hole which figuratively reflected the stealthy and covert acts of the Japanese Government.

At a preparatory meeting, the organizer decided to invite a representative of the Hong Kong Federation of Trade Unions (FTU) to attend and speak at the rally, and the invitation was accepted by the FTU. At that time, the Ministry of Foreign Affairs of China issued a statement to the effect that "the incident opposing Japan's distortion of the history of its invasion of China has come to an end". The FTU representative came to me and asked what he should say at the rally now that the Central Authorities had made known its position, and I told him that the FTU was not a government department and its actions need not be consistent with those of the Central Authorities. I also told him that he should decide on his own what he would say at the rally. However, I told him that if you said that the incident had come to an end at the rally, it would be unacceptable to the people and they would definitely blast him off the stage.

On that day, over 40 000 people attended the rally and the attendance was unprecedented, second only to the rallies held during the 1989 democratic movement. The police had to stop the late comers from entering the Victoria Park because the Park was already full. The FTU representative took my advice. He adopted a clear-cut stand and spoke sternly with an upright sense of justice, thus, he won an enthusiastic applause.

In August 1983, upon the invitation of the Teachers' Association of Japan, I attended the "education on disarmament conference" held in Hiroshima. The theme of the conference was "opposing nuclear weapons". The conference was held at that time and place because one of the days of the conference period fell on the 38th anniversary of the bombing of Hiroshima with nuclear device.

During the conference, I participated in the commemorative assembly of Hiroshima and I visited the memorial museum of the bombing. During the several days of the conference, the right-wing organizations of Japan drove publicity vehicles installed with gigantic amplifiers round and round the conference venue. The loud noise could be heard in the conference hall and it upset the conference proceedings. Some South Korean nationals residing in Japan visited me and complained that only the names of the dead Japanese were engraved on the monument plaque while many South Korean nationals residing in Japan were also killed in the bombing. Their names were not included and the Japanese Government did not take care of some surviving South Korean

nationals in Japan who suffered from diseases caused by the bombing. At the conference, teachers and students in Japan went on to the stage and protested against the sufferings inflicted on the Japanese by the atomic bombing. Yet, they were silent on the fact that the war of aggression was initiated by Japanese militarism or that the people of Southeast Asian countries, especially the Chinese, were made to suffer even more gravely in the war of aggression.

I could not tolerate this and requested to speak at the closing ceremony. I said that the Japanese people were certainly the victims of the war of aggression, but the people of China and Southeast Asian countries had suffered even more. This generation and the next of the Japanese could not only see their own sufferings but remained blind to others' sufferings. Provided that peace-loving people of various countries were united together, they could stop another war and avoid the sufferings that would be brought by another war. I also said that the historical facts of aggression were distorted in Japan's textbooks. If the younger generation were educated that way, we would not be able to stop the revival of militarism, or the people of Japan and other countries could not avoid the sufferings to be brought by another war. I asked Japan's teachers to look squarely at history and oppose any distortion of history so that the younger generation would be clear about the historical truth. My speech made the air in the hall condensed and the chairman of the conference indicated in his closing remarks that he accepted my comments and views, that is, Japan's teachers should teach students what really happened in history. In particular, students should also know that the war of aggression driven by Japan's militarism had brought sufferings to the people of other countries. Japan's teachers would certainly oppose the distortion of history together with us and they have actively opposed the distortion of history recently.

These happened almost 20 years ago. The facts told us that the incident has not come to an end and the ghost of militarism still refuses to leave and has further intensified its presence. Can we stop protesting against or opposing the incident strongly? We can definitely not stop doing so. If we say that history would solve the problem, we are simply evading history, conniving at distortion of history. The evil history will then repeat itself and people will suffer again.

History cannot be distorted and those who distort history will certainly be punished by history.

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

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

MR KENNETH TING (in Cantonese): Mr Deputy, the Second World War ended more than half a century ago. Many elderly people of the past generation, however, still hold vivid memory of the Japanese invasion of China and the tragic three years and eight months of Japanese occupation of Hong Kong. Moreover, the cold-blooded acts of Unit 731 in the three provinces in northeastern China and the traumatic Nanjing Massacre were events written in blood and tears in modern Chinese history. Recently, the Ministry of Education, Culture, Sports, Science and Technology of Japan approved of a distortion of history in textbooks on wartime atrocities committed by Japanese forces. This has opened a wound yet to heal, and triggered off a series of protests from people in Asian countries.

However, up to now, the Japanese Government has not yet made a formal apology for its wartime atrocities. Even worse, it has tried once and again to adopt textbooks with distorted historical facts. The new Prime Minister, JUNICHIRO Koizumi, would even pay homage to the Yashukuni Shrine in honour of Japanese war criminals. He would be the third Prime Minister to do so after the war. This act of the Japanese Government falls short of respecting Asian countries and history, showing a tribal mentality of inferiority and arrogance. It also greatly insults the victims of the war.

The Japanese invasion of China has left a trail of records in the form of written words and photographs. Many of the victims are still alive. With the plethora of human and material evidence, a handful of organizations or political parties or indeed the government will never succeed in brushing aside the facts.

We may refer to the example of wartime atrocities committed by German soldiers in the Second World War, which were recorded in literature of all kinds. Among them was a very influential one written by an ethnic Jewish girl, Anne FRANK. She and her family hid in a closed cubicle for two years to evade detection by Nazi soldiers. Eventually, no one in the family, except her father, escaped execution. *Anne's Diary* has sold more than 20 million copies worldwide and wartime atrocities of Nazi soldiers are fully displayed.

The cruelties of Japanese soldiers in the Nanjing Massacre were recorded in two significant documents published recently: the diary of an old Japanese

soldier, Shiro HIGASHI, and another by a German merchant, entitled *The Rabe's Diary*. Both authors witnessed the Nanjing Massacre and detested the cruelties of Japanese soldiers, hence their determination to leave some evidence in their diaries. Even at the advanced age of 86, Shiru Higashi, being a former Japanese soldier who has taken part in the massacre, went to China in person to deliver an apology to the Nanjing people. The publication of the two diaries may be regarded as yet another very powerful first-hand proof of atrocities committed by Japanese soldiers.

With advanced information technology nowadays, governments cannot carry out ideological education or block information as they wish. The Japanese Government may succeed in distorting several textbooks at one time, but it will not succeed in cheating its people or the international community all the time. Of course, we must not ignore the imperceptible influence education has on a person, and so we must voice our stern protest. If we can conduct more educational activities such as history exhibition, and so on, to educate the next generation about the tragedies that occurred in history and teach them to be alert, we will be in a better position to fight against Japanese militarist efforts to wipe off wartime memories.

Mr Deputy, as the saying goes, the past not forgotten is a guide to the future. The Japanese Government must learn its lesson from history before it can make Japan a respected nation. However, I must point out that the incident is mainly caused by some extreme rightist organizations. There are certainly many among the Japanese people who, like Mr Shiru Higashi, love peace and who can put history in the right perspective. I hope that through the discussion on this subject, righteous people in and out of Japan can come forth to urge the Japanese Government to stop doing something that would hurt the feelings of Asians, especially Chinese people. On behalf of the Liberal Party, I support the motion. I so submit.

MR LAU CHIN-SHEK (in Cantonese): Mr Deputy, I am sure that Honourable colleagues present today will all support the demand made in the motion before us, and that no one will object to it; as it should be, when it comes to historical incidents involving the cardinal principle of what is morally right and what is not, people should always be guided by their own conscience and a serious attitude towards history and seek to see to it that justice is done to them.

There is undoubtedly a right-wing force in Japan which has always wanted to tone down or even distort and doctor the historical facts about the aggression and atrocities of the Japanese forces years back, in the hope of restoring the faith in militarism. The Honourable Albert HO and I have been to Japan several times before to attend conferences on compensation claims connected with the Pacific War. A conference on this is held in August annually, and each time we go there, we will stage a protest outside the Yasukuni Shrine on 15 August, the memorial day of Japanese surrender. Every time when I am there, I cannot help being appalled by the intense atmosphere of militarism encapsulating the worshippers. And, as a result, I realize that as long as the spectre of militarism keeps stalking Japan, there can never be any long-term peace in Asia.

But despite its increasing strength and influence in the government, political arena and large consortia of Japan, the right-wing force is after all still a minority; what we should realize instead is that in Japan, there are actually many progressive people who, besides expressing deep regret for the atrocities committed by Japanese soldiers in the past, even carry out in-depth investigation into the war crimes committed by the Japanese forces during the Second World War and seek to reveal these crimes and educate the young generation of Japan, so as to counter the arguments of militarism. These progressive people are precisely our loyal allies in our efforts to seek long-term peace in Asia.

One of these progressive people is WANI Yukio, a friend whom I have known for many years.

Eleven years ago, when Mr Albert HO and I was in Tokyo for a conference on compensation claims connected with the Pacific War, we met him for the first time, and he was then busy trying to help holders of war currency from Hong Kong to claim compensation. He told me that he was then collecting information and material for the publication of a special tourist guidebook entitled *Hong Kong*, and that he intended to organize some tours to Hong Kong. But, he said, the places he would take his tour members to were not going to be any scenic or tourist spots, but places in Hong Kong with traces of Japanese aggression and occupation. He would not arrange any shopping trip for his tour members, but would show them evidence of the crimes committed by the Japanese Army years back. His tourist guidebook was finally published in August 1996 — and, I am holding a copy of it now. This book contains many historical facts about the Japanese invasion of Hong Kong, one example being the bullet marks on the eastern part the Legislative Council

Building left by the Japanese invasion forces. Another example is the area around Lockhart Road in Wan Chai, which was a comfort women's area during the Japanese occupation period. Having read the book of WANI Yukio, I really feel a bit ashamed, because he, despite being a Japanese, has written some historical accounts of the Japanese occupation of Hong Kong in such depths and scope which are rare even by Hong Kong standards.

Recently, WANI Yukio has finished another book, that is, this very book I am holding, which gives the background leading to the doctoring of history in textbooks by the Japanese Government. I think that the translation of this book into Chinese will help us gain a better understanding about the Japanese attempts to doctor history.

A few months ago, WANI Yukio visited Hong Kong together with a group of Japanese who assisted war victims in claiming compensation from the Japanese Government, and we arranged a meeting with officials of the Government of the Special Administration Region (SAR) for them. WANI Yukio very much hoped that the SAR Government could assist in returning justice to the victims of Japanese aggression in Hong Kong. Unfortunately, the Government has so far insisted that it is difficult for it to intervene in this matter, because compensation claims against Japan fall within the scope of foreign affairs.

Mr Deputy, early last year, a debate was also held in this Council on the Mr Albert HO's motion on "claiming compensation from Japan". At that time, I already pointed out that the Chinese Government and the SAR Government both had an unshirkable responsibility of assisting the victims in claiming compensation. I now reiterate that the SAR Government is obligated to take at least the four steps below:

- (1) It should put in place a registration system, call upon the victims or their descendants to register with the Government and co-ordinate the work of lodging claims against Japan.
- (2) It should relay the request of the Hong Kong people to the Chinese Government, in the hope that the Chinese Government can take steps to urge the Japanese Government to make an apology and pay compensation.

- (3) It should declassify all the files about the atrocities committed by Japan during its aggression of Hong Kong, and it should also carry out an in-depth investigation, so as to let the whole world know what atrocities were committed by Japan at that time.
- (4) It should step up the publicity and education work on the facts relating to the Japanese aggression during the Second World War and the expansion of Japanese militarism in recent years, so that the people of Hong Kong can better understand the truth of this particular part of their history.

I have always been convinced that an apology without compensation is just a feigned apology, and that compensation not accompanied by any apology is no decent compensation at all. To ask the Japanese Government to admit the truth of history, to apologize to the victims of its war of aggression and to pay compensation to them are the things that the Government and colleagues here should join hands to do. At least, we should do no less than what WANI Yukio has done.

I am very surprised, and find it very regrettable too, that no government official is present here today. As far as this motion is concerned, I believe both the Government and the people should share common responsibilities and commitment. What does the absence of SAR government representatives tell us about its attitude? Does the Government find the motion topic meaningless? Or, does the Government think that the topic has nothing to do with it? Or, has the Government still chosen to ignore the topic although it also sees its relevance? Or, is the Government in fact against the motion, but somehow does not dare to say so? What kind of message is the Government in fact delivering to the Japanese Government anyway.

I am sure that people from the Japanese Consulate can be found on the public gallery today. What is the implication of the absence of any government representatives today? I am furious at the absence of any government representatives today.

Thank you, Mr Deputy.

MR AMBROSE LAU (in Cantonese): Mr Deputy, Japan's Ministry of Education, Culture, Sports, Science and Technology (MECSST) recently approved of a new junior secondary history textbook compiled by a right-wing organization called the Society to Make New History Textbooks. The organization brazenly advocates an "imperial historical outlook" and deliberately distorts history and embellishes invasion. This illustrates that the ghost of Japan's militarism still refuses to leave and it intends to stage a comeback in the 21st century. The Japanese Government neglected the calls of people in Japan, China and Asian countries for justice and gave the textbook the green light. Hong Kong people strongly condemn the Japanese Government and express their indignation.

The Nanjing Massacre that shocked the whole world is an iron-clad fact. In 1938, Mr HIROTA Koki, the Foreign Minister, stated in a telegram to the Consulate General of Japan in Washington that "not less than 300 000 Chinese were killed". However, the new textbook endeavours to deny the Nanjing Massacre. It exposes the intention of Japanese militarists to torment and deceive nationals and the youth in the country. The new textbook even describes Japan's all-out invasion and colonial rule of Northeast China as Japan's "entry", and states that it promoted "the coalition of five nationalities" as well as economic development. But the September 18 Incident actually started with the all-out invasion of Northeast China by Japan which trampled on the beautiful territories of Northeast China. Within 14 years from 1931 to 1945, the Kwantung Army slaughtered over 5 million Chinese soldiers and nationals and numerous Chinese people were enslaved to death. Japan also established two biological war units in Northeast China and conducted bacterial experiments on some Chinese, Korean and Russians. It committed crimes that made our hair stood on end. The new textbook also deleted accounts of "comfort women" with the intention to conceal the crimes committed by Japanese in making Chinese and Korean women captured in the war of aggression "sex slaves" of the Japanese forces. Such crimes blatantly breached the laws on human rights and humanity as well as the international law on the protection of women and children.

Mr Deputy, China was invaded and humiliated by the big powers in the modern times. China suffered the most from Japan's war of aggression against it, and 50 million Chinese soldiers and nationals were slaughtered and shot by Japanese soldiers. The economic losses exceeded US\$1,000 billion. In the face of a national crisis that would uproot our nation and destroy our homes, the

Kuomintang (KMT) and the Communist Party united together with all people in the nation to resist the national calamity. They formed the most all-embracing battle array against Japan. Various parties and groups removed all previous ills and united together against Japan. They fought the war sharing a bitter hatred of the enemy and Japan finally declared an unconditional surrender after eight years of fighting.

Mr Deputy, I would like to emphasize that international elements were certainly significant to Japan's surrender, but the most crucial and important factor for the victory of Chinese people in the war against Japan was the unity of various parties and people from all walks of life in China against Japan and the determination to save the country. The Chinese people struggled alone in an unyielding manner and won the war against Japan. This was the first decisive victory of China against foreign invasion in modern times. Summing up the historical experience, I think that it is still worthwhile for us to draw lessons from the following:

Firstly, in the face of a righteous cause and the interests of the nation, Chinese people must seek common grounds on major issues while reserving differences on minor ones, dispel prejudices, remove all previous ills and put national interest before everything else. We can then vitalize the nation and strengthen the country to avoid civil wars, internal struggles and conflicts that would sap the country's strength and give foreign countries a chance to bully us. One of the major reasons why China was invaded and humiliated by the big powers in modern times was that the Chinese were not united. However, the whole nation was united in an unprecedented way in the war against Japan and the Chinese finally defeated the ferocious Japanese invaders.

Secondly, although the Chinese people won the war against Japan, a civil war broke out between the KMT and the Communist Party after the war. The momentary alienation of governments on both sides of the Taiwan Strait was the product of the civil war in China. However, the foreign forces took advantage of this alienation and tried to foster and support the force championing for the independence of Taiwan by hook or by crook so as to suppress and split up China and throw impediments in China's way to vitalize the nation and unify the country. I call upon our compatriots on both sides of the Taiwan Strait and all Chinese in the world to unite together and form a united front against independence and for unity so as to promote peaceful unification at an early date. Then, the attempt of foreign forces to take advantage of the Taiwan question to suppress China would be doomed to be a perfect failure.

Thirdly, the significance of the unprecedented accomplishment of "one country, two systems" by Hong Kong lies in setting an example for the unification of our Motherland. Therefore, various classes, sectors, parties and groups in Hong Kong, including Legislative Council Members of different parties and groups should also seek common grounds on major issues while reserving differences on minor ones, dispel prejudices and unite together to promote the success of "one country, two systems" such that Hong Kong will become a harmonious society and attain economic recovery. In the wake of the waves of globalization, we should enhance the competitiveness of Hong Kong in the international arena so that the successful implementation of "one country, two systems" would be more convincing and inspiring as well as more influential on the solution of the Taiwan question. If Hong Kong can play a part in the unification of our Motherland and revitalization of the nation which is a great cause in a thousand years, Hong Kong people will be able to stage the most forceful counter strike to the Japanese militarists who refuse to give up conquering our country.

Mr Deputy, our experience in history proves that the most crucial point in opposing the recovery or revival of Japanese militarism and avoiding a repeat of the tragedies in history lies in the unity among Chinese people who should seek common grounds on major issues while reserving differences on minor ones, in order to uphold the overall and long-term interests of Hong Kong and the country. Mr Deputy, I so submit.

MR FREDERICK FUNG (in Cantonese): Mr Deputy, on 3 April, in a blatant attempt to doctor history and embellish the war of aggression, the Ministry of Education, Culture, Sports, Science and Technology (MECSST) of Japan approved the 2002 edition of the junior secondary history textbook compiled by a right-wing organization. The action of the MECSST is in effect tantamount to giving tacit agreement to and connivance of the attempt by right-wing elements to obliterate the crimes committed by militarists, and it also represents a grave retrogression and error of the Japanese education authorities in terms of their interpretation and handling of historical issues.

Although the Japanese Government claims that the contents of history textbooks do not represent the government position, the action of the right-wing organization to doctor history, to gloss over the war crimes in the past, and to instill in the younger generation an incorrect understanding of the war, still

violates all correct concepts and principles of education. What is most important is that such an action is just a means to cover up the war crimes committed.

Besides avoiding the use of words like "aggression", the action of doctoring history this time around also refutes the accepted version of the Nanjing Massacre, arguing that there are many doubts surrounding the judgement of the Far East International Military Tribunal that the Japanese Army killed large numbers of Chinese civilians during its occupation of Nanjing in the Sino-Japanese War that broke out in 1937. The new edition of the history textbook also makes no mention of all those Asian women who were forced to become the sex slaves of the Japanese army, or comfort women.

But the fact is that the historical facts about the Second World War and the Japanese invasion of China have long since been recognized by the international community. There are numerous concrete evidence of war crimes like the Nanjing Massacre and forced recruitment of comfort women, and these crimes simply cannot be covered up. The Chinese people suffered immensely during the eight-year War of Resistance, but as a defeated power, Japan has so far failed to offer any reasonable compensation to those countries and people victimized by its war of aggression.

In fact, this is not the first time that Japan tries to distort history in its history textbooks. As early as 20 years ago, in 1982, the then MECSSST of Japan once approved a textbook edition that replaced the word "aggression" with "entry" in its description of the operations of the Japanese army. But owing to the waves of anti-Japanese protests in China and many other countries and places in Asia, the Japanese Government was forced to change its decision in the end.

The current attempt of Japan to doctor history in its textbooks is not an isolated case at all. In recent years, right-wing politicians of Japan have repeatedly visited the Yasukuni Shrine as a show of vindication for Class A war criminal Hideki TOJO. Besides, the law courts of Japan have also ruled against claims from war currency holders, former comfort women and those who became handicapped in Japan's war of aggression. All these examples indicate that the right-wing force in Japan has been expanding and the undying ambitions of militarists.

I think the Japanese Government and the Japanese should face history squarely and draw lessons from it. The action of Japan this time around should be condemned and reprimanded.

With these remarks, Mr Deputy, I support the motion.

MR CHAN KWOK-KEUNG (in Cantonese): Mr Deputy, the new edition of textbooks that doctors history, approved by the MECSSST of Japan, is actually yet another proof that Japanese militarism is still very much alive. Attempts to distort history in textbooks are nothing new, and the right-wing elements of Japan have never stopped dreaming about the revival of militarism. That is why despite protests, some people in Japan have still chosen to act in defiance of the whole world and approve history textbooks that so blatantly distort history and confuse what is right and what is wrong.

From the 1950s, down through the 1980s, and to this very day, Japan has always yearned to become a major military power in Asia. Its armed forces, though still called self-defence forces now, have long since been upgraded to the scale of a full army, as evidenced by the continuous injection of military spendings. Japan really yearns to become the spokesman for Asia or even the Asia-Pacific Region.

The right-wing elements of Japan have done all they can to deny the Japanese invasion of China, and tried to build up for Japan the image of a saviour who sought to establish a "Greater East Asia Co-Prosperity Zone". Worse still, they have even shamelessly advanced a theory that "aggression is meritorious". They have only one aim: to remove the history of aggression from the memories of the Japanese people and spearhead the power politics of Japanese militarism in Asia. Since the end of the Second World War, Japan has been endeavouring to overwhelm Asia with its economic strength. In this new century, when the Cold War is over, the Japanese desire for hegemony in Asia has started to grow again.

The distortion of history by Japan in its history textbooks has greatly hurt the feelings of the Chinese people. Years back, the Japanese Army trampled on

the territory of China, committing countless crimes and evils such as arson and looting. Hundreds of thousands of Chinese people were killed brutally by the Japanese butchers, and numerous assets and properties were destroyed in the war started by the Japanese bandits. Today, however, all these atrocities are denied, obliterated, in the history textbooks of Japan, and the war of aggression is even whitewashed as a war of "liberation" in which Japan sought to deliver Asia from European and American rule. How can any Chinese national with feelings, conscience and patriotism not help feeling angry and outraged?

The doctoring of history in its history textbooks means that Japan has taken a very dangerous step along the path of reviving militarism. What will follow will be some new steps that are even more dangerous: amendments of the constitution, vigorous arms expansion, more frequent military expeditions overseas, schemes over the Taiwan issue and attempts to become a major political and military power. With a dangerous neighbour who is controlled by such evil-minded and ambitious elements, how can we not remain vigilant all the time?

The approval of the secondary school history textbooks compiled by the "Society to Make New History Textbooks" is a manifestation of the rampant influences of right-wing elements in Japan since the mid-1990s. On the other hand, ever since the compilation of these textbooks was first mooted, some enlightened people both within and outside the Japanese Government have raised severe criticisms, pointing out that the distortion of history and the material leading of Japan onto a dangerous path may result in the isolation of Japan in the international community. All this shows that in modern-day Japan, it has become a consensus that people must respect history and draw lessons from it. The old generations of Japan have all experienced first-hand the tragedies and devastation created by a war of aggression, and the Japanese people are also the victims of this war; so, they will naturally remember the true facts of history and be able to tell the right from the wrong. Enlightened people both within and outside the Japanese Government will certainly take wise measures aimed at showing respect for history and promoting the healthy relationship between Japan and other countries in Asia. The various acts of the right-wing force will only reveal that they are bent on denying the true facts of history. Lies can never cover up historical facts, so the schemes of the right-wing force will never

work. We in the Federation of Trade Unions are adamantly against any Japanese attempt to doctor history. Mr Deputy, I must take this opportunity to condemn the right-wing elements in Japan who have sought to doctor history.

With these remarks, Mr Deputy, I support the motion moved by the Honourable Jasper TSANG.

MISS CHOY SO-YUK (in Cantonese): Mr Deputy, today, we are discussing a solemn matter concerning our national cause and national dignity, so I have decided to speak in Putonghua, for it will enable me to express my feelings and thoughts more appropriately.

Since I wished to find out more about the ancient trees in Hong Kong, I went to Cheung Chau last week. There, as I was examining a large, beautiful banyan, an old man beside me told me that during the three years and eight months of Japanese occupation, Cheung Chau residents would be hung up on this very tree, beaten up and tortured, if they showed any sign of disobedience to the Japanese soldiers, or if ever the Japanese soldiers found them suspicious in any way. Many compatriots were thus badly injured and beaten close to death. So, there is that big banyan tree, with stories of blood and tears in it. Mr Deputy, similar evidence of Japanese aggression can actually be found everywhere in Asia.

It has been more than half of a century since the war of Japanese aggression against China ended. Many Members present today, including I myself, did not experience first-hand the miseries brought about by this war. We have never been physically tortured; we have never suffered any starvation; and we have never suffered any painful displacement. But our elders — our uncles and fathers and large numbers of fellow countrymen in the past — were all the victims of this war of aggression. During this war, many families were torn asunder, many homes broken and many people killed. We can never forget the miseries brought about by this war, nor do we dare to do so.

The reason why we do not want to forget this part of our history is that we wish to prevent the repetition of similar tragedies in the future. However, in Japan, there is this group of people who, year after year, have been trying to

doctor history and whitewash historical errors by hook and by crook. In their secondary school history textbooks, they have replaced "invasion" by "entry"; and described the Nanjing Massacre as "a case the truth of which has yet to be verified". In regard to the Japanese invasion of other countries in Asia, they simply justify it as an attempt to "deliver the Asian peoples from the rule of their colonial overlords". All these sayings are meant to cover up the war crimes, to whitewash aggression as meritorious. The spectre of Japanese militarism seems to be stalking before us once again.

Mr Deputy, it is very clear that in recent years, the strength of right-wing elements in Japan has been increasingly continuously. Long years of economic sluggishness and political instability in Japan have led to a state of chaos so conducive to the resurgence of right-wing elements and ultra-nationalism. Over the past few years, the production of films and comics on militarism has never stopped, such examples being *Pride*, *Independence* and *On Taiwan*. In the film entitled *Independence*, the Imperial Army of Japan is even depicted as a hero delivering the Asian peoples from colonial rule. Actually, the doctoring of history aside, the positions of the Japanese Government regarding the visits of government officials to the Yasukuni Shrine, comfort women and Diaoyutai have also outraged China and the peoples of other Asian countries. What is more worrying is that there are now increasing demands for amendment of the existing Japanese constitution. Under its existing constitution, Japan is forbidden to resort to war as a means of settling international disputes, send its troops overseas and maintain such armed forces that are more than necessary for the purpose of self-defence. However, even with these restrictions, the self-defence forces of Japan are still the strongest armed forces in the whole of Asia. An amendment of the existing constitution will certainly help revive Japanese militarism, posing even greater threats to Asian countries and resulting in the growing strength of the right-wing force in Japan.

Besides the internal factors of Japan, the Asia policy of the United States is also to blame. In an attempt to maintain its hegemony in Asia, the United States has been supporting Japan's bid to expand its armed forces continuously, so that the latter can be used to deal with the so-called "rivals" of the former. But in doing so, the United States has completely ignored the harm done by Japan to other Asian countries in the past and the threats it will pose to them in the future. This is an utterly irresponsible policy.

Mr Deputy, in the name of world peace and peace in Asia, and also for the sake of the friendship between the peoples of China and Japan, we wish to call upon the Junichiro Koizumi administration to admit the solemn facts of history, and address squarely the protests from China, Korea and other Asian countries and their governments. He should then instruct the Ministry of Education, Culture, Sports, Science and Technology to make the necessary corrections in the textbooks. He should also stop all actions and speeches that may fan the revival of militarism and teach the correct historical facts to the younger generation of Japan.

With these remarks, I support the motion.

MR LEUNG YIU-CHUNG (in Cantonese): Mr Deputy, a willingness to face history, to draw lessons from it, and to make continuous efforts to improve itself is an important condition that a country must fulfil before it can become powerful and wealthy. Similarly, a consensus on what happened in history, together with a willingness to admit responsibility and seek the pardon of victims, should form the very basis of peaceful co-existence among different countries, and this also offers precisely an opportunity for the promotion of harmony and co-operation among people.

The Japanese Government and some right-wing elements have tried again to doctor its history of invading neighbouring countries during the Second World War. The history of such attempts to doctor history is in itself a historical account that makes us extremely angry. But apart from feeling angry, we must also ask, how did the whole thing first come about? In the past, the Ministry of Education, Culture, Sports, Science and Technology of the Japanese Government tried forcibly to doctor history by referring to the Japanese invasion of China as "entry" in the history textbooks, but such an action of the Ministry which sought to distort history and deny the war crimes of Japan did not meet with any strong opposition and resistance from anyone within and outside the Japanese Government. The Japanese Government's silence and refusal to admit its past errors encouraged right-wing organizations and politicians to intensify their actions, trying again and again to doctor history and whitewash the Japanese aggression. This historical account of attempts to doctor history shows that the people's silence will only encourage all those insatiable politicians in power or people with strong militarist tendency to try to gain more ground; silence has abetted the militarists.

Mr Deputy, when we examine the domestic situation of Japan, we will see that because of the Japanese Government's failure to arrest the economic depression, the people have become dispirited. As a result, right-wing politicians who wish to add to their political assets have tried to resort to nationalism as a means of uniting the people. Not too long ago, the new Japanese Prime Minister even planned to visit the Yasukuni Shrine despite the opposition of foreign countries. The new Japanese administration also put forward a scheme on building up the armed forces. All these are very obvious examples. We can actually notice that the revival of militarism is just around the corner. If we continue to remain silent, the situation may become critical.

Although the Japanese Government is still clinging to its position of conniving at attempts to distort history, there are still some Japanese who are true to their conscience, one example being Shiro HIGASHI, who visited Hong Kong two years ago to present an account of the atrocities committed by the Japanese aggressors. People like him have to face the pressure from the Government, and they even have to admit their own crimes, but they still have the courage to speak the truth. We believe that if we are to prevent repeated attempts to distort history, return justice to the victims and curb the resurgence of militarism, more people must come forth to tell the truth of what happened in history. If not, I am sure our silence will only add to the strength of the liars.

In fact, the Japanese Government and the right-wing organizations have done much more than simply doctoring history in the history textbooks. The aggressive actions of the Japanese Government have never stopped, and Diaoyutai is a very good example. The defence of Diaoyutai is in itself a historical record of the struggle and resistance put up by common civilians. Unfortunately, the issue of Diaoyutai has always been used as a tool of diplomacy by governments on the two sides of the Taiwan Strait. In the 1970s, having weighed their respective political interests, the two governments decided to suppress the Diaoyutai campaign after rendering some initial support. In the 1990s, a number of non-government organizations in Hong Kong staged many protests against the Japanese occupation of Diaoyutai, such as forced landing and erection of flags. However, they were intercepted by the self-defence forces of Japan, during the course of which they were exposed to great dangers. But the Chinese Government simply did not voice any protests. What puzzles us even more is the reason why the present day Chinese Government, which so fervently upholds nationalism and territorial integrity, could remain so silent in the face of such blatant acts of aggression by the Japanese Government. We must realize

that it is an unshirkable responsibility of any government to defend the territory of its country. But instead of assuming a leading role, the Chinese Government has simply behaved in such a way that non-government organizations alone have had to face the strong resistance from the Japanese Government. We cannot help asking, "Is this what is meant by nationalism with Chinese characteristics?"

Some may argue that since our country is now undergoing a critical period of economic development, stability should be accorded first priority, and it is thus not worth the while to tear open the wounds of history and engage in any conflicts with any neighbouring countries, especially a major economic power. Instead, they may say, we should seek to foster harmonious relations with neighbouring countries; territories can be developed jointly, and compensation can be turned into investments or loans. For this reason, they say that not only should our government refrain from demanding compensation, but it should also discourage the people from doing so. We must then ask, "Should we ignore the truth in history, ignore the sufferings of hundreds of thousands of people who still live in the ghost of their past nightmares, especially those comfort women who died with so much sorrow and grudges, simply for the benefit of economic development? Should we thus just put an end to the whole thing?" In fact, what is even more important is that such an attitude may lead to a situation like this: If we ignore the increasing expansion of militarism, peace in Asia will be plunged into dire dangers.

Mr Deputy, silence will only lead to the distortion of history, and material interests will only bury justice. All this is precisely the source of the suffering of our people, something that I am so worried about. To put an end to all these sufferings, we must set a good example and square up to the truth in history and its significance instead of remaining silent about the atrocities committed in the past. Nor should we tolerate any distortion of history just for the sake of economic interests. Last week, we held a debate on the vindication of the June 4 Incident here. Unfortunately, I can notice that many people were still suffering from "selective forgetfulness" in respect of history, and some even denied it. Therefore, I wish to stress once again that a refusal to square up to history and draw lessons from it will make it difficult for our country to become powerful and wealthy, and in that case, society will not be able to progress with any harmony. I wish Members can attach importance to the truth in history.

Mr Deputy, I so submit.

MR WONG YUNG-KAN (in Cantonese): Mr Deputy, I fully support the motion moved by Mr Jasper TSANG, which condemns the junior secondary history textbook compiled by right-wing organizations and approved by the Ministry of Education, Culture, Sports, Science and Technology of Japan; the Japanese Government's denial of the historical fact of it having invaded China and other Asian countries and places; and its attempt to whitewash its acts of aggression.

Even those in the Japanese Government who are responsible for formulating the relevant policy should know only too well that the history textbooks of any country should be compiled with the aim of educating the younger generation of history, so that young people can draw lessons from it. But what can the younger generation in Japan learn after reading the approved textbooks, which doctor history in such a way? When these young people grow up, and if then they come to realize that history has been distorted, they will see that they have been cheated, and they will join the rest of world in condemning those who have doctored the history.

The facts of history are: in the 1930s and 1940s of the 20th century, the Japanese militarists forcibly occupied Manchuria of China and then proceeded to occupy more than half of China. In the 1940s, the Japanese militarists even joined hands with the German Nazis and Italian Fascists to form an axis of aggression. While it intensified its invasion of China, it at the same time started the Pacific wars, openly launching offensives against and occupying countries and places like Thailand, Indonesia, Malaya, the Philippines, Guam, Korea and Hong Kong. All these acts of aggression are well-known to people all over the world. The peoples of Asia all suffered immense pains and tragedies as a result of its aggression; and, during the eight-year War of Resistance in China, the Japanese committed countless crimes. The most well-known of all these is the Nanjing Massacre. Wherever the Japanese Army went, it would slaughter all, burn down all and loot all (the Three All's Policy). Chinese people were forced to become labourers of the Japanese Army; women were also forced to serve as comfort women; and, living men and women were used as objects of biochemical weapons experiments. In fact, fishermen of Hong Kong also suffered a lot, but their sufferings are, perhaps, little known. At that time, when the Japanese invasion forces landed on Huiyang, they rounded up the fishermen along the shore, lined them up, pierced their palms with iron wires and nailed them to fishing boats. Then, they poured petrol onto these fishermen and burn them to death. This part of the history is actually our first-hand, bitter experience. I

am sure that most Chinese families would have close relatives and friends who were either slaughtered, tortured, imprisoned and abused by the Japanese invaders.

In Hong Kong, during the three years and eight months of Japanese occupation, many compatriots were also killed, tortured, imprisoned and abused by the Japanese Army, and many died tragically on the streets. At that time, some officers and privates of the British forces defending Hong Kong against Japanese invasion, numbering about 8 000, became prisoners of war, and they were thrown into concentration camps, made to perform hard labour and tortured and abused; some even died in these concentration camps as a result. During the three years and eight months of Japanese occupation, the Kowloon and Hong Kong Independent Battalion of the Dongjiang Column persevered bravely with the war against the Japanese invasion forces, and they defended Hong Kong by sacrificing their own lives. During these eight years and three months, a total of 115 of them died, according to available records. Over the years, the New Territories Association of Societies has held many activities to commemorate these martyrs, attracting the presence of many members each time. Since the reunification, the names of these martyrs have been placed in the memorial shrine of the City Hall to which members of the public can pay tribute. And, the SAR Government has also been holding commemorative activities for all these martyrs who sacrificed their lives for Hong Kong.

All these are hard facts, and because of them, we wish to exhort the policy-makers in Japan as follows: "Do not try to deceive yourselves and others any more, and more importantly, do not try to deceive your next generation." These policy-makers must acquire a proper understanding of and admit the Japanese invasion of China and other Asian countries as the truth in history. They must take serious steps to express their sincere apology to the Chinese people and peoples of those countries and places that were once invaded by them, and offer reasonable compensations. Only in this way can they get the pardon of the world, of the Chinese people and of the Hong Kong people. Only in this way can the younger generation of Japan draw the appropriate lessons and progress along the path of peace.

I also wish to say a few words on the aim of the Japanese Government in doctoring history. To me, its aim is to expand its arms again, revive militarism and lay down the foundation for a new round of aggression. Therefore, we firmly oppose this policy of the Japanese Government.

Mr Deputy, I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Deputy, I rise to speak in support of Mr Jasper TSANG's motion on behalf of the Professional Teachers' Union.

Attempts made by the Japanese to doctor the history of their invasion of China have had a history of 20 whole years, and the past 20 years have seen the revival of the right-wing force in Japan. On the surface, the right-wing elements in Japan are advising the Japanese people that they should abandon their masochistic outlook of history; in other words, they are saying that there is no need for Japan to repeatedly admit its errors and make apology in its history textbooks. But in reality, they are actually trying to revive militarism, that is, to revive militarism by first doctoring history.

We should not focus all our attention on Japan's act of doctoring history, because in Japan, the whole situation has changed: first, there were just some attempts by right-wing elements to amend textbooks and doctor history, but now government representatives, even Prime Ministers, have visited the Yasukuni Shrine to pay tribute to war criminals. Let us make a simple count. Successive Japanese Prime Ministers — Yasuhiro NAKASONE, Ryutaro HASHIMOTO and Junichiro KOIZUMI have all visited or will visit the Yasukuni Shrine. These visits are all meant to pave the way for building up an army in Japan again. We can also notice that KOIZUMI is prepared to amend the Japanese constitution, so as to upgrade the country's self-defence forces to a full-scale army. Why do they want to build up an army again? Because they are not happy with the defeat of Japan in the Pacific Wars, and so, after 50 years of rehabilitation, they want to build up their armed forces again.

Placing all our focus on the acts of Japan to doctor history, though useful in reminding the Chinese people of Japanese aggression, is definitely not enough, because representatives of the Japanese Government have started to visit the Yasukuni Shrine, because they have started to amend the constitution, because they are preparing to build up an army, and also because they have in fact launched its aggression once again, Diaoyutai being a very good example. The campaign against the Japanese invasion of Diaoyutai among Hong Kong compatriots and Chinese people all over the world has had a long history of over 30 years. But this is simply not enough, because the real danger lies in Taiwan, the real danger lies in Taiwan.

Members should not focus only on upholding justice in history, and they must look pragmatically at Japanese influences on Taiwan, or the regionalization of Taiwan. We must note that some people in Taiwan, especially the forces advocating independence of Taiwan, are already trying to alter the historical facts about the island. Just read some of the books published by the Democratic Progressive Party, or some popular books in Taiwan, and we will see that they are simply trying to sever Taiwan's tie with China, to depict Taiwan as a separate island nation with its own history, and China is no more than an invader some time in its past. If we focus only on Japan's act to doctor history and lose sight of the attempts made by some people in Taiwan to alter the historical facts, then, we will be unable to cope with the prevailing political circumstances.

Besides, a substantial number of right-wing elements in Japan have also been pushing Taiwan openly and secretly towards independence; this is militarism without visible bloodshed. Recently, KOBAYASHI Yoshinori, a much reviled Japanese writer who is among the most zealous in doctoring the history about Japan's invasion of China, has published a book entitled *On Taiwan*, in which he blatantly advances a conclusion on the birth of a new island state at a place closest to the island state of Japan. According to him, with the progress of democratization, the people of Taiwan will establish their own identity, and so, the Republic of China will definitely move towards regionalization. Historically and geographically, and even from the perspective of human connections, the island closest to Japan is Taiwan, and so, Japan simply cannot ignore the emergence of such a "state", so he suggests. KOBAYASHI Yoshinori is the writer of *On Wars* and *On Taiwan*, the most assertive member of the Society to Make New History Textbooks, a good friend of ISHIHARA Sintaro and one of the vanguards of right-wing culture in Japan. His thoughts are most indicative of the mentality of the right-wing government in Japan.

Therefore, if we focus only on history and on opposing Japan's attempts to doctor history, we will not have done enough. We must closely follow the changes occurring in Taiwan. We all know both LEE Teng-hui and CHEN Shui-bian are Presidents with a strong tendency to advocate independence of Taiwan. On one occasion, Mr Albert HO and I debated with LEE Teng-hui, and he said that we were China Chauvinists, adding that Diaoyutai was no big deal any way. The Democratic Progressive Party also has a so-called "whale theory", under which Taiwan is seen as whale which should swim as far as possible towards the Pacific Ocean, and away from China. We must not ignore all this.

For all these reasons, while we urge the Chinese Government to remain firm towards the right-wing elements in Japan, we must also ask it to be more lenient with Taiwan in regard to its unification policy. And, in the process, Hong Kong should act as an intermediary, so that Taiwan will not become another Diaoyutai, or another target of Japan. If Taiwan departs farther and farther from the road of unification, then even if we can uphold the truth in history, we will still lose our territories. To all Chinese people, this will also be a grave error and the biggest sorrow in history. Therefore, we must pay attention to Taiwan, and we must also pay serious attention to Japan's attempts to doctor history.

MR HUI CHEUNG-CHING (in Cantonese): Mr Deputy, I have engaged in the import and export trade for many years and I have done business with the Japanese before. It is never easy to cut a deal with the Japanese. They are scrupulous about every detail and are firm about prices. That said, the serious and meticulous attitude of the Japanese in doing business is worthy of admiration. Besides, I believe Members or Hong Kong people who have visited Japan will agree that the hospitality and courtesy extended to guests by the Japanese make all visitors feel at home. These two examples show that the Japanese should be a nation that respects itself and at the same time merits respect from others. But over the past 50 years or so, the militarist ultra-rightists in Japan have been impervious to reason and totally remorseless for their past mistakes. They have time and again glossed over, denied, distorted and even embellished the historical facts and crimes of the Japanese Government exerting all its military might to indulge in wars of aggression and wanton killings during the Second World War. This has not only prevented all Chinese people and even Asians from recuperating from their historical traumas, but has also turned the meticulousness, sincerity and courtesy of the Japanese into narrow-mindedness and hypocrisy, insulting the national character of the Japanese race and doing damages to both Japan itself and others. This is most infuriating indeed!

In fact, the ghosts of diehard militarists are still stalking Japan and there is even the trend that they have become more and more rampant, thanks to the acts and remarks consistently made by the Japanese Government in an attempt to distort history. Leaders in the Japanese Government and some politicians have paid homage to the Yasukuni Shrine for successive years, exonerated Hideki TOJO, a Class A war criminal, and connived at the attempts by the trouble-making ultra-rightists to occupy the Diaoyutai Islands which are part of Chinese

territory. They have even brazenly distorted history textbooks, from replacing the word "aggression" by "entry" for the first time in 1982 to the recent approval by Japan's Ministry of Education, Culture, Sports, Science and Technology of history textbooks which seek to evade Japan's responsibility in waging war against China, embellish the Japanese colonial rule in Northeast China, play down the atrocities it committed in the Nanjing Massacre, and covered up the fact that the Japanese army had experimented bacteriological weapons on Chinese captives. Their attempts to distort historical facts have been intensifying.

As the saying goes, we should draw lessons from the past and apply them to the present. The history of a country is not only the records of its past, but also rules governing the present and future acts of a country. If it refuses to sum up the lessons of history and refuses to respect its own history, that is a downright attempt to connive at itself and hypnotize itself. In the final analysis, it will only repeat past mistakes and eat its own bitter fruit. If the Japanese Government and the people concerned are genuinely patriotic and genuinely hope that the next generation of Japan can stand up with dignity, they should do justice to history and immediately abandon the ostrich policy of distorting history.

Mr Deputy, the Japanese invasion of China had plunged the Chinese people into misery and suffering. Those are the most traumatic days in the history of the Chinese nation. The Chinese race has the virtue of tolerance. While we can forgive the crimes of the Japanese invaders, our memory of those traumatic days will never fade! In order for China and Japan to co-exist in peace, I hope that those Japanese with conscience will make the Japanese Government face up squarely to its crime of invading China, offer a formal apology to the Chinese people, take up all its moral and legal responsibilities, and stop all activities that facilitate the revival of militarism.

With these remarks, Mr Deputy, I support the motion.

MR MICHAEL MAK (in Cantonese): Mr Deputy, it has been half a century since the end of the Second World War. As one of the invader countries, Japan has never shown any remorse for the war crimes and acts of aggression it committed during the War. The spectre of militarism still stalks the country. The recent distortion of historical facts in the textbooks by Japan is an attempt to

whitewash its acts of aggression in China and other Asian countries. It is also an attempt to erase all the crimes against humanity committed by Japan during its invasion of the countries in Asia, including such heinous acts as the Nanjing Massacre and the forcing of Asian women to be "comfort women" or sex slaves.

If we look back at history, we will find that as early as in 1982, the Ministry of Education, Culture, Sports, Science and Technology of Japan made the first attempt to grant approval to the ultra-rightists to compile textbooks and that led to a series of vehement protests from the governments and people of many countries in Asia. At that time, more than 20 000 people in Hong Kong gathered in a rally in the Victoria Park to protest the approval. I heard from the Honourable SZETO Wah a moment ago that the number of people who attended that rally was more than 40 000, I am not sure if my figures are correct or not. At that rally, 1 000 people even wrote a letter of protest with their blood. The Ministry of Education, Culture, Sports, Science and Technology of Japan yielded in the end and withdrew the approval. Since then there have been still some piecemeal attempts in Japan to doctor the history textbooks. The move this time is the most outrageous attempt so far. The new Prime Minister of Japan, Junichiro KOIZUMI, risked a deterioration of the relations with countries like China and Korea and insisted that he would not withdraw his approval for those textbooks which distorted the historical facts. In a series of textbooks published by Fusosha Company Limited in Japan, the writer tries to put forward an imperialist approach to history and indulges in distorting, romanticizing and doctoring the historical facts of the war of aggression initiated by Japan. The textbooks flatly deny the war of aggression launched by Japanese militarists and spread the idea that aggression is meritorious. From this it can be seen that the rightists in Japan are trying to instill in the minds of the younger generation of Japan an erroneous view of history. This may lead to dire consequences.

It should be noted that the act of distorting historical facts in textbooks in Japan is not an isolated incident, especially seen in the light of Junichiro KOIZUMI's intention to pay homage to Class A war criminals at the Yasukuni Shrine this autumn in his capacity as the Prime Minister. This is a naked attempt to revive militarism. Apart from that, Junichiro KOIZUMI also has plans to amend the "peace constitution" and to turn Japan's Self-Defence Forces into regular armed forces, thus enabling Japan to send an army to neighbouring countries when problems arise. There are also plans to restore the official status of the Japanese military flag and the militarist national anthem. It is most

unfortunate that the people of Hong Kong are getting less enthusiastic in their opposition to Japanese militarism which has shown signs of revival. As Chinese we should never forget this tragic episode in history. I am furious at Japan's intention to distort the historical facts in the textbooks and the recent series of acts in connection with militarism. I condemn this kind of irresponsible acts done by Japan. As the ancient Chinese saying goes, the feeling of shame is close to bravery, I hope the Japanese Government can turn away from its wrongs, refrain from repeating past mistakes and put an end to its attempt to revive militarism.

Mr Deputy, I so submit.

MR ALBERT HO (in Cantonese): Mr Deputy, the Japanese Government condones the recent attempts made by right-wing groups to distort the historical facts in the textbooks, embellish Japan's war of aggression, and cover up the war crimes committed by Japan. I think this is a retrogression in the Japanese civilization. I am indignant at this state of affairs and I sigh for the people of Japan. I am very worried about the possible contamination of the thinking of the younger generation of Japan. Those old people who have suffered from Japan's war of aggression have all along been very disappointed, but they can do nothing about it. I am extremely grieved and furious about their plight.

Towards the middle of the 1990s, with the downturn of the Japanese economy and the erosion of confidence among the Japanese, the right-wing groups emerged in Japan as a force to be reckoned with. There are deep-seated historical reasons for their emergence. The problem of the responsibility of Japan in the Second World War has never been properly dealt with throughout the 56 years after the conclusion of the war. Unlike Germany, Japan has never made any reasonable compensation to the victims of war. Nor has it ever done any in-depth soul-searching on the issue of its responsibility for the war and made all information on the war crimes public. In the past few decades, Japan has been trying to employ all sorts of means to encourage the right-wing groups to distort historical facts in the textbooks and cover up their war crimes. Unlike Germany, Japan has not compiled history books together with other neighbouring countries to portray a true picture of the Second World War. Moreover, when the historian Saburo IENAGA wrote books to present the truth of history, the books published by him were subjected to constant suppression by the Ministry of Education, Culture, Sports, Science and Technology.

In the 1950s and the 1960s, quite a large number of Class B and Class C war criminals returned to the political scene in Japan and some of them even took up positions of importance in the Japanese Government. With the economic take-off in Japan in the 1980s, these people began to indulge in memories of the glorious days of the Imperial Japan, hoping to relive the militarist dream. From the 1980s to the present, a lot of political figures in Japan made a lot of remarks and references out of seeming inadvertence, but they were in fact speaking from the bottom of their hearts. They said that the Nanjing Massacre was sheer fabrication and the so-called Greater East Asian War was a war of liberation fought by Japan to liberate Asia from the colonial rule of the European powers and the United States. Remarks like these can be found in the history textbook recently published by Fushosa Company Limited which is controlled by right-wing groups in Japan. The textbook absolves Japan of the guilt in events like the "September 18 Incident", the "Marco Polo Bridge Incident" and the "Shanghai Incident". I would like to highlight the fact that the book glorifies the *kamikaze* squad, saying that the members of the squad were so heroic in sacrificing their lives for their country and that they made a tremendous boost to the patriotic feelings of the people. That is why they deserve the respect of all Japanese. Recently, I made a trip to the Yasukuni Shrine and discovered that a statue commemorating the *kamikaze* squad was erected there. Beside it were the figures of a woman and a child, showing that the husband of the woman gave his life for his country and that she was so brave in bringing up the child and leading the latter to the future. Honourable Members may know that there are many people in the Japanese Government who advocate that the Yasukuni Shrine should be made a national shrine. Every year the Prime Minister and his Cabinet members will go to the Yasukuni Shrine to pay homage to the dead honoured in the Shrine, including the war criminals. And that practice has become a custom.

Mr Deputy, the present state of affairs is not just the responsibility of those diehard and unrepentant right-wingers, the Americans are also to blame, for their Far East policy condones the revival of militarism in Japan. Having said that, however, we have to reflect on the situation as well. Our country and our government should also be held responsible to a certain extent. Our diplomatic policy with regard to Japan has been short-sighted, shaped by practical considerations and at times even lacking in a firm position. In 1972, when China re-established diplomatic relations with Japan, China renounced all claims of war compensation of its own accord, in blatant disregard of the feelings of its people and national interest. In 1978, China postponed the issue of the Diaoyu

Islands indefinitely. In 1992, Mr TONG Zeng tried to rally a number of deputies to the National People's Congress (NPC) to move a motion in the NPC to demand an apology and compensations from Japan, but he was suppressed. In 1995, when Emperor HIROHITO, a Class A war criminal, set foot on China for the first time after the war, Mr TONG Zeng and a group of Chinese comfort women staged a protest and made a petition, they too were suppressed. Indeed there is a genuine need for China to make a full-scale review of its diplomatic position with regard to Japan.

Mr Deputy, I do not think we need to spend any time on the question of right and wrong, for it is very clear already. What we need now is specific action. We must act peacefully and rationally. We must abandon partisan differences and unite together. We must stick to our principles and act in unison to defend the truths of history. There is an international society established for this purpose and over the past few years, it has made a lot of efforts around the world. It is going to hold a joint conference in Hong Kong in the near future to further its efforts in defending the truths in respect of the history of the Second World War. I hope all Members who have spoken today will attend the conference. I also hope Members will support the nomination of Mr Saburo IENAGA for the Nobel Prize for Peace this year. I hope they can lend their support to the demand for compensation organized by civilians and to make a demand for an international consensus on that. Before Japan has fulfilled all its post-war responsibilities, made a formal apology and offered compensations, it should never be admitted into the Security Council of the United Nations and serve as a standing member. Nor will it ever be a member of the community of Asian nations and gain the confidence and friendship of the Asian people. I so submit. Thank you.

MR NG LEUNG-SING (in Cantonese): Mr Deputy, through out the years, the right-wing forces in Japan have never abandoned their scheme to distort the truths of their country's history of aggression. In 1982, the Ministry of Education, Culture, Sports, Science and Technology made a deliberate revision of wordings used in the textbooks, such as using "entry" to replace "aggression". In 1986, there was yet another attempt to doctor history by changing all references in the textbooks to the invasion of China to Japan being forced to wage a defensive war. The aim of starting the Pacific War was embellished as liberating Asia from the colonial rule of the European powers and the United States. In 1996, the right-wing Showa History Society of Japan made a brazen

request to the Ministry of Education, Culture, Sports, Science and Technology to delete all references to "comfort women", "the Nanjing Massacre", "the Three-All Policy" (Kill All, Loot All, Burn All), "the Marco Polo Bridge Incident" and so on from the history textbooks published by seven publishing companies. The history textbooks compiled by the Society to Make New History Textbooks and approved by the Ministry of Education, Culture, Sports, Science and Technology continue with the denial of historical facts like the Nanjing Massacre, saying that the incident is fraught with doubts and has been a controversy even to date, for killings done in a war are not tantamount to a massacre. In addition, the textbook also claims that the annexation of the Korean peninsula was done in accordance with principles of international relations at that time and was legal. As to the nature of the war waged by Japan on Asian countries, the textbook declares that its aim was for the self-preservation and survival of Japan and the liberation of Asia from the rule of European and American powers, it was also for the establishment of the Greater East Asia Co-Prosperty Sphere.

For all these attempts to doctors history, the right-wingers of Japan have a very peculiar way of explaining away their actions, which is entirely detached from the reality. They argue that historical facts like "the Nanjing Massacre" and "comfort women" are fabrications made by countries in Southeast Asia, meant to suppress the pride of the Yamato race for its history. They are also meant to make Japan bear the scourge of history forever and make their people unable to hold their heads high in the international community. Thus these right-wingers want to change this so-called "masochistic view of history" and seek to rebuild self-confidence and pride in the Yamato race among the younger generation of Japan by painting a heroic picture of their glorious past. We should be aware that this refusal to reflect on the history of aggression is an even more deep-seated masochistic view of history. It shows that the nation concerned is unable to face up to its battered self-esteem and past cowardice. As the saying goes, "a person is humiliated when he humiliates himself". After the Second World War, Japan has never made any sincere apology to the people who suffered from its acts of aggression, nor has it made any reasonable compensation for these acts. All along Japan has been trying to rewrite history and to wash away its guilt. This will deprive Japan of the respect from the international community and will only invite indignation and contempt from its neighbours. It can be seen from the difference with which Japan and Germany face their acts of aggression in the Second World War that the two nations are also different in the moral courage which they have. Hence there is also a difference in how the international community would view the two nations. An

article in the Italian newspaper *La Repubblica* nails it on the head: "Many Japanese want their country to be a 'normal' country, that it is recognized by their neighbours, and that it can possess political clout commensurate with its enormous economic strength. However, if the Japanese do not make a purge of its history of aggression and only indulge in rewriting of the history textbooks, their dream will never come true." This obsessed and vicious attempt to whitewash and distort history made by the right-wingers of Japan is destroying the respect which others have for the country. If Japan is to win the respect of other countries and peoples, it must demonstrate to the international community that it is prepared to engage in a sincere and thorough soul-searching into its history. For if not, it will never be able to earn the trust and respect of the international community.

With these remarks, Mr Deputy, I support the motion.

THE PRESIDENT resumed the Chair.

DR TANG SIU-TONG (in Cantonese): Madam President, the history of every country and nation may have a dark or bright side to it. How the rights and wrongs in history are treated and written can be taken as a reflection of the courage and beliefs of a country or a nation. A country or nation deserves our respect only when it is willing to face up to history and draw lessons from its past mistakes. Only then can it have progress, future and hope. Recently, Japan's Ministry of Education, Culture, Sports, Science, and Technology has approved the history textbooks for junior secondary schools written by a right-wing group, brazenly distorting yet again the historical facts of Japan's invasion of its neighbouring countries during the Second World War by rationalizing its invasion of Manchuria in China, playing down the Nanjing Massacre, and embellishing its nasty crime of forcing women to become comfort women for its army. All these have precisely revealed a cowardly mindset of the Japanese Government and the rightists of "having the guts to commit their crimes but not the guts to admit them". This mindset can be said to have severely hurt the profound goodwill built up between the Japanese and the Chinese people in the past 1 000 years. Furthermore, not only the entire Chinese nation, but also people all over Asia and even the world, had seen for themselves and had been victimized by Japan's invasion during the Second World War. Now that the Japanese Government, before the eyes of the world, has distorted history and

built its so-called national dignity on a pack of lies that cannot withstand the smallest blow, I am afraid that Japan has lost all its demeanour in the international community.

As pointed out by many experts and scholars, over the past decade Japan have faced setbacks in its economic development and constant political instabilities, a strong feeling of loss has emerged in its community and so, it is naturally easier for the Japanese to recall the glorious days in the early 20th century when Japan's national strength had reached many corners of the world. Given these circumstances, the infiltration of rightist thinking and ultra-nationalism has been greatly facilitated. Under the adverse impact of history textbooks which embellish invasion, youngsters will very easily become tools of the Japanese Government and rightists in the restoration of militarism. Much to our regret, the younger generation of Japan, who are innocent, from whom the truth is hidden, and who are in the dark about the adversities of war, are gradually being pushed towards an irreversible abyss of militarism. History has proven time and again that imperialistic countries that launched invasion will ultimately be doomed to catastrophic failures and will eat its own bitter fruit. The militaristic rightists in Japan had already subjected many innocent Japanese to the calamities of the detonation of the two atomic bombs in Japan. Could it be that they still want to court even greater disasters in future?

In the past century, Madam President, China can be said as one of the most turbulent and unstable countries in the world, particularly because of Japan's rampant invasion which had condemned the entire Chinese race to the unprecedented crisis of extinction. However, the Chinese nation is a race with very strong vitality, a race that reflects on itself and a race that is good at learning from mistakes. After its victory in the eight-year war of resistance against Japanese invasion, China has consistently explored ways in pursuit of development and self-improvement. Despite the many setbacks encountered in the course, today's China can still forge ahead in the direction of reforms and liberalization from its conservative and secluded past; and from a poor and backward country, it has virtually developed into a strong country which is becoming more prosperous by the day. We are indignant at the Japanese Government and the rightists using Japan's economic strength in Asia to arbitrarily distort the historical facts of its invasion. In order to do justice to our Chinese compatriots who were killed by the Japanese army during the Second World War, the Hong Kong Progressive Alliance once again urges the Japanese

Government to formally offer a sincere apology and reasonable compensations to the people of China.

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

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, Mr Jasper TSANG's motion today gives us a chance to look back on history once again, to understand that the ghost of Japanese militarism is still very much alive, trying to repossess the corpse of distortion of history for a revival.

The Japanese invasion of China and other Asian countries was an obvious robbery of other countries of their resources, but the textbook refers to the event as an effort to "invest and build plants", "set up the Greater East Asia Co-Prosperity Sphere" or the "Sino-Japanese War". The textbook also omits any reference at all to the fact that women in Asia were forced to act as "comfort women".

The textbook tones down the Nanjing Massacre as the "Nanjing Incident" and tries to nullify it. It says, to the effect that "There were some questions to be answered about the incident, which is still very much open to debate. It was a time of war and even if some people were killed, there was no such thing as a massacre."

Regarding the enslavement of the other Asian people, the textbook says again to the effect that "Japan had to wage war to survive and defend itself, and liberate Asia from the rule of European countries and the United States. Therefore, a declaration was made to establish the 'Greater East Asia Co-Prosperity Sphere'. Early Japanese victories in the war encouraged people in Southeast Asia, India and even Africa to seek independence." So, a war of aggression by Japan was described as a war to liberate Asia.

Japan is obviously distorting history and, as there is ample evidence on that, it cannot deny its acts of aggression. The former Japanese Prime Minister, Tomiichi MURAYAMA, held the view that the contents of a junior secondary history textbook had distorted Japanese history, rationalized colonial rule and invasion and ignored the "Neighbouring Countries Treaty". He maintained that the textbook had destroyed the trust built up so far and would only earn distrust for Japan internationally. Even the new Foreign Minister, Makiko TANAKA,

indicated there was indeed a distortion by the Society to Make New History Textbooks (SMNHT), during an interview by the *Asahi Shimbun* and the *Nihon Keizai Shimbun*.

A senior political critic in Japan said that the incident was a manifestation of parochial nationalism of Japan and its lowly national demeanour. According to him, it has severely damaged the international image of Japan and caused Japan to be isolated in Asia.

However, the Japanese Government indicated that views in the textbook do not represent those of the Government, in a bid to shirk its responsibilities. A government spokesman refused to make amendments to the textbook on the ground that "relevant regulations preclude any interference with amendments to textbooks." In fact, though textbooks are compiled by non-government bodies, the Japanese Government has full power to appraise and approve them, that is, to ascertain the correctness of the textbooks and to decide whether or not to use them. These are the responsibilities of the Ministry of Education, Culture, Sports, Science and Technology (MECSST). Thus, it is hardly tenable to say "amendments to the textbook is not a matter for the Government".

Some Japanese officials think that criticisms unleashed by Asian countries regarding Japanese textbooks is an interference of the internal affairs of Japan. We, however, hold the view that any question that deals with the facts about the Japanese invasion of neighbouring countries in the Second World War is not just an internal affair of Japan. Rather, it is an "international issue" relating to historical facts about Asia and other countries and the feelings of the peoples involved.

In fact, the MECSST requested 137 amendments be made to the textbook before granting approval, in the face of pressures from all fronts. The amended version was still subject to severe criticism, but the MECSST formally announced that the textbook had been accepted on 3 April. So, it can be seen that the Japanese Government has the power and responsibility to require the editor to make amendments to contents found to contradict historical facts. The key lies in whether the Japanese Government is willing to face history squarely or respect history. It is most frustrating is that when the MECSST formally released the textbook on 16 May, it remained adamant that it would not amend those places to which Asian countries, such as China and Korea, had demanded amendments be made to rectify the distorted historical facts and discard

embellishments of Japan's acts of aggression, despite the fact that several thousand other places of the textbook had been amended again to improve accuracy.

Madam President, the education sector strongly opposes the Japanese right-wing group in brazenly distorting the history textbooks and demands that the Japanese Government rectify the faulty textbook as soon as possible. It should offer a formal apology and reasonable compensations to those countries and people who were subjected to its invasion during the Second World War. It should educate its next generation to look at history in the right perspective and reject the revival of Japanese militarism.

If a nation cannot face up to history and does not respect history, it will not gain the trust of others. The past not forgotten is a guide to the future. Japanese militarism brings disaster not only to the people of other Asian countries but also to its own people. The Japanese Government should learn a lesson from history and totally abandon Japanese militarism before it can command the respect and trust of other peoples in Asia. If Japan wants to be a big nation in politics, or a permanent member of the Security Council of the United Nations, it should learn from Germany and Italy. It should drop its historical baggage and tell the truth in history.

In conclusion, I would say this: "All peace-lovers beware of the revival of Japanese militarism."

Thank you, Madam President.

MR LEUNG FU-WAH (in Cantonese): Madam President, since the *Historical Records*, the ancient book of history in China, was written, historians have been taking a truthful stance in understanding history. Writing history is about collecting and recording what was seen, felt and heard by different people in an objective manner, thereby creating a collective memory of the past, and then, drawing lessons from the past, we may discard the wrong people did before us but persevere with what is right henceforth. We in the Hong Kong Federation of Trade Unions (FTU) express a strong protest and our indignation against the MECSST approving the "new secondary history textbook" compiled by the SMNHT in Japan, a right-wing academic group, on 3 April, despite strong objections in Japan and overseas. We do not think this is just a matter of pluralism and objectivity in historiographic viewpoints, because, given all

available evidence, it is an established fact that Japan invaded China. We cannot accept the cliché explanation provided by the Japanese Government to the effect that it was an issue relating to "freedoms of speech and of the press". It is even less convincing to explain away criticisms by saying the issue is about countries outside Japan interfering in the "internal affairs of another country". We are speaking sternly out of a sense of justice against the intensification of the rightist trend among the Japanese community and its political leaders, showing a very dangerous revival of Japanese militarism.

The latest incident about the textbook represents yet another serious political incident in Japan on the issue of views about its own history, following the crises that cropped up in respect of history textbooks in the '50s in the 20th century and the three recent incidents about textbooks. The present incident grows out of the connivance of the Japanese Government, which has been holding an ambiguous stance, protecting and abetting the relevant attempts to distort history. The incident shows that the Japanese community is taking a further step towards the right. This will inevitably generate worries among peoples in other Asian countries. On 17 May, the new Japanese Prime Minister, Junichiro KOIZUMI, was adamant in rejecting eight requests made by the Chinese Government to amend the right-wing textbook. He also stated explicitly he would pay homage to the Yasukuni Shrine in his official capacity. Thus, it is crystal clear that Japan has taken a very much right-wing position. Japanese militarism is reviving with the help of leaders in its government. How can we not feel sad and hurt, given what we and the last generation saw and experienced in the brutality and bloodthirsty acts of Japanese militarism in the past? When the Japanese right-wing thinking is poised to take actions, how can our nerves be calm?

Madam President, using the pretext of "freedom of speech" and the opportunity of distorting history textbooks, the Japanese Government and right-wing groups obviously hope to cover up wartime atrocities committed by hawkish Japanese and the catastrophe brought about by Japanese militarism in the war waged against Asian peoples. So, we need not engage in any historiographic argument with the Japanese Government over issues such as causes leading to the Nanjing Massacre, comfort women and the war initiated by Japan. We think the wounds and accusations resulting from the war are sufficient historiographic evidence. Moreover, if they want to advocate their ideas, the right-wing groups can publish books as they wish, but they should not try to promote false historical information through standard textbooks. It is therefore not a matter of "freedom of speech" or "freedom of the press".

Moreover, history may engender alertness when a country is at a cross-roads. Japan should learn from history, when it has seen recession, numerous social problems and political instability in recent years, and disallow militarism to seize the opportunity for resurgence. Sadly, one can easily find that Japanese history textbooks are being compiled with an increasingly one-sided right-wing and militarist historical point of view. Consequently, the younger generation in Japan, who are losing interest in studying history, are deprived of diversified views and can only learn one-sided accounts of history that are far from the truth. So, the distortion attempt by the Japanese Government and right-wing groups not only poisons their next generation but also adversely affects the future of their people. As an ancient Chinese scholar once said, one should "examine self thrice a day", which is a correct attitude for everyone. A nation unable to reflect on itself has but a saddening future!

Madam President, I need to state one point. Japanese militarism has been flexing its muscles blatantly in recent years. That, to a great extent, is the result of the post-war United States Government selfishly making compromises and concessions to right-wing groups out of consideration for its own interests in Asia and even all over the world. This is a subject in history that warrants our concern and discussions in future.

We in the FTU have the following serious statement to make:

1. Japan must respect history and offer apologies for the wrongful approval of faulty history textbooks by the MECSST;
2. The MECSST must re-appraise the relevant textbooks and prohibit the same form being published, and undertake to prevent similar incidents from occurring again in future; and
3. The Japanese Government must step up education of its people so that the next generation may understand in the right perspective the catastrophe brought to peoples in Asian countries molested by Japanese militarism in order to prevent history from repeating itself.

Madam President, the subject of the motion debate today is "Opposing Japan's textbooks distorting history". It provides a good opportunity for Chinese people living in Hong Kong who share a bitter hatred of the enemy to show their national moral courage. However, Mr SZETO Wah made use of the

subject under discussion to put over his own ideas, that he is senior and smart. I find this self-conceited behaviour can only succeed in saddening one's own people and gladdening the enemy. This may also sadden the patriots and gladden the Japanese right-wing camp.

Since its inception in 1948, the FTU has held a clear and steadfast patriotic stand. We need no one to teach us to be patriotic some 30 years after our inception. I hope Mr SZETO Wah will not blow his own trumpet or bring his own interpretation of the history of patriotic movement.

With these remarks, I support the motion.

PROF NG CHING-FAI (in Cantonese): Madam President, as everyone knows, people in some Asian countries have expressed their strong protests and very harsh reprimands about the recent decision of the Japanese Government approving a history textbook compiled by right-wing elements that distorts history and embellishes Japan's acts of aggression. They requested that the new Japanese Prime Minister, Junichiro KOIZUMI, take effective steps to amend the textbook. However, KOIZUMI was determined to ignore reprimands from these countries. As at 17 May, the Japanese Government still insisted that despite oppositions, it would not amend the history textbook that embellishes Japan's acts of aggression.

In addition to the textbook issue, KOIZUMI indicated he would in his capacity as Prime Minister pay homage to the Yasukuni Shrine consecrated to Class A war criminals and amend the Peace Constitution, raising the status of the Self-Defence Forces to regular army. All these acts may be regarded as a show of the spectre of Japanese militarism attempting to stir up trouble again.

During the Second World War, German Nazis in Europe and Japanese militarists in China and Southeast Asia committed the most brutal and barbarous crimes in human history. After the War, some politicians in the German Government sincerely apologized to the world for the crimes of aggression and genocide committed by the German Nazis. They thus gained the understanding and applause of the world and the German people are now commanding more respect from the rest of the world. Japan, however, has acted differently. The Japanese Government has never tried to purge its acts of aggression against other Asian countries. Nor has it apologized to the Chinese people formally in

official documents. Moreover, many senior officials and politicians in post-war Japan have frequently made remarks praising the "imperialist outlook on history", embellishing militarism. Each year, some Japanese Cabinet members and politicians would pay homage to the Yasukuni Shrine consecrated to Japanese war criminals. Fortunately, among the Japanese people, there are many peace-lovers and people with insight who oppose militarism. They include people from the academia, political circle and even former soldiers of the Imperial Army of Japan that invaded China. They have been fighting relentlessly against right-wing endeavours to revive Japanese militarism. There are, however, ups and downs in the fight. From time to time, some senior officials of the Japanese Government would come forth and make comments to embellish militarism. They would then all draw stern criticisms locally and outside Japan and were forced to resign or change their stance and apologize. The side upholding justice will invariably manage to gain the upper hand, but for a while only. There is this example of a former Japanese soldier, Shiro HIGASHI, who, out of his personal experience, disclosed and testified against the crimes committed by Japanese soldiers in the Nanjing Massacre, but Japanese courts ruled that he was guilty of "damaging the reputation of others". Proceedings initiated by comfort women and former labourers who worked for the Japanese Government to demand apologies and compensations all resulted in rejections by Japanese courts. Thus, it can be seen that that right-wing powers can gain ground and Japanese militarism continue to exist is due to support by certain members in the Japanese Government and political arena.

Madam President, many colleagues have revealed the attempt by Japan to distort junior secondary history textbooks. The Society to Make New History Textbooks, controlled by right-wing powers in Japan, arbitrarily sought to distort history blatantly on the pretext that the old version had a "masochistic historical perception". This is tantamount to educating the Japanese young people to allow Japan to molest other peoples with extreme brutality without any sense of guilt. This is terrible logic. This is as barbarous as setting up the "Greater East Asia Co-Prosperity Sphere" on the pretext of helping Asia to resist European and United States domination, and allowing the Japanese Imperial Army to carry out acts of aggression, massacre, looting and enslavement against Asian peoples. The pretext is acceptable only to some nationalistic scoundrels succumbing to Imperial culture. The pretext, however, is never allowed and indeed should be condemned forcefully by people in Asian countries and people in Japan who hold fast to peaceful development.

I believe Chinese people living in Hong Kong still hold vivid recollections of the atrocities committed by Japanese militarists in China and in the three-year-and-eight-month occupation of Hong Kong during the War. Almost every Hong Kong citizen is a direct or indirect victim of Japan's acts of aggression. Many people of the past generation fought bravely against all odds to resist Japanese aggressors during the War to save their countries and compatriots. Many among them gave their lives to the cause. The Hong Kong Independent Battalion of Dongjiang Column guerrilla forces had a number of touching stories to tell about their armed struggles during the resistance in locations spread all over Hong Kong, Kowloon and the New Territories. They had heroic and moving achievements in helping the Allied forces, rescuing cultural personalities and captured members of the Allied forces, eliminating traitors, and so on. Many Hong Kong people at the time put their properties and lives at risk to join the guerrilla forces in resisting the Japanese aggressors. The War Monument standing at Sai Kung that commemorates the resistance against Japanese aggressors now serves as a constant reminder for Hong Kong people of the tragic history of Japan's acts of aggression against Hong Kong. We are now confronted with distortions of history and approval of the embellishment of Japanese aggression in the history textbook by the Japanese Government. We must express our rancour. We must condemn that kind of acts. Furthermore, we must tell our young people to remember the adorable deeds of Hong Kong forerunners, some of whom are still living among us. I think our young people can learn a good lesson from them.

Madam President, I have listened to some very brilliant speeches by colleagues today. It is with some regret that I must point out that no government officials are present to listen to or join our debate. I think that from the point of view of civic education, the Home Affairs Bureau and the Education and Manpower Bureau should have attached importance to this debate.

Madam President, I support Mr Jasper TSANG's motion.

MR MARTIN LEE: Madam President, the last century witnessed two World Wars, with colossal loss of life and property. No one wants a Third World War.

World War II was concluded more than half a century ago, but there are still survivors from the atrocities committed during that war. Although they can

never forget the many sufferings that they and their loved ones endured during that war, many are prepared to forgive their enemies — if only they would ask for forgiveness.

It is an undeniable fact that both the German and Japanese occupying forces had committed heinous war crimes: the former for systematically killing millions of innocent Jews, and the latter for killing about 300 000 innocent Chinese people in Nanking alone, and forcibly turning many Chinese and Korean women into what was called "comfort women".

Not only are these atrocities well documented by independent and reliable eyewitnesses, they are also part of many history books used by students all over the world — that is, except Japan. For Japan has consistently refused to acknowledge in public these atrocities, apologize to the people involved and their families, or pay just compensation to the surviving victims.

And now, some Japanese history textbooks are being changed in relation to Japan's invasion of China and other Asian countries, calling it "The Great Far East War", and outrageously omitting any mention of the "comfort women".

No. This is not the way. Japan must not take the cowardly course of denying the undeniable. Japan must be brave enough to face the past and go forward.

There are many good examples of how this is to be done.

The first good example comes from Germany which has long since apologized to the Jews and paid compensation. In a celebrated speech made on 8 May 1985 by the former German President, Mr Richard von WEISSACKER, whose father was Vice-minister for Foreign Affairs during the Nazi period and was subsequently found guilty at the Nuremberg Trials, he said, "..... All of us, whether guilty or not, whether old or young, must accept the past It is not a matter of overcoming the past. One can do no such thing. The past does not allow itself to be retrospectively altered or undone. But whoever closes his eyes to the past becomes blind to the present. Whoever does not wish to remember inhumanity becomes susceptible to the dangers of new infection As human beings we have learned, as human beings, we remain endangered HITLER ceaselessly endeavoured to stir up prejudices, enmities and hatred. Our request to young people is this: Do not allow yourselves to be driven into

enmity and hatred against other people Learn to live with one another, not in opposition to one another Let us honour freedom."

The next good example is from South Africa where its former President Nelson MANDELA set up a Truth and Reconciliation Commission, whose task is to seek out the truth in relation to past violations against human rights, provide symbolic restitution to the victims and thereby bring about genuine reconciliation and peace to the country.

Archbishop Desmond TUTU, the former Anglican Archbishop of Cape Town, South Africa, had this to say about the Nanjing Massacre: "..... However terrible, we must not be sheltered from the evils of our past. If we attempt to forget and try to believe that human nature is good all of the time we will bitterly regret our amnesia, for our past will come to haunt us It is necessary to know the truth of what happened in Nanking in order that the perpetrators might accept their wrongdoing and seek reconciliation. We can only forgive what we know and reconciliation is impossible without forgiveness. We are discovering this in South Africa"

The third example only took place during the last few weeks. Many of us would have watched the frail figure of the head of the Roman Catholic Church, Pope John Paul II, during his visit to the Middle East, apologizing publicly everywhere he went for the sins of the Catholics committed many, many centuries ago.

In Athens, he said to the head of the Orthodox Church in Greece, Archbishop CHRISTODOULOUS of Athens: "For the occasions past and present, when sons and daughters of the Catholic Church have sinned by action or omission against their Orthodox brothers and sisters, may the Lord grant us the forgiveness we beg of HIM."

Among the especially painful memories for the Orthodox, he said, was the "disastrous" sacking of Constantinople (now Istanbul) by Western Crusaders in 1204. He said, "It is tragic that the assailants, who had set out to secure free access for Christians to the Holy Land, turned against their own brothers in the faith." He ended with a call to turn the page, saying the time had come for Christians to put aside rancour over past injustices and "walk together".

The Pope then visited a mosque in Damascus. And during a talk to the Muslims there, he said, "It is my ardent hope that Muslim and Christian religious leaders and teachers will present our two great religious communities as communities in respectful dialogue, never more as communities in conflict It is crucial for the young to be taught the ways of respect and understanding, so that they will not be led to misuse religion itself to promote or justify hatred or violence."

Madam President, there is a common thread that runs through these shining examples. It can be summarized in these words: "Truth, reconciliation and peace."

In conclusion, I wish to quote from the editorial of the *New York Times* published on 8 June 1994: "Until Japan comes to terms with the destructive role it played in Asia's past, it cannot play the constructive role it should in Asia's future."

Madam President, I support the motion.

MR ABRAHAM SHEK: Madam President, early last month, despite international condemnation, the Ministry of Education, Culture, Sports, Science and Technology of Japan endorsed a high school history textbook published by the New History Textbook Compilation Committee which greatly distorted historical facts about the Asian invasion. This showed Japanese right-wing groups' blatant disregard for historical truths and their attempts to whitewash wartime atrocities. I challenge the Japanese Government. If they dare to rewrite the history of their Asian invasion, I dare them to rewrite the history on their attack on Pearl Harbour and see how the Congress of the United States would react to the rewriting of any history on Pearl Harbour.

As everyone knows, during World War II, Japan invaded its Asian neighbours. In China alone, millions of Chinese people died. In Hong Kong, the sufferings inflicted during the infamous "three years and eight months" could still be remembered vividly by many of us, our fathers and parents. We are gracious enough to forgive but we did not forget. However, the history textbook published by the New History Textbook Compilation Committee shamelessly glorifies the invasion as an attempt to set up the "Greater East Asian Co-prosperity Sphere" "to bring hope to the oppressed races". But they were

just changing the master of oppression from one to the other and even worse, as history has shown. There was no mention of "Nanking Massacre". "Comfort women"? Nonexistent. "731 germ warfare unit"? Nonexistent. The endorsement of such a book by the Ministry clearly violates the spirit of peaceful coexistence within the Asian region.

History must be written with the truths. History must be factual. If they want to interpret history, they can do it but they cannot change the facts. The facts are there for everyone to see. After the war, Japan had gone through many similar incidents as the Honourable Jasper TSANG has said in his speech. August 1955 marked their first attempt to rewrite history books, and they did it again in the '60s and '70s. The worst was in 1982 when Japan was most "prolific" in amending history textbooks. "Invasion" was changed to "enter". "Full scale invasion" of China was changed to "Full scale attack". There were also attempts to whitewash Nanking Massacre. Later on, in the face of internal and external pressure, the Japanese then took steps to rectify the texts. The New Edition of Japanese history submitted for review in 1986 glorified the Pacific War instigated by the Japanese as an attempt to liberate Asia from the Western control.

Japan has consistently tried to deny their past military aggression. With the rewriting of history, it intends to mislead the younger generation of Japan and lay down foundation for the new form of Japanese imperialism. The present Japanese Prime Minister announced that he would not amend controversial history textbooks and that he would consider visiting the Shinto Shrine in his capacity as Prime Minister. He also implied openly that he would consider revising the Japanese constitution and upgrading the Japanese defence troop into a proper military army. I wonder what the Americans would comment as they were part of the architect of the constitution. All these point to a rise in the power of right-wing groups who intend to take advantage of Japan's economic might since the last war and accord Japan a more important political and military role on the world stage. We do not mind Japan taking an economic role as the leader of Asia, but for taking a political and military role, we do mind. To achieve this, the expansion of military capability is inevitable. At present, the Japanese Defence Troop already possesses considerable military power. With Japan's financial and technological capabilities, it can easily develop nuclear and other weapons of mass destruction. This is a trap not only to Asia but also to the world. This will be especially so if the Japanese constitution is revised.

Asian countries should take heed of the rise of the new ultra right Japanese nationalism. The World War II was a thing of the past. We do not want to remember anything about it, but it is something that we cannot forget. We have enjoyed 50-odd years of peace, but we should never forget the lessons that we have learnt from wars and their horrors. Since Japan does not admit to historical truths as readily as Germany, as the Honourable Martin LEE has just said, we must not have any illusions about these right-wing Japanese groups. Like European's attitude towards neo-Nazis, Asians should band together with the majority of Japanese people and oppose the new ultra right Japanese imperialism to avoid the loss of mutual trust amongst Asian nations.

Peace cannot be taken for granted. Our ancestors sacrificed their lives for the sacred peace that we now enjoy. Those who did not experience the war would not realize its brutality, and appreciate the luxury of peace. We must educate the younger generations of Asia and the world the horrors of wars and be cautious of any new form of imperialism. Through co-operation of our younger generation and better understanding among nations, we can then create long-lasting peace in Asia and in the world.

With these remarks, I support the motion.

MR IP KWOK-HIM (in Cantonese): Madam President, recently the right-wingers in Japan are making renewed efforts to doctor history textbooks and distort the historical truths therein. They are brazenly trying to embellish the wartime atrocities committed by Japan and seeking to delete and revise some of the historical facts. Vicious acts like these are not only causing damage to the millions of Chinese who suffered in the Japanese invasion, but they are also an insult to the intelligence of the Japanese people. As Chinese we cannot afford to sit back and do nothing about it.

Ever since the Sino-Japanese war fought in the Meiji times a century ago, Japan has been treading on a path of militarism. It has brought a century of pain and suffering to the people of Asia. All these are hard facts known to all. Militarists of Japan, including the former Emperor HIROHITO, should have been put on trial and sanctioned, for their hands are stained with the blood of the people slaughtered by them. But owing to historical reasons, apart from top war criminals like Hideki TOJO, many other of these butchers have escaped legal sanctions owing to sheer luck. The remnants of these war criminals

brushed aside the lessons they should have learned from their predecessors and turned into rightists. Ever since the 1980s, these rightists began their attempts to distort the history of militarist aggression initiated by Japan. They have been trying to wash away the blood from the hands of their forefathers.

The prime ministers of Japan went to the Yasukuni Shrine to pay homage to the Class A war criminals whose hands were stained with the blood of their victims. The local courts in Japan manipulated the legal proceedings and ignored the suits filed by wartime comfort women, thinking that these suits would disappear of their own accord when all of these comfort women are dead. The warships of the Japan Coast Guard provided protection to those right-wing groups to occupy the Diaoyu Islands which are under Chinese sovereignty. Shintaro ISHIHARA, the governor of Tokyo, provoked race hatred by referring to the Chinese people living in Japan as *sangokujin*, which is an abusive term literally meaning people from third countries and is now taken to mean foreigners living in Japan illegally. Now Japan is acting brazenly to distort history in textbooks. The Nanjing Massacre which is so well-known is dismissed as nothing but lies. The atrocities done in Asia during the Second World War are described as acts to liberate the people of Asia. These steps taken by the right-wing groups have shown the darkest side of humanity and brought the Japanese people into disrepute.

It is an undeniable fact that the Japanese militarists are stained with the blood of thousands of Chinese nationals. The victims of these doctored textbooks will ultimately be the people of Japan. History textbooks are meant to teach our younger generation their past and they are the windows through which the young may look into the future. The textbooks embellish the acts of aggression as attempts to liberate the Asian countries. The Nanjing Massacre and the biochemical warfare experiments on live human bodies are dismissed as fabrications. One of the possible results of all this is to inculcate a disdain for life among the young people of Japan, pushing them onto the path of their forefathers who were sent overseas by warlords and *zaibatsu* to a distant land to die in a war without good cause. These right-wing groups in Japan are constantly indulging in their dream of reviving militarism. They would seize every opportunity to stir up trouble, acting in total disregard of the progress of their neighbouring countries and the friendship of the people there. These rightists would surely be buried in the mighty tide of history and in the end they would push themselves to a course of self-destruction, like the famous Japanese writer Yukio MISHIMA who committed *hara-kiri*.

The relationship between the Chinese and the Japanese peoples have always been cordial. It is only a handful of right-wingers in Japan who are acting on the connivance of the Japanese Government and injuring the feelings of the peoples of the two countries. As a member of the civilized community, Japan should face up to the facts, bear the responsibility for its wartime atrocities, offer a sincere apology to the countries and peoples of Asia, and compensate for the loss suffered by the victims of war. It is only through a willingness to bear the responsibilities and engage in soul-searching that the friendship and peaceful exchanges between the Chinese and Japanese peoples can continue. The Democratic Alliance for Betterment of Hong Kong demands that the Japanese Government should rectify the doctored history textbooks, renounce the practice of militarism, put an end to all militarist activities and pledge to stop military expansion.

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

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

(No Member responded)

PRESIDENT (in Cantonese): Mr Jasper TSANG, you may now speak in reply, you still have 50 seconds.

MR JASPER TSANG (in Cantonese): Madam President, according to the Society to Make New History Textbooks, if the Japanese admit their history of aggression, they will lose their pride, and their future generations will forever have to make apology, just like convicts. But in reality, the opposite will be the case. Japan must first admit its crime of starting a war of aggression and apologize to and compensate the victims in different countries before it can dislodge its historical baggage. I am grateful to the 20 Members who have spoken on my motion, and I feel sorry that no government officials are in attendance today.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Jasper TSANG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 30 May 2001.

Adjourned accordingly at four minutes to Eight o'clock.

Annex I**WRITTEN ANSWER****Written answer by the Secretary for Health and Welfare to Miss Cyd HO's supplementary question to Question 1**

Please be informed that 2 660 nurses were granted study leave in 1998-99, 2 720 in 1999-2000, the commencement year of the Hospital Authority Enhanced Productively Programme, and 3 001 in 2000-01.

WRITTEN ANSWER**Written answer by the Secretary for Health and Welfare to Miss Emily LAU's supplementary question to Question 1**

Please be informed that issues relating to the Enhanced Productivity Programme (EPP) have been discussed at the regular meetings of the Nurses Staff Group Consultative Committee (NSGCC). Also the EPP was discussed at a special meeting with the NSGCC chaired by the Chief Executive of the Hospital Authority in March 2000.

Annex III

WRITTEN ANSWER

Written answer by the Secretary for Health and Welfare to Mr LEE Cheuk-yan's supplementary question to Question 1

Please be informed that the qualified nurse to bed ratio in 1999, 2000 and 2001 is 0.604, 0.608 and 0.632 respectively, and the trainee nurse to bed ratio during the same period is 0.138, 0.089 and 0.052 respectively. Please refer to Appendix for details.

Pursuant to the upgrading of basic nursing education from hospital-based nursing education to degree level in tertiary institutions, there has been a change in staff mix in the provision of nursing care within the Hospital Authority (HA). This explains for the decrease in the number of trainee nurses and therefore the trainee nurse to bed ratio over the years. To ensure the provision of quality health care services, the HA has increased the number of qualified nurses to offset the decrease in trainee nurses. You may also wish to note that trainee nurses need to spend about one third of their working hours attending classes. In discharging their duties, trainee nurses have to work under the supervision of qualified nurses.

The HA introduced the Health Care Assistants Scheme in 1993 to strengthen nursing support to patients and relieve nurses of simple patient care duties. The duties of health care assistants include the provision of personal care and nursing care of low complexity to patients. During 1999 to 2001, the HA has increased the number of health care assistants to help alleviate the workload of its nursing staff. The health care assistant to bed ratio in 1999, 2000 and 2001 is 0.139, 0.136 and 0.143 respectively.

Appendix

Qualified Nurse, Trainee Nurse and Health Care Assistant to Bed Ratios

	<i>March 1999</i>	<i>March 2000</i>	<i>March 2001</i>
No. of Hospital Beds	27 544	28 517	28 877
No. of Qualified Nurses	16 644	17 342	18 249
Qualified Nurse to Bed Ratio	0.604	0.608	0.632
No. of Trainee Nurses	3 791	2 538	1 497
Trainee Nurse to Bed Ratio	0.138	0.089	0.052
No. of Health Care Assistant	3 825	3 868	4 138
Health Care Assistants to Bed Ratio	0.139	0.136	0.143

Annex IV**WRITTEN ANSWER****Written answer by the Secretary for the Environment and Food to Dr TANG Siu-tong's supplementary question to Question 2**

The Environmental Protection Department is discussing with a number of organizations the feasibility of using electrical composters to recycle food waste. Some organizations have expressed interest in carrying out pilot projects and are examining the functions and cost-effectiveness of different types of composters. The pilot projects are expected to commence after the composters have been installed, and would last about a year.

Annex V**WRITTEN ANSWER****Written answer by the Secretary for the Treasury to Mr James TO's supplementary question to Question 5**

The Commissioner of Police confirmed that the police adopt uniform criteria in vetting of all applicants, which differ according to the type of security work involved. However, no distinction is made of those applicants who may serve in government departments or otherwise.

Annex VI**WRITTEN ANSWER****Written answer by the Secretary for the Treasury to Mr Ambrose LAU's supplementary question to Question 5**

The Government Security Officer advised that in considering whether the security services for a government department should be contracted out, he would first conduct a risk assessment having regard to:

- (1) the nature of work of the office concerned and the sensitivity of the work involved; and
- (2) the quantity and level of security classification of the documents kept by the office.

Subject to the degree of risk being acceptable, the Government Security Officer would further, on balance of risk and other environmental factors, consider the necessary special conditions and requirements to be prescribed in the service contract. The environmental factors normally include:

- (1) the location of the office;
- (2) the surrounding physical environment; and
- (3) the general condition of law and order in the neighbourhood.