

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 5 June 2002**

**The Council met at half-past Two o'clock**

## **MEMBERS PRESENT:**

THE PRESIDENT

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

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

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

DR THE HONOURABLE DAVID CHU YU-LIN, J.P.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

THE HONOURABLE NG LEUNG-SING, J.P.

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING, J.P.

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

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

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

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

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG, B.B.S.

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH

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

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

THE HONOURABLE AMBROSE LAU HON-CHUEN, G.B.S., 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 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.

THE HONOURABLE MA FUNG-KWOK

**MEMBERS ABSENT:**

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

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

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE ALBERT CHAN WAI-YIP

**PUBLIC OFFICERS ATTENDING:**

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

MR STEPHEN IP SHU-KWAN, G.B.S., J.P.  
THE FINANCIAL SECRETARY

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

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

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

MRS FANNY LAW FAN CHIU-FUN, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

MS ELAINE CHUNG LAI-KWOK, J.P.  
SECRETARY FOR HOUSING

MR PATRICK NIP TAK-KUEN  
SECRETARY FOR HEALTH AND WELFARE

**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>
Merchant Shipping (Limitation of Shipowners Liability) (Rate of Interest) Order.....	86/2002
Financial Resources (Amendment) Rules 2002 .....	87/2002
Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2002.....	88/2002

### Other Paper

Report of the Bills Committee on Boilers and Pressure Vessels  
(Amendment) Bill 2001

## ORAL ANSWERS TO QUESTIONS

**PRESIDENT** (in Cantonese): Questions. First question.

### Disposal of One-person Flats for Senior Citizens

1. **MR FREDERICK FUNG** (in Cantonese): *Madam President, it is reported that one-person flats for senior citizens provided by the Housing Authority (HA) are not well-received by the elderly as they are not provided with kitchen and toilet facilities, resulting in their high vacancy rate. As such, a few months ago the HA removed the age restriction on the allocation of such flats. In this connection, will the Government inform this Council:*

- (a) *of the number of such flats which are vacant at present, together with a breakdown by district and the number of years they have been vacant, and the total amount of rental income forgone last year as a result;*

- (b) *whether it will allocate such flats to public housing applicants who have never indicated their willingness to accept such flats; if so, whether refusal of such allocation will be regarded as having rejected one offer of public housing allocation; and*
- (c) *whether it has plans to implement other measures to dispose of such vacant flats, such as converting them into self-contained singleton flats, flats for households with more than one member or residential care places for the elderly; if so, of the details and progress of such plans; if not, the reasons for that?*

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

- (a) Apart from the 394 flats at Tin Chak Estate in Tin Shui Wai and Fu Tai Estate in Tuen Mun which are being considered for conversion into other uses, the HA has 9 580 flats under the Housing for Senior Citizens Scheme (HSC). Of these flats, 1 039 are currently vacant and 524 of them have been vacant for more than one year. A breakdown by district and vacancy period is shown in the Annex. In 2001-02, the rental foregone of vacant HSC flats was estimated to be about \$9 million.
- (b) At present, other than choice of district, applicants for public rental housing are not required to indicate their preference for flat types before allocation. Flats of all types, including the HSC, are allocated to applicants at random by computer. Each applicant is given three allocation offers. Refusing allocation of HSC flat is normally regarded as giving up one offer. Nevertheless, the Housing Department (HD) will take into account the reasons for rejection and will accommodate, subject to the availability of flats, the applicant's wish as far as possible in the next allocation offer.
- (c) As HSC flats are purpose-built for the elderly, their design, structure and building services are different from those of other residential flats. Therefore, converting them into self-contained flats will be technically complicated and may not be feasible. To

optimize the use of resources, the HD has tried to invite private-sector operators to rent the newly completed HSC flats at Tin Chak Estate in Tin Shui Wai and at Fu Tai Estate in Tuen Mun as private homes for the elderly but received little interest from these operators. The HD is now contacting voluntary organizations to discuss certain options. As regards other HSC flats, the HA removed the age restriction for these flats in October 2001 so that non-elderly singletons can move in. This measure has been effective in reducing the vacancy rate of such flats.

## Annex

Current Vacancy Position of  
Flats under the Housing for Senior Citizens Scheme

<i>District</i>	<i>Sub-district</i>	<i>No. of flats</i>	<i>No. of vacant flats</i>	<i>Vacancy Period</i>			
				<i>Less than three months</i>	<i>three to six months</i>	<i>six to 12 months</i>	<i>Over 12 months</i>
Urban	Hong Kong	778	12	5	5	0	2
	Kowloon	4 495	470	94	58	131	187
Extended Urban	Tseung Kwan O	645	114	22	15	18	59
	Kwai Tsing and Tsuen Wan	1 708	330	29	39	50	212
	Sha Tin	429	78	13	12	14	39
New Territories	Tai Po and Fanling	841	24	4	3	0	17
	Tin Shui Wai and Tuen Mun	684	11	2	0	1	8
	Total	9 580	1 039	169	132	214	524

**MR FREDERICK FUNG** (in Cantonese): *Madam President, I wish to follow up part (b) of the Secretary's main reply. Actually, HSC flats are purpose-built for the elderly and singletons aged below 60 have never thought that they would be taken as the elderly in their public housing applications. We have heard every now and then that the elderly inmates sharing HSC flats often have disputes among them over the use of facilities. If a non-elderly person moves into and shares a HSC flat, it would even cause a generation gap problem. The Secretary has stated in part (b) of her main reply that a young applicant who refuses allocation of HSC flat is normally regarded as having given up one offer. I think these vacant HSC flats exist because the HA has built excessive HSC flats. This policy blunder has also reduced the opportunities of public housing allocation to young singletons.*

**PRESIDENT** (in Cantonese): Mr FUNG, what is your supplementary question?

**MR FREDERICK FUNG** (in Cantonese): *My supplementary is when an applicant refuses the allocation of HSC flat, will the HA consider not regarding this as the applicant having given up one offer of public housing allocation?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, the supplementary just raised by Mr Frederick FUNG is about allocation. In fact, it is most important to accommodate the wish of an applicant where resources permit. During HSC flats allocation, many old people would make on-site visits. They know that a HSC flat has many merits, such as the appointment of a warden, and workers specially engaged to clean the toilet and public places. Therefore, even though they may initially resist sharing a toilet with another person, they would ultimately change their mind and think that this arrangement is not bad. Mr Frederick FUNG has just expressed concern about the existing allocation system. For instance, once an applicant refuses the allocation of HSC flat, he would be regarded as having given up one offer. We do understand the concern of Mr Frederick FUNG and we can conduct further studies with the HA and consider whether it is necessary to change the existing methodology.

**MRS SOPHIE LEUNG** (in Cantonese): *Madam President, the Secretary has stated in part (c) of her main reply that the HD has tried to invite private-sector*

*operators to rent the newly completed HSC flats at Tin Chak Estate in Tin Shui Wai and at Fu Tai Estate in Tuen Mun as private homes for the elderly but the operators being approached were not too interested in this proposal. Would the Secretary inform this Council if special restrictions were imposed during negotiations with these operators? For example, since the operation of private homes for the elderly requires a comparatively large area of space but the estates lack self-contained facilities, can these operators alter or expand the layout of the flats as they like? Has the Government set any special restrictions prohibiting the operators from altering the layout of the flats?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, I would like to thank Mrs Sophie LEUNG for her supplementary. As far as I understand it, when studying these proposals with private operators, the HD hoped that the existing structure could be maintained as far as possible, because they are permanent rather than temporary housing. However, from the commercial angle, many private operators are not particularly interested for they think that the proposal has few profit-making opportunities. Recently, the HD has contacted some voluntary bodies and from the latest information that I have obtained, they are very interested in operating care and attention homes or hostels for the elderly.

**DR DAVID CHU** (in Cantonese): *Madam President, in this era, it is unreasonable to ask the elderly to live in flats without toilets. I wish to ask the Secretary whether forcing the elderly to live in flats without toilets has anything to do with the fulfilment of the promise made by the Chief Executive in 2001?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, we have definitely not forced the elderly to live in such HSC flats. As I have just said, these HSC flats have their merits; there are wardens and many facilities for the elderly. For instance, emergency alarm systems are installed; arrangements are made to ensure that many people would attend to the needs of the elderly; and many special activities are also organized. We find from our survey that many elderly people who have moved into these flats are satisfied with them. As to the promise just mentioned by Dr David CHU, the Government promised to give the elderly applicants on the Waiting List by the end of March 2001 at least one offer before 2003. I recall that there were around 11 127 people on the Waiting List and 7 832 of them have already been allocated flats, so, there has been a

very good progress. This year, the HA is going to provide 3 000-odd self-contained one-person flats, and it is going to provide 18 000-odd one-person flats with self-contained facilities, that is, flats with toilets in the next three years. Given a sufficient supply of these flats, if the remaining 3 000-odd elderly people could pass vetting, we could easily achieve the objective as undertaken by the Chief Executive. There is definitely no question of forcing the elderly to live in HSC flats without toilets, as speculated by Dr David CHU just now.

**MR JASPER TSANG** (in Cantonese): *Madam President, if these HSC flats could meet the original design objectives, it would be unnecessary to convert them into other uses or remove the age restriction for these flats. Would the Secretary tell us what are the reasons causing a high vacancy rate of HSC flats, which has resulted in the HA having to convert them into other uses and so much less rent being collected? Is it because the Government has wrongly estimated the housing demand of the elderly or is it because it has not taken the wishes of the elderly into consideration at all? Did the Government conduct the appropriate surveys and studies when it initially designed HSC flats and planned the number of such flats?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, in respect of design, even though the elderly inmates have to share kitchen and toilet facilities, these flats are not unwelcome by the elderly, and as I have just said, these flats have their unique merits and facilities and many elderly people are satisfied with them after moving into these flats. The result of our survey shows that 99% of households are satisfied with the emergency alarm system in the flats, 96% of them are satisfied with the 24-hour warden services and 95% are satisfied with the overall living environment. Actually, HSC flats were designed in around 1987 and the idea was to facilitate participation from the elderly in group life through warden services and various activities. The HA later built some self-contained one-person flats equipped with kitchen and toilet facilities, which were certainly better received. In view of this, the HA decided to stop building this type of HSC flats in 2001. It could be described as a transitional problem in housing design. We did not put particular emphasis on the need to care for the elderly in the past but we later came up with the idea of looking after them through HSC flats. Finally, we built self-contained flats and this has given rise to the above situation. As I said in my main reply, even though such flats have a vacancy rate of 10%, others are fairly satisfied with the living environment of these HSC flats.

**MR FRED LI** (in Cantonese): *Madam President, the Secretary has stated in part (c) of her main reply that the HA has removed the age restriction for these flats so that non-elderly singletons can move in. Has the Government consulted the elderly living in these flats? If non-elderly persons can move in these flats, the elderly may have to live with younger people. Since a HSC flat comprises three bedrooms and one living room, the elderly may occupy two of the bedrooms while a non-elderly singleton may occupy the other bedroom. As they live under one roof, would it lead to conflicts and thus cause a lot of problems? Has the Government consulted the elderly and does it think that this would lead to some problems?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, generally speaking, there has not been any special difficulty or problem arising from the elderly sharing these flats with non-elderly persons. The warden would act as a mediator in the event of quarrels or disputes among them. So, with these arrangements, the HA considers it unnecessary to consult the elderly tenants on relaxing the age restriction.

**MR TAM YIU-CHUNG** (in Cantonese): *Madam President, Tin Chak Estate in Tin Shui Wai and Fu Tai Estate in Tuen Mun are newly occupied housing estates just completed two to three years ago. As these HSC flats have not been well received by the elderly for some time, why did the HA still continue to build such flats?*

**SECRETARY FOR HOUSING** (in Cantonese): Madam President, it generally takes a fairly long time from the planning to completion of every housing estate; some housing estates take four to five years and some even longer. As I have just said, the HA decided to stop building such flats in 2001. But piling and construction of some flats were already underway and they were completed only recently. Despite that, we have also considered whether the flats can be used for other purposes. I have pointed out in my main reply that a feasible proposal is to approach voluntary agencies and see whether they can use the HSC flats in Tin Chak Estate and Fu Tai Estate for certain purposes.

**PRESIDENT** (in Cantonese): This Council has spent more than 16 minutes on this question. We shall now proceed to the second question.

**Impact of Police Actions on International Image of Hong Kong**

2. **MISS EMILY LAU** (in Cantonese): *Madam President, yesterday was the 13th anniversary of 4 June and the first day of next month will mark the fifth anniversary of the transfer of Hong Kong's sovereignty to China. At the approach of these days, the police have mounted a series of operations which include detaining reporters by handcuffs, arresting participants of peaceful demonstrations at their homes, forbidding demonstrators from holding assemblies at the open space opposite the Main Wing of the Central Government Offices and, in joint operations with Immigration Department staff, making forcible entries into abode seekers' homes for making arrests. In this connection, will the executive authorities inform this Council whether:*

- (a) *the decision to take the above actions was made by reference to the practice adopted by the mainland authorities at the approach of sensitive days; whether these actions are aimed at restraining people's right to freedom of expression as well as suppressing dissidents; and*
- (b) *they have assessed if the above actions will affect people's exercising their rights to peaceful assembly, procession and demonstration, and damage Hong Kong's international image as a liberal and open society; if they have made the assessment, of the results?*

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

- (a) The incidents mentioned in the preamble of the main question vary in nature and background, so it would not be appropriate to make comparisons. The law enforcement actions taken in these incidents had one common purpose, which is to maintain law and order and ensure public peace.

Reporters were handcuffed during the clearance operation in the Chater Garden on 25 April. On that day, the police took action to stop a public meeting which had been held at the Chater Garden for several months. The police set up a press area to facilitate coverage by the media and avoid obstruction to the operation.

Most of the reporters worked within the press area where a television station effectively televised the entire operation live. This was sufficient proof that the arrangement had not affected the freedom of the press in any way. However, according to the police, two media workers refused to go into the press area and caused obstruction to police officers in the execution of their duty. They were, therefore, arrested and handcuffed for a short while, but were released shortly afterwards.

In arresting the three persons on 9 May and charging them with holding or assisting in holding a public meeting without prior notice to the police as required by the law, the police were acting in accordance with legal advice and following standard procedures. The police had issued clear warnings to the persons concerned during the public meeting.

As regards the demonstrations at the Government Secretariat, the police have, based on threat assessment, designated the area outside the West Gate of the Central Government Offices as a Designated Public Activity Area since the end of January this year. Some groups lodged appeals against this arrangement with the Appeal Board on Public Meetings and Processions in April and May, and one of the appeals was allowed. The police respected the decision of the Appeal Board and co-operated fully with the group. The public meeting was eventually held at the open space outside the Main Wing of the Central Government Offices. This incident shows that an independent and fair mechanism is in place under the existing Public Order Ordinance, and it can be used to deal with any dissatisfaction with the conditions imposed by the police on public meetings and processions.

In addition, the law enforcement agencies were only discharging their duty in accordance with the law when the Immigration Department, supported by the police, conducted house raids to arrest absconding abode seekers who had no right of abode in Hong Kong.

The above-mentioned law enforcement actions represented isolated incidents where different approaches were adopted in regard to

different targets of enforcement. Interpreting such acts as "restraining people's freedom" or "suppressing dissidents" is purely groundless speculation and unfair attack on the law enforcement agencies concerned.

- (b) In handling peaceful and lawful public meetings and processions, the police's established policy is to facilitate their smooth conduct as far as possible, while keeping the possible inconvenience to the public to a minimum so as to balance the interests of the community at large.

The Government of the Hong Kong Special Administrative Region (SAR) spares no efforts to safeguard the freedoms of the people. However, any free and open society must provide certain degree of regulation on public meetings and processions, and Hong Kong is no exception. We do not think that the law enforcement actions taken by the agencies concerned had infringed on the freedoms enjoyed by the public or damaged Hong Kong's international image.

**MISS EMILY LAU** (in Cantonese): *Madam President, in the main question I asked whether the authorities had taken a series of enforcement actions at the approach of sensitive days by reference to the practice adopted by the mainland authorities, but the Secretary did not answer this. I would like the Secretary to tell us whether our current practice is intended to follow more closely the practice adopted by the mainland authorities? Moreover, is it that the Secretary adopted the "pull-no-punches" approach because she has obtained information showing that the community has become increasingly conservative and there is the view that the authorities should treat peaceful, rational and non-violent demonstrators more harshly?*

**SECRETARY FOR SECURITY** (in Cantonese): *Madam President, Miss Emily LAU's comments on the practice in the Mainland are her own subjective comments, and I beg to differ. Obviously, Hong Kong has not made reference to the practice in the Mainland or in any place elsewhere. We have our own law, and we act in accordance with the law. Let me reiterate that with regard to these individual incidents, the police and the Immigration Department had also observed the principle of acting in accordance with the law. It is not true that*

we tend to be conservative because members of the public have written or sent e-mail to us showing support for the actions taken by the law enforcement agencies. In fact, we consider that an overwhelming majority of the people are impartial. It remains the principle of our operations to act in accordance with the law and achieve the objective of maintaining social stability with the minimum force.

**MR LAU CHIN-SHEK** (in Cantonese): *Madam President, in the fourth paragraph of part (a) of the main reply, the Secretary mentioned the demonstration area at the Central Government Offices, or the Government Secretariat. She mentioned two appeal cases, one was allowed whereas the other was dismissed. Anyhow, the Government had ultimately sealed off the area. This is very different from the past practice, for the public was allowed to hold assemblies there.*

*Will the Secretary tell us when that area will be reopened for members of the public to exercise their right to assembly there? Moreover, how can we avoid turning the Government Secretariat into something like an "iron cage"? This will indeed affect the international image of Hong Kong.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, for security reasons, the police gave advice to the Director of Administration in January against groups or organizations holding assemblies there. Certainly, the police will not conduct threat assessment on no grounds. Mr LAU Chin-shek should remember that on 3 October 1999, a riot broke out and lasted for several hours at the Government Secretariat, that is, at the main entrance of our office, and consequently, blue-beret officers had to be mobilized to restore order. In June 2000 — should be 26 June, to be exact — again, there were people lying on the driveway at the West Wing of the Government Secretariat, resulting in some clashes with the police. As the site is where the Government Secretariat situates and is frequented by many civil servants or other visitors, the police have the duty to maintain order there. The police will raise objection if they are worried that an individual application may affect order at that place. Yet, the police will give advice by reference to the situation of each application, and will not invariably raise objection or permanently seal off that area.

As I have pointed out in the main reply earlier on, dissatisfied groups can lodge appeals with the Appeal Board, and one of these cases was actually

allowed. Subsequently, the police respected the view of the Board and withdrew their objection and co-operated fully with the organizer. Eventually, the meeting on that Sunday could be conducted smoothly. As to the comment that the Government Secretariat has been turned into something like an iron cage and that this will even affect our international image, I think this is no big problem. As Members may know, at the British Parliament, despite the fact that its geographical environment is different and it is more spacious than our Government Secretariat, processions and demonstrations, as far as I understand it, are not allowed within 1 km outside the Parliament, in order to ensure peace at the Parliament. Indeed, in foreign countries, iron gates are also installed at many government offices — more so for palaces — to safeguard the safety of people working or living there. So, it is necessary to take the most basic security measures. From past experience, in the event of demonstrators, on sudden impulse, attempting to break into the Government Secretariat to make troubles, it is precisely these iron gates on which we rely to ensure peace.

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

**MR LAU CHIN-SHEK** (in Cantonese): *Madam President, the first part of my supplementary asked the Secretary when she will consider reopening the Government Secretariat, but she has not answered this.*

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

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I have said just now that the police will consider the applications from groups individually.

**MR MA FUNG-KWOK** (in Cantonese): *Madam President, I do agree that the disciplined forces should work to uphold law and order and act in accordance with the law. But with regard to the arrest of three persons who did not give prior notice of meeting to the police as required by the law on 9 May as mentioned by the Secretary in part (a) of the main reply, the police had adopted a very high-profile approach at the time in that the media was notified and many*

*police officers were mobilized. My question is: In conducting these arrest operations, why did the police have to "crack a nut with a sledgehammer", since those people are, after all, not criminals of serious offences? In the main reply, it is said that the police had followed standard procedures. I very much wish to know whether this is the standard procedure for conducting arrest operations.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I thank Mr MA Fung-kwok for his supplementary question which gives me an opportunity to make clarification. Firstly, while I have noted that many members of the media had described the operations as "high profile", the arrest operations of the police were absolutely not conducted in a high-profile manner. In fact, the police did not notify the media, and it was those being arrested who notified the media. As to the time of the arrests, I have already explained this to the media. I do not consider it high profile to arrest them at their homes at seven o'clock. Could it be that actions should be taken at five o'clock in the morning? Or should it be eight o'clock when they are having "dim sum" at restaurants or taking breakfast? Or should we go to their school for them at ten o'clock? Or should actions be taken at night when they are watching television? What exactly is the appropriate time for actions to be taken? Insofar as the time is concerned, we definitely consider seven o'clock appropriate. In fact, one of the trio being alleged to have breached section 17A(3) of the Public Order Ordinance is a student who lives in the university quarters. The police did not want to arrest him at the university and therefore did not go there and had just asked his friends to relay a message to him.

Secondly, Mr MA Fung-kwok asked why "a sledgehammer was used to crack a nut". I wonder if he was referring to the point that is misunderstood by the media, that is, why did officers from "重案組" (which literally means serious crime unit) were sent to arrest the demonstrators? In fact, I have taken this up with the police. Although the name of the unit in Chinese is "重案組", its name in English is Regional Crime Unit. Then why was the arrest operations conducted by the Regional Crime Unit? It is because processions are often conducted on an inter-district basis and so, they have to be handled as cases of a Region. Moreover, investigations into law-breaching acts during processions and demonstrations are no easy task, because very often, dozens of people are involved. The police have to watch the video tapes to identify the persons concerned, and actions will be taken only when the Department of Justice has

come to the view that prosecution is substantiated. As to why the police had on that day chosen to mount arrest operations rather than issuing summons, I have also sought legal advice in this connection. The relevant provision in the Ordinance reads ".....without lawful authority or reasonable excuse, knowingly takes or continues to take part.....", which means that the person concerned wilfully takes part in an unlawful assembly. In order to ascertain whether he took part in it "wilfully", or put it in legal terms, whether there is the "mens rea element", we must invite him to the police station and ask him to make a cautioned statement, rather than issuing summons to him. So, the arrest operations on that day were entirely not high profile.

**MS AUDREY EU** (in Cantonese): *Madam President, part (b) of the main question actually has to do with international image, but the Secretary did not give a reply in relation to international image in part (b) of the main reply. Instead, she pointed out in part (b) of the main reply the established policy of the police in handling assemblies and processions.*

*The Government has always told us that 6 000-odd processions have been held after the reunification, but several hundred of them did not give prior notice and so far, the police have not taken any action to institute prosecution or make arrests. My question is: What will be the policy from now on? For a peaceful procession or meeting, if no prior notice is given to the police or the police is not given sufficient notice, under what circumstances will the police take no action, under what circumstances will the persons concerned be arrested, and under what circumstances will summons be issued to them?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I thank Ms Audrey EU for her supplementary question. First of all, there have been more than 6 000 processions and assemblies held after the reunification, and the number is over 10 000. In fact, the average figure of processions and assemblies has continued to rise every day. For example, before the reunification, in 1996, there were an average of 84 processions and assemblies monthly, but there have been 210 cases in the first four months of this year, which means an average of six cases each day. This shows that the freedom of Hong Kong people to processions and assemblies is not in the least affected.

As to the criteria for prosecution by the police, we have repeatedly explained this before. The police certainly have explained this, and I had also explained this in the motion debate relating to the Public Order Ordinance on 21 December 2000. I do not remember whether Ms Audrey EU was a Member of the Legislative Council then — yes, Ms Audrey EU was already a Member of the Legislative Council then. At that time, I did explain that concerning processions and demonstrations for which no prior notice is given, the police, under its prosecution policy, can have three levels of response. On the first level, for an event with a minor, technical and unplanned breach of the Public Order Ordinance, the police commander will give a verbal warning to the person in charge of the event. Details will be recorded and the event will be allowed to proceed. In other words, if it is first expected that 20 people will participate in the event but it turns out that 60 people have come, and if the person in charge of the event genuinely does not know about it, then it is a technical breach of the Ordinance. On the second level, at a peaceful event where the organizer has deliberately breached the law or disobeyed orders given by the police, the police commander will give a verbal warning to the person in charge of the event. The latter will be informed that the police will consider possible prosecution action. Evidence of offences committed will be collected and presented to the Department of Justice for advice. The action taken by us on 9 May was in accordance with this procedure. On the third level, at an event where a possible or actual breach of the peace occurs, the police commander will give a verbal warning to the person in charge of the event and the participants, directing immediate cessation of any unlawful activity. If the warning is ignored, the police commander will consider peaceful dispersal or physical removal of the crowd or arrest action as appropriate. Evidence of any unlawful activity will be collected and legal advice will be sought in order to decide on whether prosecution will be initiated.

The above explanation is recorded in the Official Record of Proceedings of the Meetings of the Legislative Council. We have acted in full compliance with the established procedures and we have not targeted at any person. Members may note that we will record the proceedings of each procession on video tapes which will subsequently be sent to the Department of Justice. Given that the situation of each procession or assembly is different, we may not necessarily be able to identify the lawbreakers every time. If we are able to identify them, we will seek legal advice before deciding on any prosecution action. So, the action did not target at certain persons and there is also no question of tightening up the prosecution policy in recent years.

**PRESIDENT** (in Cantonese): We have spent over 17 minutes on this question. We shall move on to the third question.

### **Retailers Selling Fresh Pork at Low Prices**

3. **MR MICHAEL MAK** (in Cantonese): *Madam President, it has been reported that, in the face of the fierce competition from supermarkets, some fresh provision shops in the markets in the New Territories are recently cutting the retail prices of pork and some prices are even below the wholesale prices of fresh pork, which casts doubt on the sources and quality of such pork. In this regard, will the Government inform this Council:*

- (a) *whether it has stepped up the inspection of fresh provision shops over the past three months to check if chilled or smuggled pork is sold as fresh meat of pigs legally slaughtered in the territory;*
- (b) *whether there is an upward trend in the number of cases in which shop owners were prosecuted for selling smuggled pork in the past five years, and provide the respective numbers of convictions and of fresh provision shop licences revoked in the same period; and*
- (c) *of the measures in place to ensure that the pork on sale in fresh provision shops meets the hygiene standards, and whether it will consider increasing the penalties for offences in this regard?*

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

- (a) Since September 2000, the lease or licensing conditions of all meat retail outlets specify that all purchase invoices must be retained for at least 60 days. The invoices should indicate the purchase date, the goods description, the amount, and information on the supplier. When conducting inspections of fresh meat outlets, Food and Environmental Hygiene Department (FEHD) officers examine whether the retail outlets have fresh meat purchasing invoices issued by the two licensed slaughtering houses, and whether they have other chilled meat purchasing invoices. The officers check if the

quantity of goods listed in the invoices matches the physical inventory. To ensure that the checking is not complicated by the flow of goods, the FEHD conducts these inspections in the morning at the beginning of the retail outlets' trading hours. If these shops have chilled meat purchasing invoices, FEHD officers will conduct inspections on the spot to see if the chilled meat is stored in appropriate temperatures in a refrigerator for sale in accordance with the provisions in the licensing conditions. In response to the sharp price cuts by some fresh meat retailers recently, the FEHD has stepped up the inspection of shops selling fresh meat. It has also conducted surprise inspections early in the morning.

- (b) At the retail level, there is a certain degree of difficulty in taking law enforcement actions against smuggling, as the source of the pork cannot be confirmed by visual inspection. As a result, no owners of wet market meat stalls or fresh provision shops have been prosecuted for selling smuggled pork since the establishment of the FEHD.

The Government's strategy in combating meat smuggling is to intercept at the source. It is because the smuggled pork has not entered the market and it is easier for law enforcement officers to distinguish whether the pork is from a legal source. Moreover, the volume of pork intercepted is large and the people involved in these illegal activities will incur greater losses, resulting in an increased deterrent effect. In this regard, the Customs and Excise Department (C&ED) and the FEHD maintain close liaison with mainland authorities for exchange of information. The two departments also launch joint operations and step up interception measures. In the past three years, the C&ED and the FEHD successfully seized about 758 tonnes of smuggled pork in total.

- (c) The Government has several measures to ensure that the pork sold in wet market meat stalls and fresh provision shops meet hygiene standards.

Firstly, the FEHD and the C&ED strongly combat smuggling. According to the Imported Game, Meat and Poultry Regulations enforced by the FEHD, the maximum penalty upon conviction of an

offence under the Regulations is a fine of \$50,000 and six months' imprisonment. In the past three years, a total of 392 persons were convicted of offences under the above Regulations. Amongst them, 24 were given sentences of imprisonment ranging from seven days to four months. The remaining ones were fined.

The Import and Export Ordinance enforced by the C&ED carries a maximum penalty of a fine of \$2 million and seven years' imprisonment upon conviction of an offence under the Ordinance. In the past three years, a total of 20 persons were convicted of offences under the Ordinance and given sentences of imprisonment ranging from 28 days to 14 months. Another nine persons paid fines or served community service sentences.

Although the current penalties already carry sufficient deterrent effects, we will review them from time to time. We will consider increasing the maximum penalty level for smuggling if it is necessary.

Secondly, the FEHD takes pork samples at the retail level to ascertain if the samples contain beta-agonist, preservatives, colouring matters, antibiotics, hormone residue and other contaminants.

Currently, there are several pieces of legislation regulating the level of harmful substances or contaminants in food. The maximum penalty level under such legislation is a fine of \$50,000 and six months' imprisonment. In the past three years, the FEHD had taken more than 3 800 samples, of which 57 failed to meet the required standards. The department prosecuted 37 persons involved in these cases, and issued 20 written warnings. The fine for the convicted persons ranged from \$100 to \$15,000. We consider that the penalty levels carry sufficient deterrent effect. Nevertheless, we will review the relevant legislation from time to time and consider increasing the penalty when necessary.

Thirdly, FEHD officers frequently inspect wet market meat stalls and fresh provision shops to check if the licensees comply with the hygiene and food safety-related provisions in the law, lease contracts

or licences. For instance, they will check if the store owners sell pork from illegally slaughtered pigs, and whether the meat handling practices are hygienic.

If a licensee contravenes these regulations, he will be subject to a maximum fine of \$25,000, three months' imprisonment, and a daily fine of \$300 for continuous contraventions. In addition to penalties imposed by the Court, a convicted licensee will also be registered de-merit points. If a specified number of de-merit points are registered in a specified time period, the licence will be suspended. A licence will be revoked in extreme cases. In the past three years, a total of 489 persons were charged for failure to comply with the relevant law. The maximum penalty imposed by the Court was \$30,000. The case involved sale of pork from illegally slaughtered pigs. The FEHD also immediately cancelled the licence of the shop involved. Another similar case is being processed. In addition, the FEHD had suspended 26 licences under the de-merit point system. We consider that these penalties carry sufficient deterrent effect, but we will review them from time to time.

The FEHD will warn the licensees who contravene the lease or licensing conditions. A repeated offender's lease contract or licence will be revoked. However, if there are severe contraventions, the FEHD will not rule out revoking the lease contract or licence immediately without giving warnings. To increase the deterrent effect, the department is seriously considering announcing the names of these stores.

**MR MICHAEL MAK** (in Cantonese): *Madam President, the Secretary has spent quite some time describing the penalties concerned at length. From the users' point of view, may I ask the Secretary whether the Administration has made any public education efforts to enable users to effectively identify and hence purchase pork that meets hygiene standards?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): *Madam President, Mr Michael MAK has raised a very good supplementary*

question, as the thrust of the issue is that no matter how active the FEHD has conducted inspections on the licensed shops and despite surprise inspections, it is very difficult to forestall such activities due to resources and manpower constraints, as well as the nature of the law-offending activities concerned. That is why the FEHD frequently reminds the public to be careful of meat sold at extremely low prices, bearing in mind the rule of "giving good money for value". If the price is extremely low — there are of course exceptional cases like the ones we have seen recently — members of the public should be more careful. Apart from that, we also remind the consumers from time to time to purchase meat from shops of good reputation. Nevertheless, to the general public, unless the meat has turned bad, they can hardly distinguish the different sources of meat.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, the Secretary mentioned in the sixth paragraph under part (c) of the main reply that 57 of the samples taken by the FEHD failed to meet the required standards, and that the department prosecuted 37 persons involved in such cases. With regard to the cases in which prosecutions were instituted for failure to meet the required standards, could the Secretary inform this Council of the problems involved in most of these cases and whether many of the shops have been involved in such offences before?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I am afraid I do not have on hand the specific analysis of those 37 prosecuted cases. However, as far as I understand it, the FEHD only issues warnings to first offenders committing offences not of a serious nature; but for repeated offenders, they will be prosecuted by the FEHD even though the offences committed are not of a serious nature. As regards offences of a serious nature, the FEHD will institute prosecutions even if the offence is committed for the first time. Here is an example. As far as I remember, about a year or two ago, we found some shops selling meat with presence of clenbuterol and successfully prosecuted several persons involved in a number of cases.

**MR AMBROSE LAU** (in Cantonese): *Madam President, according to the second paragraph under part (b) of the Secretary's main reply, the Government's*

*strategy in combating meat smuggling is to intercept at the source. Besides, the Secretary also pointed out that in the past three years, the C&ED and the FEHD had successfully seized about 758 tonnes of smuggled pork in total. In this connection, has the Government assessed the practical effectiveness of such measures? Does the Government know the volume of pork (not fish) that has slipped through the net into the market? Will the Government consider taking other supporting actions, such as cracking down on the black spots where illegal meat is sold, to intercept smuggled pork?*

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

Madam President, as a matter of fact, neither the C&ED nor the FEHD can estimate the volume of smuggled pork that has escaped interception at the source and slipped into the markets in Hong Kong. After all, smuggling activities are conducted in secret. Nevertheless, from the figures in the past three years, both the volume of smuggled pork seized and the number of persons prosecuted by the two departments decreased in 2001, when compared to 2000. We therefore believe that the relevant activities should have decreased. During the same period, the volume of chilled pork imported from Thailand had increased substantially. In 2001, the volume of chilled pork imported from Thailand increased to 9 000-odd tonnes, compared to the some 6 000 tonnes in 2000. Judging from the increase in the volume of chilled pork imported from Thailand and the decrease in the number of intercepting actions taken by the relevant departments, we estimate that — this is, of course, only our estimation — smuggling activities have decreased.

**MR LEUNG FU-WAH** (in Cantonese): *Madam President, part (a) of the main question asked whether the Government had stepped up the inspection of fresh provision shops to check if chilled or smuggled pork was sold as fresh pork. But then, in part (a) of her main reply, the Secretary only mentioned in the first paragraph that in the event of such shops having chilled meat purchasing invoices, FEHD officers would check the temperature of the refrigerator in which the chilled meat was stored. She did not tell us whether or not chilled pork was sold as fresh pork in such shops. Just now the Secretary has also mentioned a*

*substantial increase in the volume of chilled pork imported from Thailand. My question is: How does the Government check whether or not chilled pork has been sold as fresh pork in fresh provision shops? For instance, will government officers conduct ambushes for surveillance purposes?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, in response to part (a) of the main question which asked whether the Government had stepped up the inspection of fresh provision shops, I have pointed out very clearly in the main reply that we had stepped up inspections. Over the past three months, we have identified eight cases in which the shops concerned did not store their chilled meat in refrigerators.

In response to the supplementary question raised by Mr LEUNG Fu-wah, I now recapitulate the procedures already explained in the main reply. Since we cannot confirm whether the pork is fresh or chilled by visual inspection, we have specified in the licensing conditions that all meat retail outlets must keep all purchase invoices for at least 60 days. As I explained earlier, we will conduct surprise inspections in the morning before the trading hours of the retail outlet. How do we conduct the inspections? We will first examine the invoices of the shops to check the quantity of pork purchased. We will also check the source of the pork to see whether they are bought from licensed slaughtering houses (which means it is fresh pork) or from chilled meat wholesalers. Then, we will check whether the quantity of goods listed in the invoices matches the physical inventory. In the eight cases in which warnings were given as I mentioned earlier on, there were invoices indicating that the shops concerned had purchased chilled pork, but the pork was not stored in a refrigerator. Warnings were issued to those shops because they had not stored the chilled pork in appropriate temperatures. Under certain circumstances, if, for example, it is said that a certain supermarket can sell pork at lower prices because it sells chilled pork as fresh pork, we will, in addition to examining the invoices of that supermarket, check with the slaughtering houses to see whether the relevant data match. Indeed, such kind of work requires a good deal of resources and manpower; however, under some unusual circumstances, such as those in the past couple of months, we will still step up our efforts in this respect.

**PRESIDENT** (in Cantonese): This Council has already spent more than 17 minutes on this question. We shall now proceed to the fourth question.

### **Proposal to Combine OAA and CSSA Schemes**

4. **MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, it is learnt that the Government is studying a proposal to combine the Old Age Allowance (OAA) Scheme and the Comprehensive Social Security Assistance (CSSA) Scheme. In this connection, will the Government inform this Council:*

- (a) *of the specific details of the proposal and the expected completion date of the study;*
- (b) *of the justifications for the proposal to combine the two schemes; and*
- (c) *how it will ensure that the benefits and rights already enjoyed by the elderly will not be affected by the proposal?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, for parts (a) and (b) of the question. Hong Kong's population is ageing. According to the latest population projections, the proportion of the population aged 65 or above will grow from 11.2% in 2001 to 24.3% in 2031. In other words, by the year 2031, one in every four persons in Hong Kong will be 65 years of age or older. The number of older population will increase to over 2 million, more than double the current 780 000.

Currently, elders in Hong Kong who are in financial need can apply for the CSSA Scheme for financial assistance. In addition, the OAA Scheme, which was first introduced in 1973 to help families to look after their elders, provides a flat-rate monthly allowance to help elders to meet their special needs. As at the end of April 2002, there were 139 800 old age cases under CSSA, which account for 56% of the CSSA total caseload. The average payment of a singleton CSSA old age case is about \$4,000 per month. On the other hand, there were 458 100 cases under OAA (either the Higher Old Age Allowance at \$705 per month which is non means-tested for elders aged 70 or above, or the

Normal Old Age Allowance at \$625 per month which is subject to income and asset declaration for elders aged between 65 and 69). Altogether over 610 000 elders aged 60 or above are receiving social security payments under CSSA or OAA. This figure represents 61% of the population aged 60 or above and 78% of those aged 65 or above. In this financial year, the Government will be spending an estimated total of \$11.8 billion to provide financial assistance to elders through the CSSA and OAA schemes, which are both non contributory, representing an increase of 50% compared with \$7.8 billion in 1997-98.

In view of the ageing population and the differences in the socio-economic and demographic profiles of the current generation and the future generations of older persons, the Government has been considering the provision of retirement income protection for older persons in the context of the "three-pillar model" recommended by the World Bank:

- First Pillar      A publicly administered, privately managed mandatory provident fund;
- Second Pillar    Private savings, investments and annuities;
- Third Pillar     A publicly managed scheme to provide minimum protection, such as a social safety net to provide financial protection to needy elders to meet their basic needs

Under the First Pillar, we have established the Mandatory Provident Fund (MPF) in December 2000 which is a privately managed but mandatory retirement protection scheme for the working population and the future generations of older persons. The Government is reviewing the existing social security schemes for elders with a view to reinforcing the Third Pillar. The objective is to develop a long-term sustainable safety net that better targets resources at those needy elders, and which takes into account our local circumstances, particularly our low and simple taxation system. How to achieve the objective is a complex issue, which we are examining carefully.

Given the resources involved in the OAA and CSSA schemes for elders, it is prudent for the Government to review whether the current arrangements are financially sustainable in the long term, and examine whether there are options in utilizing these resources even more effectively and efficiently, and this would

enhance our capacity to target even greater assistance to those elders most in need.

One consideration is to explore the merits and the feasibility of taking the resources for CSSA old age cases out of the CSSA system and combining the resources for the OAA Scheme with a view to providing more than one level of financial assistance to needy elders, depending on the financial means and family support.

However, I would like to stress that we are at the initial stage of our consideration and are open to other viable options. At this stage, we do not have a timetable for the completion of the study, given the complexity of the issues involved. If and when there are proposals to introduce major changes to the system, we will consult the Legislative Council and the public first.

For part (c) of the question. We are sensitive to the concerns of the elders about their eligibility under the existing system if there are proposals to introduce major changes. We will certainly take the concerns into account in developing any new proposals.

**MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, while many elders are qualified for the OAA, most of them are reluctant to depend on the CSSA for their livelihood, and they would rather live on their meagre savings and the OAA. According to the Secretary, the Government now has a new idea to combine the OAA and CSSA schemes. In other words, the means test as a screening device will be made more stringent. In that case, some elders who are now qualified for the OAA may become unqualified in the future. In fact, some elders are already unable to make ends meet now. May I ask the Secretary, first, how is the Government going to raise the living standards of those elders who just live on their meagre income and the OAA without applying for the CSSA? Second, what does the Government expect to happen to the number of CSSA applicants once this multi-layered financial assistance scheme is put in place — to rise or to fall?*

**PRESIDENT** (in Cantonese): Mr LEUNG, you have asked two questions, right?

**MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, but these questions are related to each other. (Laughter)*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, thanks to Mr LEUNG for asking this question. I wish to stress here that the review concerned is based on the three-pillar model proposed by the World Bank — the provision of retirement security to the existing working population (who will in time become elders) through MPF schemes; people's own savings as a means of meeting their future needs; and, government assistance to those elders in financial need for one reason or another, so as to meet their livelihood needs after retirement. Our review has always been following this direction, that is, the direction of how the Government can enhance its capacity to target financial assistance to those elders most in need.

Under the existing social security scheme — the CSSA Scheme — applicants must undergo a relatively stringent means test, but if elders can fulfil the requirements, we will provide them with a whole package of assistance; besides, the OAA is also intended to assist those families having to care for their elders. For this reason, we hope that we can reconsolidate the relevant resources by taking the 56% of CSSA old age cases out of the CSSA system and setting up a separate financial assistance scheme for needy elders, with a view to providing more than one level of financial assistance for them, depending on their needs and family support. We have all along been following this direction, in the hope of enhancing the capacity of the Government to target financial assistance to those elders most in need.

**MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, my supplementary question is: Following the taking out of old age cases from the CSSA Scheme, will the means test as a screening device be made more stringent? If yes, what does the Government expect to happen to the number of old age CSSA applicants — to fall or to rise?*

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

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, let me try to add a few words here. The idea of the Government is to

provide financial assistance to elders, and for this reason, much has to depend on their needs, such as their financial conditions and family support. What has been mentioned is just a framework and direction. As for how the specific scheme is to be implemented, we must of course conduct more detailed consideration and discussions. So, in response to the question raised by the Member earlier, it is very difficult for us to predict at this stage whether the number of old age CSSA applicants will rise or fall.

**DR YEUNG SUM** (in Cantonese): *Madam President, it is widely circulated that the Government will combine the CSSA and OAA schemes, and the Secretary seems to have verified this in the main reply. If these two schemes are really combined, may I ask the Secretary whether the nature of the OAA Scheme (commonly called the fruit grant) would change as a result? I ask this question because the fruit grant is originally meant as a kind of tribute to elders, not as something offered to elders on conditions of their financial needs, and every elder having reached the age of 70 are eligible. But if a means test is attached, the original intent of the fruit grant as a tribute to elders would be changed, transforming the grant to a form of assistance for poor elders. Would this impair the spirit behind the whole policy?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, thanks to Dr YEUNG for asking this question. As I said earlier on, the review concerned is meant to enhance the Government's ability to look after the elders in need and to offer them assistance. The OAA Scheme was put in place in 1973 with the intent of assisting families in looking after their elders, so as to reduce the demand for elderly institutional care. Some time later, the OAA was extended to elders receiving institutional care, also with the intention of offering assistance to needy elders. We of course understand the view held by many people in society on the nature of the OAA. The objective and motive of our review are to enhance the Government's capacity to target assistance to elders, so as to help the elders most in need. We too hope that resources can be deployed in a more effective manner. That is why when we consider the specific details of the review, we will definitely consider the views of elders and the community. The relevant study is still at a very initial stage, and we do not have any plans to alter the existing system. If there is any specific plan, the Government will definitely consult Members and the public. I wish to emphasize that the aim of the Government in conducting the review is not to curtail expenditure. Rather, the Government wishes to enhance its capacity to target assistance to elders in need.

**MR WONG SING-CHI** (in Cantonese): *Madam President, I wish to ask the Secretary one question. Currently, elders applying for the fruit grant are not required to undergo a means test, and as long as an elder has reached the age of 70, he or she is already eligible for the fruit grant of some \$700. This is a very good scheme which shows respect to elders. As noticed from the main reply of the Secretary, the Government's attitude towards this issue is open. According to the Secretary, the Government will consider all the proposals put forward by members of the public. In the past, many elders and members of the public expressed the hope that the fruit grant could be raised to \$1,000. May I ask the Secretary whether this will be included in the review, or whether it will consider this proposal in the future?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, in this connection, we do consider it an appropriate direction to raise the OAA on an across-the-board basis, because the OAA Scheme is a non-contributory scheme, the payment of which must be met by the taxation revenue of the Government. Besides, a uniform level of payment means that the amount of payment to all elders will have to be the same regardless of the financial circumstances of individual elders. If we raise the OAA across the board, the direction of the OAA Scheme would become similar to those of other schemes with a uniform level of payment, one example being retirement schemes. We must realize that retirement schemes in foreign countries are contributory, and not only this, they are financed by heavy taxation, which is why the amounts of retirement payments can be higher. But we are of the view that the direction of raising the OAA across the board will lead to problems, because the experience of foreign countries shows that an old age allowance scheme relying on taxation revenue to meet its payments is hardly sustainable in the long term. For this reason, during the review, while we will basically consider all feasible options with an open attitude, we must also take account of the following: First, we must consider the challenges brought about by structural demographic changes and the associated increase in the elderly population; second, we must maintain a simple and low tax regime; and third, we must face the overall conditions of our public finances and look at the matter from long-term and sustainability perspectives. We must therefore consider the idea of using the general revenue to support a non-contributory social security safety net, in the hope that this can make the scheme sustainable, and that our resources can be deployed to assist those elders most in need.

**MISS CYD HO** (in Cantonese): *Madam President, actually, both the first and second pillars are of no use to non-salaried full-time housewives, because they never receive any salaries in their whole lifetime, and are thus excluded from all contributory retirement schemes. Since this new idea is still receiving preliminary consideration, may I ask the Government whether it has issued a set of clear guidelines at this stage to enable the officials concerned to consider the matter from the perspective of gender mainstreaming? If yes, can Members be provided with a copy of it, so that we may see what basis of consideration the Government is adopting? If no, Madam President, I would be puzzled, because there should be such guidelines. Should the Government really explain why this concept is not used as the basis of considering the whole issue at this stage?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): *Madam President, the Women's Commission also falls within the remit of the Health and Welfare Bureau, which is why we have also been following very closely the concept of mainstreaming in the course of our consideration. As far as our understanding of the working population is concerned, in a typical family, the man is usually the breadwinner. In that case, when the full-time housewife who is not under any paid employment gets old, what will become of her? We must of course take this into consideration. The Health Protection Account scheme is mentioned in the consultation document on the health care reform, and women with no full-time employment is also touched upon. Under the three-pillar model, there is the MPF scheme for the retirement protection of the existing workforce; besides, there are also personal savings; and, the third pillar is about the provision of assistance to needy elders depending on various circumstances. One example is of course the case of those who have never had any employment, and who are not offered any government assistance. In the case of these people, how can the Government provide financial assistance to them when they are in need? We will definitely explore this in the review.*

**MISS CYD HO** (in Cantonese): *Madam President, I actually stated my question very clearly at the very beginning. At this current stage of preliminary consideration, if the authorities have set down clear guidelines for the officials concerned, can we be provided with a copy of it? If this can be done, there will be no need for any oral account, right?*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, as at the present moment, we have worked out some tentative directions for the review, but when it comes to specific details, we have not yet set down any guidelines, such as those related to gender mainstreaming. We will consider Miss HO's opinion, and if any guidelines are set down in the future, we will get in touch with her.

**PRESIDENT** (in Cantonese): This Council has spent more than 17 minutes on this question. The last supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, I think the Secretary's reply to Mr LEUNG's main question failed to address some specific issues, and it simply stressed the provision of protection to elders through the three-pillar model. May I ask the Government whether the Government has considered the fact that many low-income elders, whether now or in the future, must depend on the fruit grant to maintain their livelihood? Has the Government studied the case of those fruit grant recipients who frequently move between Hong Kong and the Mainland and considered the possibility of relaxing the 180-day requirement for these elders? I think the whole idea of the Government is just to save money, and it has never thought about the matter from the perspectives of elders.*

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Madam President, many thanks to Miss CHAN for her question and views. Under the existing CSSA Scheme, an elder who can pass the means test can receive a monthly assistance of about \$4,000 if he or she is at the same time single. Under the OAA Scheme, the monthly grant now is \$705. Some elders may be in greater need of financial assistance, so the thing we wish to do most is to provide maximum assistance to them. In the review, we will follow this direction in our consideration. For instance, if we take CSSA old age cases out of the CSSA system and combine the resources for the OAA Scheme, with a view to developing an assistance scheme especially for needy elders, how can we make sure that the assistance provided can meet their needs? Miss CHAN mentioned the portability of assistance, that is, the issue of receiving allowances outside Hong Kong. We will also study this issue.

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

### **Bankruptcies Among Government Employees**

5. **MR LAU KONG-WAH** (in Cantonese): *Madam President, regarding bankruptcies among government employees, will the Government inform this Council of:*

- (a) *the respective numbers of employees in the Independent Commission Against Corruption (ICAC) and various disciplined services who were declared bankrupt or heavily in debt in the past five years; whether the authorities have analysed the reasons for their financial encumbrances;*
- (b) *the assistance and counselling services available to its bankrupt employees; and*
- (c) *the measures in place to offer to its employees guidance in proper financial management so as not to be encumbered financially?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, the Administration's reply is set out below, in the same order:

- (a) The number of officers reported to be bankrupt in the five years ending March 2002:

<i>Department</i>	<i>Number of officers reported to be bankrupt in the five years ending March 2002</i>
Correctional Services Department	195
Customs and Excise Department	37
Fire Services Department	133
Government Flying Service	1
Hong Kong Police Force	258
Immigration Department	31
ICAC	3

According to the information gathered by various departments, the common causes of indebtedness include investment failure (on the part of the officers themselves and/or their family members), excessive use of credit facilities, gambling, and living beyond their means.

- (b) As part of the staff welfare arrangements, assistance is available to staff on request to cover outlay of specified purposes, for example, expenses related to treating the illness of family members or other domestic distress. Such assistance may take the form of advance of salary or loans arranged through departmental relief/welfare funds.

As and when a case of staff indebtedness comes to light, departmental management will assign a suitably trained officer to stay in touch with the staff in financial difficulties, providing counselling and other assistance to help the staff face up to the situation.

In some cases, professional counselling services by clinical psychologists or social workers are also provided to help staff in need to tide over the anxiety and loss of self-esteem resulting from bankruptcy. Some departments (for instance, the Police Force and Correctional Services Department) provide such services in-house whilst others arrange the service by way of referral to the Social Welfare Department. The stress management workshops organized by individual departments for their staff also provide guidance that helps staff tackle the stress arising from various personal problems including indebtedness.

To augment the counselling services provided by departments, a hotline counselling service will be launched by the Civil Service Bureau in July 2002, offering service to staff who have difficulties in managing stress arising from work and other personal problems.

- (c) At induction briefings, new appointees are advised of the high standards of integrity they as civil servants are expected to uphold as well as the importance of prudent management of personal finance.

The induction materials given to new appointees include a booklet on "Sources of Finance for Civil Servants". It provides information on regulations governing civil servants borrowing money from other persons as well as the requirement to notify his head of department as and when a civil servant becomes bankrupt.

To help maintain vigilance against the problems that may arise from imprudent financial management, departments circulate the prevailing guidelines and regulations on insolvency to their staff at regular intervals. Messages advising staff to use their money wisely and to avoid incurring debts beyond their repayment capability are disseminated from time to time in newsletters or other integrity-related reference materials circulated to staff. Such messages are also given suitable prominence in training materials and such publications as the booklet on "Civil Servants' Guide to Good Practices" produced by the Civil Service Bureau and the codes of conduct compiled by individual departments.

In addition, individual departments have made special efforts to inculcate a culture of prudent financial management amongst their staff, such as running campaigns on healthy life-style and organizing briefing sessions on investment pitfalls and avoiding overspending.

The above endeavours form part of our wider efforts to promote integrity and probity in the Civil Service.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, it seems that the Secretary has not given us the number of employees who are heavily in debt. Concerning these employees who are heavily in debt or bankrupt, given that the work of the disciplined services is rather sensitive, would special consideration be made when making posting arrangements for them?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, a lot of cases of indebtedness will lead to bankruptcy declared by the employees concerned. We have the overall figures of staff who are heavily in debt and there were 655 such cases in 2001. I would be glad to give Mr LAU Kong-wah a written reply later. (Annex I)

The second question of Mr LAU Kong-wah is whether the work of such staff would be affected by their indebtedness. First of all, I have to explain that departments must follow the guidelines issued and clearly assess the need of special work arrangements for staff who are seriously in debt. For example, the management has the responsibility to ensure that staff who are seriously in debt are not assigned certain tasks such as those involving the handling of money or greater exposure to the lure of money. This point has been clearly specified in the guidelines. Of course, the disciplined services, especially the Police Force, will be more concerned about how suitable work arrangements can be made for staff in debt.

**MR JAMES TO** (in Cantonese): *Madam President, the causes of bankruptcy may include acts generally regarded as improper or incidents beyond the control of individuals. I have heard that the Police Force has adopted a new practice in the past year or so. When a Police Constable has gone bankrupt, he would not be assigned such tasks as money management and handling of stolen goods, and he would not be allowed to carry arms. But after a certain period of time, the management would say that there are difficulties in arranging posting for him and that work efficiency would be crippled, and then they would say that they could not employ him any longer and that he would be subject to a disciplinary hearing. In this connection, does the Government understand that while declaring bankruptcy could originally relieve the pressure of the Police Constable who would then regain confidence in work, it now turns out that he has to conceal the fact of his being bankrupt for various reasons, and this would lead to an even greater crisis and administrative risks? Has the Police Force really adopted such a new practice? Is it aware of the risks and crisis involved?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, regarding the disciplinary system of the Police Force, there is the Hong Kong Police Force Ordinance monitoring the conduct of the police. Internally, there is also the Police General Orders to ensure that the behaviours of the police are suitably regulated. There is a provision in the Police General Orders specifying that the police must conduct prudent financial management. If a police officer is in dire straits as a result of improper financial management, causing difficulties in his work or affecting his work efficiency, he might be subject to disciplinary procedures. If a case is found substantiated pursuant to the disciplinary procedures, the police officer would certainly be punished and the most serious punishment is dismissal. I believe the crucial point here is that the

disciplined forces, especially the Police Force, are highly concerned about the personal conduct of employees and they must ensure that their staff have good personal conduct. If a police officer has difficulties in work or his work efficiency impaired as a result of financial problems, the Commissioner of Police does have the right to take disciplinary actions under the law.

**PRESIDENT** (in Cantonese): Mr TO, has your supplementary not been answered?

**MR JAMES TO** (in Cantonese): *No, it has not. The Secretary has not answered whether this is a new policy introduced only a year or two ago, whereby declaring bankruptcy means dismissal.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, this policy has been implemented for years and it is definitely not a new policy.

**MISS LI FUNG-YING** (in Cantonese): *Madam President, in part (c) of his main reply, the Secretary mentioned various measures and guidance to help employees manage their finances properly. Has the Secretary seriously assessed and reviewed the effectiveness of these measures? If they are found to be effective, why is the situation still so serious? If they are not, how are the authorities going to introduce more effective measures?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, first of all, Honourable Members should understand that the bankruptcy problem is very often related to the overall economic circumstances. We have tried to conduct a more macroscopic assessment before. In the last few years, the total number of bankruptcy cases in Hong Kong has substantially increased. For instance, the total number of bankruptcy cases was 893 in 1998 but it increased to 3 071 in 1999. In 1999, there were 342 cases, in which civil servants reported to the heads of departments that they had financial difficulties and might have to file bankruptcy petitions, accounting for around 11% of the total number of bankruptcy cases. In 2001, the overall bankruptcy figure in Hong Kong was 9 151 cases, and those involving civil servants also increased to 655 cases. But in terms of percentage, the bankruptcy cases of civil servants accounted for 7.2%

of all such cases in the territory. From this perspective, the proportion of bankruptcy cases involving civil servants has not increased.

**DR LUI MING-WAH** (in Cantonese): *Madam President, in part (a) of his main reply, the Secretary has set out the number of employees reported to be bankrupt in the relevant departments over the past five years. However, we cannot see from the figures the relative seriousness of bankruptcy among the staff of each department, for the number of staff in each department is different. Can the Government provide the numbers of employees who have gone bankrupt in every 1 000 or 10 000 employees of each department to illustrate the seriousness of the problem, so that a comparison can be made?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, my main reply mainly sought to address the questions raised in the main question. I would be glad to provide the relevant figures later. For example, statistics on departments with the largest number of bankruptcy cases in the past few years and the total number of employees in the relevant departments for reference by Dr LUI. (Annex II)

**DR RAYMOND HO** (in Cantonese): *Madam President, in part (c) of his main reply, the Secretary has stated that individual departments have made special efforts to inculcate a culture of prudent financial management amongst their staff, such as running campaigns on healthy life-style. Would the Secretary tell us whether departments are carrying out work in this area individually under the existing policy? Will guidelines be worked out to encourage departments to at least carry out work to a specified extent in order to give their staff knowledge in this respect?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, in respect of personnel management, I think the major role of the Civil Service Bureau is central co-ordination and issuing central circulars or guidelines. In fact, we attach much importance to the personal financial management of civil servants. In April this year, we issued another detailed circular, notifying civil servants in various departments of the importance of personal financial management. We also asked a number of departments about which we were particularly concerned, that is, departments with a larger number of bankrupt

staff, including some disciplined services, the Food and Environmental Hygiene Department and the Leisure and Cultural Services Department, to give us regular reports on the efforts they have made in this regard. We will make reference to the reports and provide assistance when necessary. Yet, we will not set any specific targets or require departments to at least carry out work or implement plans to a specified extent.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, in part (a) of his main reply, the Secretary has mentioned the causes for the indebtedness of staff but actually, these causes of bankruptcy are also applicable to various sectors of the community. Has the Secretary analysed the particularly high staff bankruptcy rate of some departments so as to find out the major reasons why the rate is higher than other departments? I think only in this way can we tackle the problem at its core.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, basically, it is very difficult for us to make a detailed analysis. From the information that we have got, such as the survey recently conducted by the Police Force and the information stated in part (a) of my main reply, there are many common causes of indebtedness of staff. Even though it is their family members who are caught in financial difficulties, the employees themselves would also face financial difficulties as a result of having to help their family members or other relatives. There are, of course, other causes, including investment failure or excessive spending.

Another analysis shows that, if assessment is made on the basis of the salary scale or income of civil servants, almost 80% of cases of bankruptcy as a result of indebtedness involve the rank and file members of the Civil Service, say, civil servants with a salary below \$25,000. The percentage of bankruptcy cases involving civil servants with higher income, say, a monthly salary of more than \$50,000 is very low at a mere 2%. This is a general analysis but I think the problem of civil servants going bankrupt as a result of indebtedness is mainly attributed to the overall economic climate.

**PRESIDENT** (in Cantonese): This Council has spent more than 17 minutes on this question. Oral question time ends here.

**WRITTEN ANSWERS TO QUESTIONS****Combating Import and Sale of Counterfeit Controlled Drugs**

6. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, regarding combating the import and sale of counterfeit controlled drugs, will the Government inform this Council:*

- (a) *of the respective quantities of counterfeit controlled drugs, broken down by type, seized by law enforcement agencies in Hong Kong in each of the past five years;*
- (b) *of the respective numbers of persons prosecuted and convicted for the import or sale of counterfeit controlled drugs in the past five years, and the average penalties imposed on those convicted; and*
- (c) *whether it has reviewed existing legislation against the import and sale of counterfeit controlled drugs to see if it has sufficient deterrent effect; if so, of the details of the review; if not, the reasons for that?*

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

- (a) A breakdown of counterfeit controlled drugs seized by the Customs and Excise Department (C&ED) in the past five years is as follows:

<i>Year</i>	<i>Number of cases</i>	<i>Number of persons arrested</i>	<i>Drugs seized</i>
1997	2	2	420 cold tablets; 500 antipyretic and analgesic tablets
1998	1	2	680 antipyretic and analgesic tablets
1999	0	0	—
2000	0	0	—

<i>Year</i>	<i>Number of cases</i>	<i>Number of persons arrested</i>	<i>Drugs seized</i>
2001	7	8	1 530 antipyretic and analgesic tablets; 2 900 vitamin pills; 170 antibiotic capsules
2002 (from January to May)	0	0	–

- (b) In the past five years, no person was prosecuted for importing counterfeit controlled drugs. As regards the sale of such drugs, the C&ED detected 10 cases and prosecuted 12 persons, of which 11 were convicted. The case of the remaining one person is still being processed. Of the 11 convicted persons, one was sentenced to a three-month imprisonment suspended for three months, and 10 were fined between \$1,000 and \$14,500, with an average of \$6,650.
- (c) The following three ordinances regulate the import and sale of counterfeit controlled drugs:
- (i) according to the Trade Descriptions Ordinance, any person who imports or sells any goods to which a false trade description or forged trade mark is applied, including counterfeit controlled drugs, commits an offence. The maximum penalty is a fine of \$500,000 and imprisonment for five years;
  - (ii) according to the Import and Export Ordinance, no person shall import pharmaceutical products and medicine without a licence. Anyone who contravenes this provision commits an offence. The maximum penalty is a fine of \$2 million and imprisonment for seven years;
  - (iii) according to the Pharmacy and Poisons Ordinance, no person shall sell unregistered pharmaceutical products. Anyone who contravenes this provision commits an offence. The maximum penalty is a fine of \$100,000 and imprisonment for two years.

Generally speaking, the existing legislation mentioned above has sufficient deterrent effect. We will from time to time review the legislation and its enforcement. We will also maintain close liaison with the industry with a view to combating such offences more effectively.

### **Shortage of Public Toilets at Repulse Bay Beach**

7. **MR HOWARD YOUNG** (in Chinese): *Madam President, I have learnt that due to the recent surge of visitors to Hong Kong and the closure of toilets in some premises in the vicinity of Repulse Bay Beach which are being redeveloped, there is a shortage of public toilets at Repulse Bay Beach. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received in the past 12 months in this regard; and*
- (b) *whether it will consider providing temporary mobile toilets at Repulse Bay Beach, such as near the Hong Kong Life Saving Society?*

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

- (a) Over the past 12 months, the Leisure and Cultural Services Department (LCSD) and the Food and Environmental Hygiene Department (FEHD) respectively received one complaint referred by the Tourism Commission in relation to public toilets at the Repulse Bay Beach.
- (b) At present, two public toilets are provided at the Repulse Bay Beach managed by the LCSD. They are respectively located at the Beach Services Building in the middle of the beach and the Eastern Services Building (adjacent to the Lido Building). Moreover, there are also four public toilets provided by the FEHD in the vicinity of the beach. They are located respectively at the entrance to the Tin Hau Square, Beach Road, the Bus terminal at Repulse Bay and the

vicinity of Sea View Building. On the other hand, on the west side of the beach, there are also public toilet facilities in the Seaview Building managed by a term contractor. Therefore, the existing toilet facilities at the beach and in the vicinity should in general be able to cater for the needs of the visitors.

In early March this year, the Tourism Commission had issued a memorandum to the LCSD and the FEHD respectively to refer a tourist guide's views on the inadequacy of toilets near Tin Hau Square, Repulse Bay. At that time, as renovation works were being carried out in the public toilets located at the entrance to Tin Hau Square as well as the Eastern Services Building, visitors had to take a three-minute walk to the public toilet located in the Beach Services Building or to the toilet in its vicinity. Renovation works on the public toilet located at the entrance to Tin Hau Square were completed on 7 May this year and the toilet has been opened for public use immediately. The situation has been improved. As for the renovation works on the toilet located in the Eastern Services Building, it is scheduled for completion in late June this year and will then be reopened for public use. The Architectural Services Department is now planning to provide temporary toilets in the vicinity of the Eastern Services Building for the use of the public during the works so as to further improve toilet facilities near the beach.

### **Provision of Free Mailing Service to Elected Councillors**

8. **MR ALBERT CHAN** (in Chinese): *Madam President, at present, managers of many housing estates do not allow members of the Legislative Council and District Councils to put up posters or distribute their work reports within housing estates. Even in housing estates managed by the Housing Department, the councillors' work reports can be placed only in the lobby of the buildings for the public to pick up, and not inside the residents' mailboxes directly. The councillors are therefore faced with great difficulties in distributing timely work reports to the residents in their constituencies. It is noted that free mailing service is available to Members of parliaments in many*

*overseas countries to facilitate their reporting their work to the citizens, but such service is not available to the elected councillors in Hong Kong. In this connection, will the Government inform this Council whether :*

- (a) it plans to provide the elected councillors with free mailing service; if so, of the details; if not, the reasons for that; and*
- (b) it will provide the elected councillors with more assistance in the future to improve communication between them and the general public?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): Madam President, an annual allowance for accountable expenses is provided to Legislative Council and District Council members to meet their operating expenses. Members may use any amount of the allowance to cover mailing charges. Accordingly, we do not consider it necessary to provide a free mailing service for Legislative Council and District Council members.

We recognize the need of Legislative Council and District Council members to keep in close contact with their constituents. The provision of an information technology allowance for Legislative Council Members in 1999 and the increase in the amount of accountable allowance for Legislative Council and District Council members last year should help members to improve communication and contact with their constituents.

### **Fare Concession Schemes of Railway Corporations**

9. **MR LAU KONG-WAH** (in Chinese): *Madam President, the current "Ride 10 Get 1 Free" fare concession scheme offered by both the MTR Corporation Limited (MTRCL) and the Kowloon-Canton Railway Corporation (KCRC) will expire within this month. In this connection, will the Government inform this Council whether it knows :*

- (a) the number of free rides enjoyed by passengers in each month since the introduction of the above concession schemes; and*

- (b) *if the two railway corporations plan to extend the period of the schemes and to provide other fare concessions?*

**SECRETARY FOR TRANSPORT** (in Chinese): Madam President, the MTRCL introduced a "Ride 10 Get 1 Free" fare concession scheme for six months for their Urban Lines with effect from 10 December 2001. According to the MTRCL, on average 1.3 million bonus trips were redeemed by passengers each month. The KCRC introduced a similar scheme for East Rail passengers for a period of six months starting from 24 December 2001. According to the KCRC, on average 460 000 bonus trips were redeemed by passengers each month.

The MTRCL and the KCRC have advised us that their schemes will be terminated on 9 June 2002 and 30 June 2002 respectively.

The Government understands the concern of the public with regard to transport fares and has encouraged public transport operators, including the MTRCL and the KCRC, to withhold fare increases and provide fare concessions as far as possible, taking into account their own operational situations. Both the MTRCL and the KCRC currently offer a number of concessions, such as concessions for Octopus Card users, elderly, students and children, concessions for same day return, round trip and children in the case of the Airport Express Line, free bus connecting services in the case of the East Rail and frequent user bonus scheme in the case of the Light Rail. The two Corporations have indicated that they would continue to explore other opportunities for fare concessions so as to promote ridership and provide value-for-money services for passengers.

### **Coverage of Outline Zoning Plans**

10. **DR RAYMOND HO:** *Madam President, regarding the coverage of Outline Zoning Plans (OZPs), will the Government inform this Council:*

- (a) *of the areas and locations of land not covered by OZPs and without designated uses;*

- (b) *whether OZPs will be drawn up for the land identified in (a) above in the next three years; if so, of the details; if not, the reasons for that; and*
- (c) *whether the respective total acreage of land designated for various uses on OZPs can meet the various development needs in the next five years; if not, how the shortfall will be met?*

**SECRETARY FOR PLANNING AND LANDS:** Madam President,

- (a) The territory has a total land area of 109 800 hectares. About 54 340 hectares are covered by statutory plans, that is, OZPs and Development Permission Area Plans, and another 37 490 hectares outside the coverage of statutory plans are designated as country parks. The remaining 17 970 hectares include the frontier closed area, sparsely populated remote areas and some outlying islands.
- (b) In the next three years, we will prepare new statutory plans for Cheung Chau and parts of Sai Kung and Lantau which are not already covered by statutory plans. As a longer-term goal, we intend to prepare statutory plans for the remaining areas, other than those designated as country parks. We do not have a fixed timetable to complete the preparation of the remaining statutory plans because there is no imminent need to develop these areas.
- (c) We have reserved sufficient land on the statutory plans to meet the expected development needs of Hong Kong in the short to medium term. As an ongoing process, we do review and make amendments to statutory plans from time to time in response to changing demands for the various types of land use. There is also flexibility for the private sector to apply for changes in land use by way of planning applications or rezoning requests.

### **Clinical Practicum Training of Higher Diploma Course in Nursing**

11. **MR MICHAEL MAK** (in Chinese): *Madam President, the Open University of Hong Kong (OUHK) offers a Higher Diploma course in Nursing,*

*which includes a 10-month clinical practicum training. Upon completion of the course, enrolled nurses (ENs) are eligible to take the licensing examination for registered nurses (RNs). During the clinical practicum training period, staff of the Hospital Authority (HA) taking the course will be paid by the HA a salary equivalent to the maximum pay point of student nurses. In this connection, will the Government inform this Council whether:*

- (a) it knows the justifications for the 10-month duration of the clinical practicum training of the course; whether the HA will request the University to consider shortening the duration according to individual students' lengths of service in nursing; if so, of the details; if not, the reasons for that;*
- (b) it knows how the HA set the salary level for staff undergoing practicum training; whether the HA will consider paying them different salaries according to the staff's lengths of service; if it will, of the details; if not, the reasons for that;*
- (c) it knows if ENs now employed by the HA under permanent terms who obtain the qualification for RNs can retain their permanent staff status upon appointment to contract-term RN posts;*
- (d) it has plans to adopt measures to encourage ENs who are not working for the HA to enroll for the course; if so, of the details; if not, the reasons for that?*

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

- (a) Like all other nursing programmes in Hong Kong, the Higher Diploma in Nursing designed and administered by the OUHK has to meet the requirements set by the Nursing Council of Hong Kong, including the requirement for students to undergo a clinical practicum period of 1 800 hours (equivalent to 10 months). The OUHK may, having regard to the previous clinical experience of individual students, seek exemption from the Nursing Council to shorten the clinical practicum period up to a maximum of not more than 200 hours.

- (b) ENs sponsored by the HA to take the Higher Diploma in Nursing run by the OUHK will be re-appointed to the rank of Student Nurse (General) during their practicum period. These ENs will be paid a monthly salary of \$12,375 which is the maximum point of the pay scale of Student Nurse (General). Since these nurses will be assigned similar clinical duties according to the course requirements during the 10-month practicum period, they will receive the same salary during the practicum period irrespective of the length of their previous clinical experience.
- (c) ENs currently employed by the HA under permanent terms are eligible to apply for vacant RN posts available in the HA if they have successfully completed the conversion course and registered with the Nursing Council as RNs. They would be appointed to the rank of RN in accordance with the terms and conditions of employment offered with regard to the post they applied for.
- (d) While it is the Government's policy to require health care professionals to undertake continuing professional education and development to ensure that their knowledge, practice and skills are updated, the Government does not normally promote individual programmes offered by tertiary institutions. We rely on the respective professions to pursue this within the profession. In this connection, we have had dialogues with the professional bodies responsible for setting professional standards on the need for continuing professional education and development as part of the professional practice of the health care profession. The Nursing Council is pursuing this within the nursing profession.

### **Protection of an Old Banyan Tree from Damage Caused by Works**

12. **MISS CHOY SO-YUK** (in Chinese): *Madam President, the Civil Engineering Department is carrying out site formation works for a large housing development project at Lung Wah Street, Kennedy Town and the Government has previously agreed to preserve an old banyan tree at the centre of the project site. However, during a recent visit to the site, I found that many main branches of the tree had been trimmed away and there were no facilities (such as fences) erected around the tree to protect it from being damaged by the works. In this connection, will the Government inform this Council whether:*

- (a) *the works contract signed with the contractor has specific provisions requiring the contractor to take measures to protect the tree; if so, of the details of such provisions;*
- (b) *it has assessed the extent of the damage caused to the tree so far by the works; and*
- (c) *the Civil Engineering Department has deployed officers to inspect if the contractor has taken sufficient measures to protect the tree; if so, of the dates and conclusions of such inspections; if not, the reasons for that?*

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

- (a) The Civil Engineering Department has made clear in the contract the Government's intention to preserve the old banyan tree and stipulated specific provisions for its protection. These provisions include the employment of a landscape architect to supervise the tree protection works, erection of a protective fence around the tree and implementation of a number of precautionary measures to avoid damage to the tree. The contract also requires the appointment of an independent botanical scientist to monitor the health of the tree. The contractor has fulfilled these requirements. The protective fence was erected in February 2002.
- (b) The tree was pruned at an early stage of the contract in March 2002 to allow the construction of retaining walls to preserve the tree. The pruning was carried out carefully in the presence of the independent botanical scientist. The health of the tree has not been affected.
- (c) The project is under the supervision of resident site staff. Daily inspections are carried out to ensure that the tree is being protected in accordance with the contract. Furthermore, the botanical scientist pays a visit every month and his last report at the end of April 2002 was that the tree remained healthy.

**Progress of Construction Project for Hong Kong Disneyland**

13. **MISS EMILY LAU** (in Chinese): *Madam President, regarding the Hong Kong Disneyland under construction, will the executive authorities inform this Council:*

- (a) *of the latest progress of the construction project;*
- (b) *whether they have assessed if the project can be completed on schedule and if its costs will exceed the budget; if they have, of the results of the assessment; and*
- (c) *whether they know if The Walt Disney Company and the Universal Studios have plans to construct similar theme parks in the Mainland; if these companies have such plans, of the details, and whether they have assessed the impacts of these theme parks in the Mainland on Hong Kong Disneyland and local tourism?*

**SECRETARY FOR ECONOMIC SERVICES** (in Chinese): Madam President,

- (a) Phase I of the Hong Kong Disneyland project is progressing on schedule. As at end May 2002, sand filling works for Penny's Bay Reclamation Stage 1 are almost complete and will proceed to the final stage of surcharging in mid June. Construction works of Penny's Bay Infrastructure Contract 1 which commenced in October 2001 are also in good progress (about 17% completed). We are inviting tenders for Penny's Bay Infrastructure Contract 2 which is scheduled for commencement in August 2002.
- (b) Overall, the construction works for Hong Kong Disneyland Phase 1 is on schedule. We expect that the works to be completed by 2005 as scheduled and the project cost to be within the financial implications, estimated at \$13.569 billion, accepted in principle by the Finance Committee in November 1999.
- (c) We understand that The Walt Disney Company does not rule out any possibility of building another theme park in the Mainland in future. However, it is the priority of both the Government and The

Walt Disney Company to get Hong Kong Disneyland up and running and make it a success.

As regards the business plans of Universal Studios or any other company, we do not normally comment as a matter of principle.

The attractiveness of Hong Kong as a tourist destination lies in our unique blend of East and West and the mix of cosmopolitan, heritage and natural attractions, rather than being dependent on any single attraction. The wide range of tourism development projects that we have in hand will further strengthen our position as Asia's world city and most popular destination city.

### **Complaints About Rain Water Flowing into Houses of NT Residents**

14. **MR ALBERT CHAN** (in Chinese): *Madam President, I have received complaints from some New Territories residents who allege that rain water flowed into their homes during heavy downpours because the land in front of their houses having been filled up to form elevated sites, thus turning the sites of their houses into comparatively low-lying areas. Nevertheless, the Government has refused to deal with their complaints on grounds that the land concerned is held under Block Crown Leases. In this connection, will the Government inform this Council:*

- (a) *of the number of such complaints received, the districts concerned and the outcomes of such complaints over the past three years; and*
- (b) *of the Government's policies or measures to deal with such nuisances to the residents, and whether it will review the effectiveness of such policies or measures?*

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

- (a) The Government has received a total of 49 complaints relating to land filling on private land causing blockage of drains and flooding

in the past three years. Most of the complaints were in Yuen Long (30 cases) and North District (12 cases). The rest were in Tuen Mun (three), Tai Po (two), Tsuen Wan (one), and Islands (one). Upon receiving the complaints, the Government carried out investigation and provided advice/suggestion for remedial works to the complainants and the landowners concerned. The remedial measures suggested include the widening of surface drainage channels and provision of larger underground drains. If the land filling activity involves unauthorized development, the Government would take follow-up enforcement actions in accordance with the provisions of the Town Planning Ordinance (Cap. 131).

- (b) The Government is unable to carry out lease enforcement action against land filling on agricultural lots as the activity itself does not constitute a breach of the Block Crown Lease. However, there is control over the use of land under the Town Planning Ordinance.

Under that Ordinance, the Director of Planning is empowered to take enforcement actions against unauthorized developments in Development Permission Areas (DPA) or areas covered by outline zoning plans in the rural areas. A development is unauthorized if it is not an existing use, not permitted under the plan or not covered by valid permission from the Town Planning Board. In some areas, it is specified in the relevant statutory plans that planning permission is required for site formation works and filling of ponds. For large-scale developments, the submission of a Drainage Impact Assessment or provision of proper drainage system is required as a condition of planning approval by the Town Planning Board.

The Government will conduct site investigations from time to time to monitor the use of land in rural areas and investigate complaints lodged by the public. If unauthorized development is identified, the Government will take follow-up enforcement actions in accordance with the provisions of the Town Planning Ordinance. The effectiveness of these measures will be reviewed as and when necessary.

**Building of Arboretum in Penny's Bay**

15. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that in order to develop Penny's Bay on Lantau Island as Asia's top tourist attraction, the Government is planning to establish a large arboretum adjacent to the Hong Kong Disneyland. In this connection, will the Government inform this Council:*

- (a) *of the government department or organization which will be responsible for the management and operation of the arboretum;*
- (b) *whether it plans to charge a fee for admission to the arboretum; if so, of the admission fee for each visit; and*
- (c) *of the estimated annual number of visitors to the arboretum in the first three years after its opening?*

**SECRETARY FOR ECONOMIC SERVICES** (in Chinese): Madam President,

- (a) The arboretum is part of a public water recreation centre adjacent to the Hong Kong Disneyland. According to the agreement between the Government and The Walt Disney Company, the water recreation centre will be managed and operated by our joint venture company, the Hongkong International Theme Parks Limited.
- (b) We do not intend to impose any admission fee for the water recreation centre or the arboretum.
- (c) We estimate that the water recreation centre will attract a total of 720 000 visitors in its first three years of operation, that is, an average of about 240 000 visitors annually.

**Government Departments Operating as Trading Funds**

16. **MR LEUNG FU-WAH** (in Chinese): *Madam President, it has been reported that the Government has commissioned a consultancy company to study*

*the feasibility for certain government departments to operate as trading funds. In this connection, will the Government inform this Council:*

- (a) of the items of study which are in progress or scheduled, the consultancy fee for each study and its expected date of completion;*
- (b) of the government departments which are being considered, and whether the Government has assessed the impact of these departments operating as trading funds on its overall income and expenditure;*
- (c) whether it has worked out long-term strategies and implementation timetables for government departments to operate as trading funds; if so, of the details; if not, the reasons for that?*
- (d) of the criteria adopted for deciding which departments are suitable for operating as trading funds; and*
- (e) whether the staff of the departments concerned and the public will be consulted before the Government decides that certain departments should operate as trading funds?*

**SECRETARY FOR THE TREASURY** (in Chinese): Madam President,

- (a) The only trading fund study in progress is related to the Rating and Valuation Department (RVD). The Department has recently engaged a consultant at a fee of \$1.29 million to provide it with support in drawing up the necessary documentation, for example, framework agreement, service level agreements (SLAs), business and corporate plans, and so on, for the proposed trading fund. This study is expected to be completed by the end of August 2002.
- (b) The RVD is the only government department currently being considered for establishment as a trading fund. The Administration has conducted an analysis of the RVD's revenue potential against its full operating costs. We consider that the proposed RVD Trading Fund will be able to meet the financial requirements for operation as a trading fund. The RVD will

continue with its core services to government bureaux and departments, for example, statutory valuation and billing, landlord and tenant services and valuation and rental advice. The RVD Trading Fund will charge for these core services in accordance with the SLAs, which will provide a major, stable source of its revenue. In the early years of the RVD's operation as a trading fund, we expect there to be no significant impact on the Government's overall income and expenditure. Over the longer term, we expect the RVD's operation as a trading fund to achieve greater efficiency and higher productivity. Operating surpluses so generated can be reinvested in the RVD to enhance its existing services and to develop new business opportunities, as well as being paid in the form of a dividend to the Government in respect of its initial capital investment.

- (c) We aim to establish the RVD as a trading fund with effect from 1 July 2003. We have no plans at present to establish other government departments as trading funds.
- (d) Before a government department can be considered for operation as a trading fund, it must demonstrate that it will be able to meet the basic criteria stated in the Trading Funds Ordinance (Cap. 430), namely:
  - (i) to provide an efficient and effective operation that meets an appropriate standard of service; and
  - (ii) to have the capacity, within a reasonable time, to meet expenses incurred in the provision of the government service and to finance liabilities to be specified in the resolution out of the income of the proposed trading fund.

So far, five departments meeting these criteria are operating wholly or partly as trading funds. They are: the Company Registry, the Electrical and Mechanical Services Department, the Land Registry, the Office of the Telecommunications Authority and the Post Office.

- (e) We consult the staff of the department concerned and the relevant panel of the Legislative Council on any proposal to establish a

government department as a trading fund. In accordance with the provisions of the Trading Funds Ordinance, a trading fund is established by a resolution of the Legislative Council.

### **Statistics on Innovation and Technology Fund**

17. **MR ABRAHAM SHEK:** *Madam President, the Innovation and Technology Fund (ITF) was established in November 1999 to facilitate innovation and technology upgrading in industries. In this connection, will the Government inform this Council of:*

- (a) *the respective numbers of applications that the ITF has received and approved so far and provide, in respect of the approved projects, a breakdown by industry of the number of projects and amount of subsidy;*
- (b) *the number of applications rejected, and a breakdown by the reason for rejection; and*
- (c) *the number of funded projects which have been commercialized after completion or in respect of which the technology involved has been transferred to the relevant industry?*

**SECRETARY FOR COMMERCE AND INDUSTRY:** Madam President,

- (a) Up to the end of April 2002, the ITF had received a total of 1 296 applications, and the Administration has completed the processing of 1 171 such applications. Of these, we have approved 277 projects amounting to \$676.5 million. The number of approved projects and the level of funding broken down by industrial sector is at the Annex.
- (b) Up to the end of April 2002, a total of 894 applications had been rejected because they could not meet some or all of the vetting criteria as set out below:
  - (i) the potential of the project to facilitate general upgrading and future development of one or more sectors in industry;

contribute to innovation and technology upgrading of the economy, and broaden the scientific and technical knowledge base of the economy;

- (ii) whether there is a demonstrated need for the proposed project;
- (iii) whether similar products, technologies or services are already available in the market, and whether the project is duplicating or likely to duplicate the work carried out by other institutions;
- (iv) the overall planning and organizational structure of the project and the technical and project management capability of the project team, that is, the project team members' experience, qualifications, track records, and the resources available for the project; and
- (v) whether the proposed budget is reasonable and realistic and whether the project should be funded by other sources, such as the Research Grants Council.

The Administration does not keep separate statistics on rejected projects broken down by the reason for rejection.

- (c) The progress in respect of commercialization and technology transfer under the four programmes of the ITF is summarized below:
  - (i) under the Innovation and Technology Support Programme which supports applied research and development projects, only four have been completed. The universities concerned have been exploring ways to transfer the technologies developed to the relevant industries;
  - (ii) under the University-Industry Collaboration Programme which supports commercial research and development projects undertaken by private companies in collaboration

with local universities, five projects have been completed. With the intellectual property rights of technologies developed from these projects, the companies concerned are in the process of commercializing the project deliverables;

- (iii) under the Small Entrepreneur Research Assistance Programme which provides financing for the pre-venture capital stage of technology start-ups, 15 projects have been completed. With the intellectual property rights of technologies developed from these projects, the companies concerned are now at different stages of business development and some of their project deliverables are being commercialized; and
- (iv) under the General Support Programme which supports projects that contribute to fostering an innovation and technology culture in Hong Kong, nine have been completed. Through the conferences, seminars and exhibitions organized under these projects, information on new technologies developed has been transferred and disseminated to the relevant industries.

Annex

ITF Projects Broken Down by Industrial Sector  
(From Launching of ITF in November 1999 to April 2002)

<i>Industrial Sector</i>	<i>No. of approved projects</i>	<i>Approved funding (\$ million)</i>
Biotechnology	31	88.45
Chinese Medicine	16	50.92
Electrical and Electronics	48	152.38
Environmental Technology	14	32.28
Food and Beverage	1	1.10
Information Technology	87	170.75
Manufacturing Engineering	23	52.77
New Materials	11	17.08

<i>Industrial Sector</i>	<i>No. of approved projects</i>	<i>Approved funding (\$ million)</i>
Precision Engineering	7	10.97
Printing and Publishing	3	11.22
Telecommunications	5	28.72
Textiles/Clothing/Footwear	12	18.98
Transportation	2	1.71
Cross-sectoral	7	23.69
Others	10	15.46
Total	277	676.49

### **Building of Sewage Treatment Plant at Ngong Ping**

18. **MR TAM YIU-CHUNG** (in Chinese): *Madam President, the Drainage Services Department (DSD) plans to build a sewage treatment plant at Ngong Ping on Lantau Island, and to discharge the treated effluent into the sea from Tai O. In this connection, will the Government inform this Council:*

- (a) of the details of the project to construct the sewage treatment plant and sewerage system;*
- (b) of the expected completion date of the environmental impact assessment (EIA) in relation to the project;*
- (c) whether it has assessed if the discharge of treated effluent from Tai O will affect the water quality of the coastal waters there; and*
- (d) besides the two options already considered (namely connecting the export pipelines to the sewerage system at Tung Chung, and discharging the effluent to the marine waters at Shum Wat Bay), whether it will examine the feasibility of other export routes and effluent discharge locations; if it will, of the details?*

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

- (a) The objective of the Government's proposal to implement the sewage collection and treatment scheme in Ngong Ping is to provide adequate public facilities to meet the needs of the cable car system which connects Tung Chung and Ngong Ping, and the development of Ngong Ping itself. The sewerage project includes the following items:

(1) Ngong Ping Sewage Treatment Plant (STP)

After tertiary treatment and disinfection, Biochemical Oxygen Demand, suspended solids and ammoniacal nitrogen in sewage will be reduced by more than 95% and micro-organisms will be removed by over 99.99%.

(2) Ngong Ping Trunk Sewers and Effluent Export Pipeline

(i) Trunk sewers and sewers will be laid at Ngong Ping to collect and convey the sewage from the cable car station, the Po Lin Monastery and nearby public toilets to the Ngong Ping STP for treatment; and

(ii) An effluent export pipeline of 6.5 km in length will be laid to convey the treated effluent of the Ngong Ping STP to a stormwater culvert at Tai O for discharge into the sea.

(3) Ngong Ping Village sewerage system

A new sewerage system will be constructed at Ngong Ping to collect and convey the sewage from village houses and other temples in the area to the Ngong Ping STP for treatment.

Items (1) and (2) are scheduled for completion in the later half of 2005 to tie in with the commissioning of the cable car system. As item (3) will involve land resumption, it is scheduled for completion by mid-2007.

- (b) The DSD has just completed the EIA report for the Ngong Ping sewage collection and treatment scheme and submitted it to the

Environmental Protection Department (EPD) for consideration. According to the findings of the EIA study, the potential impacts arising from the project on various aspects (including impacts on water quality, air quality, noise, waste management, ecology, fisheries and cultural heritage as well as landscape and visual impacts) can meet the established environmental objectives. Subject to the EPD's endorsement, the EIA report will be made available for public inspection in July/August this year.

- (c) The EIA study has also assessed in detail the impact of the project on the water quality of the coastal waters at Tai O. According to its findings, the discharge of effluent after tertiary treatment into the coastal waters at Tai O will not adversely affect the mangroves, marine ecology and fisheries near the estuary. The water quality of the coastal waters at Tai O will still fully meet the water quality objectives for that area.
- (d) The DSD's EIA report confirms that the currently proposed discharge point at Tai O is the best option.

### **Sale of Fresh Meat by Superstores**

19. **MR FRED LI** (in Chinese): *Madam President, at present, most superstores have set up stalls selling various kinds of fresh meat. In this connection, will the Government inform this Council:*

- (a) *whether it has found cases in which chilled meat was sold as fresh meat at such stalls in the past two years; if it has, of the number of such cases and the follow-up actions taken;*
- (b) *of the method the authorities use to determine whether the meat for sale at such stalls is fresh or chilled;*
- (c) *whether it has verified the authenticity of the information on the sources and wholesalers concerning the fresh meat for sale at such stalls; if not, of the reasons for that; and*
- (d) *whether it will consider introducing legislation to require meat retailers to label clearly whether the meat for sale is fresh, chilled or*

*frozen, so as to safeguard consumers' right to information; if so, of the legislative timetable; if not, the reasons for that?*

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

- (a) The Food and Environmental Hygiene Department (FEHD) conducts routine and surprise inspections on supermarkets with fresh meat stalls. In the past two years, the FEHD has not found instances where supermarkets sell chilled meat under the guise of fresh meat.
- (b) Since September 2000, the lease or licensing conditions of all meat retail outlets specify that all purchase invoices must be retained for at least 60 days. The invoices should indicate the purchase date, the goods description, the amount, and information on the supplier. When conducting routine or surprise inspections, FEHD officers examine whether meat retailers have fresh meat purchasing invoices issued by the two licensed slaughterhouses, and whether they have other chilled meat purchasing invoices. The officers check if the quantity of goods listed in the receipts matches the physical inventory. To ensure that the checking is not complicated by the flow of goods, the FEHD conducts these inspections in the morning at the beginning of the trading hours of retail outlets. If these shops have chilled meat purchasing invoices, FEHD officers will conduct inspections on the spot to see if the chilled meat is stored in appropriate temperatures in a chiller for sale in accordance with the provisions in the licensing conditions.
- (c) All fresh meat sold in Hong Kong must come from licensed slaughterhouses, which have a sophisticated system for issuing purchase invoices. Currently, the FEHD requires that all meat retailers must retain the invoices issued by the slaughterhouses. Since 2001, the two licensed slaughterhouses have begun to issue computer-generated purchase invoices. During each inspection, FEHD officers check whether a fresh meat retailer has purchasing invoices issued by the slaughterhouses to ascertain the source of the fresh meat.

- (d) Since September 2001, the FEHD has specified in the lease or licensing conditions of meat stalls or fresh provision shops that all chilled and frozen meat must be stored in a chiller at specified temperatures. Accordingly, there is no need for further labelling of whether the meat is fresh, chilled, or frozen. We therefore do not consider it necessary to legislate to require retailers to label these different kinds of meat.

## **BILLS**

### **First Reading of Bill**

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

### **PUBLIC OFFICERS PAY ADJUSTMENT BILL**

**CLERK** (in Cantonese): Public Officers Pay Adjustment Bill.

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

### **Second Reading of Bill**

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

### **PUBLIC OFFICERS PAY ADJUSTMENT BILL**

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Madam President, I move that the Public Officers Pay Adjustment Bill (the Bill) be read a Second time.

The purpose of the Bill is to give effect to the policy decision on this year's civil service pay reduction. On 28 May 2002, the Chief Executive in Council decided that civil service pay be reduced by 4.42% for the directorate and the upper salary band, 1.64% for the middle salary band and 1.58% for the lower

salary band with effect from 1 October 2002. In coming to this decision, the Administration has taken into consideration all relevant factors under the existing civil service pay adjustment mechanism, including the net pay trend indicators derived from the results of an independent private sector pay trend survey, the state of the economy of Hong Kong, budgetary considerations, changes in the cost of living, the staff sides' pay claims and civil service morale.

The magnitude of adjustment is, in our view, reasonable and modest. Over the past year, the economic activities in Hong Kong were in a downturn. For the third consecutive year, we have recorded deflation in the domestic economy. The labour market slackened visibly after mid-2001, with the unemployment rate reaching a record high in the first quarter of 2002. At the same time, the Government is facing a structural fiscal deficit problem, with an estimated consolidated deficit of \$63.3 billion and \$46.7 billion for 2001-02 and 2002-03 respectively. To tackle the fiscal deficit, the Government has set targets to strictly contain the annual growth of government expenditure. As regards the cost of living, for the year ending 31 March 2002, the Composite Consumer Price Index had declined by 1.8% over the same period in 2001. The other consumer price indexes have registered similar decreases. In addition, the results of this year's Pay Trend Survey indicate a general trend of downward pay adjustments in the private sector over the past year. Taking into consideration the factors above, as well as the pay claims of the staff sides of the four central consultative councils and civil service morale, the Government decided that civil service pay should be reduced.

I should stress that the Government has earlier committed, and the staff sides have hitherto urged the Government, to follow the established mechanism in handling this year's civil service pay adjustment. The pay reduction decision has not in any way deviated from this mechanism. The individual factors under the existing mechanism are capable of having positive and negative effects on civil service pay adjustment and it follows that the final decision can be pay increase as well as pay reduction. In our view, given the prevailing economic climate in Hong Kong, our stringent financial situation and the pay adjustment trend in the private sector, the Government's decision to reduce pay by 1.58% to 4.42% strictly in line with the net pay trend indicators is very reasonable. Upon the announcement of the decision, the community at large and many civil servants consider the decision and the magnitude of pay reduction acceptable.

As a responsible government, it is incumbent upon us to ensure that our decision on civil service pay adjustment serves the overall interests of the

community. We must therefore take necessary steps to implement the decision with certainty. I will move on to explain why legislation is the only safe means to implement with certainty our decision on a civil service pay reduction.

Our main reason for seeking to implement the pay reduction by legislation is that the contractual employment arrangements between the Government and the vast majority of serving civil servants do not contain an express provision authorizing the Government to reduce pay.

Specifically speaking, the employment arrangements for a civil servant are, at present, governed by the provisions set out in a letter of appointment and the Memorandum on Conditions of Service (MOCS) attached to the letter. While the standard MOCS applicable to civil servants provides that the Government reserves the right to alter any of the officer's terms of appointment and conditions of service should the Government consider this to be necessary, the employment contracts of most serving civil servants, except for a very small number of officers recruited since June 2000, do not contain any express provision authorizing pay reduction by the Government. The legal advice we obtained is that on the basis of decided cases, the courts are unlikely to accept that this general power of variation could apply to such a fundamental term as the salary. It is possible that the Government would face legal challenges if it relies solely on this provision to implement the decision on a civil service pay reduction. Any civil servant can challenge the Government's decision in court. As a matter of fact, some staff unions have already stated that they are considering suing the Government for breach of contract by reducing civil service pay. Should the Court decide in a single case that there is inadequate legal basis for the Government to reduce civil service pay, we would not be able to implement the decision on a pay reduction this year. In such an eventuality, the good governance of the Government and the stability of the Civil Service would be seriously affected. Thus, legislation is the only way to implement with certainty the decision on a civil service pay reduction.

We do not agree with the view that the implementation of the decision on a civil service pay reduction is tantamount to depriving civil servants of their reasonable rights and expectations. As I have explained in some detail, the decision on a pay reduction this year has been made based on a pay adjustment mechanism which has been in use for over 20 years and has been accepted by all civil servants. Given the ambiguity in the contractual provision, we should seek a safe and sound solution to the matter rather than using this as an excuse to delay

implementing the decision on a pay reduction. Otherwise, the public at large would criticize the Government for failing its responsibility. It would be detrimental to the overall interests of the Civil Service and the community if our failure to implement the pay reduction led to the impression that civil servants were unwilling to share the burden with the rest of the community in time of difficulty or our inaction meant that our severe fiscal deficit could not be alleviated.

It is entirely proper for the Government to introduce the Bill, which serves to implement the decision on a civil service pay reduction, into the Legislative Council for Members' scrutiny. The employment relationship between the Government and civil servants concerns public law. The funds necessary to pay civil servants including additional provisions to pay increases in Civil Service under the salary adjustment mechanism, and the provisions for civil service pension have to be voted by the Legislative Council. Payment of civil service pensions is also governed by legislation. As civil service pay is funded by public money, the level of civil service pay would ultimately affect the amount of appropriation from the General Revenue. It is, therefore, reasonable and appropriate to put the legislation that seeks to implement this year's civil service pay adjustment to the Legislative Council for scrutiny.

The decision on a civil service pay reduction this year and the implementation of this decision by legislation are consistent with the provisions in the Basic Law.

Article 100 of the Basic Law provides that public servants in all Hong Kong government departments before the establishment of the Hong Kong Special Administrative Region (SAR) "may all remain in employment and retain their seniority with pay, allowances, benefits and conditions of service no less favorable than before." The magnitude of the civil service pay reduction this year is fairly modest. Since nominal civil service salaries would not be lower than the level on 30 June 1997 after the pay reduction, there would be no question of breaching the provisions under Article 100. Furthermore, Article 103 of the Basic Law provides that Hong Kong's previous system of management for the public service, including special bodies for advising on their pay and conditions, shall be maintained. The decision on a pay reduction has been made in strict accordance with the established mechanism. There is therefore no breach of the provisions under Article 103 either.

As regards Article 160 of the Basic Law, it provides that contracts, and rights and obligations valid under the laws previously in force in Hong Kong shall continue to be valid and be recognized and protected by the SAR, provided that they do not contravene the Basic Law. The contractual rights of civil servants employed on 30 June 1997 are protected by this provision. However, the pay of those who remain in government employment has been increased since then and as the pay reduction would not lower their salaries to a level below that on 30 June 1997, their right to the salary as at that date would be fully recognized and protected. A view has been expressed that the rights protected by Article 160 of the Basic Law include a right not to have any legislative interference with a subsisting contract. We do not share this view. We consider that Article 160 is primarily a savings provision to ensure that contractual rights do not fall away as a result of reunification. Given that amendments consistent with the Basic Law can be made to laws previously in force, it would be difficult to argue that contractual rights cannot be modified by legislation.

The Bill provides that the pay and allowances of public officers at different salary bands should be adjusted downward with effect from 1 October 2002 and specifies the relevant rates of adjustment. It further provides that the employment contracts of public officers expressly authorize the adjustments to their pay and allowances under the Bill. The adjustment is applicable to: (a) civil servants remunerated on the civil service pay scales and all civil servants whose pay is determined or adjusted in accordance with or by reference to such pay scales; (b) all officers of the Independent Commission Against Corruption (ICAC) remunerated on the ICAC pay scale and all ICAC officers whose pay is determined or adjusted in accordance with or by reference to that pay scale; (c) certain public officers who are neither civil servants nor ICAC officers but whose pay is determined or adjusted in accordance with or by reference to civil service pay scales or ICAC pay scale; and (d) the Director of Audit. The pay for the Director of Audit is governed by section 4A of the Audit Ordinance, which provides that the Chief Executive may, from time to time, increase the rate of salary of the Director of Audit by order published in the Gazette. In view of this provision, the decision to reduce the pay of the Director of Audit may only be implemented by statute.

The Bill includes an exemption provision to the effect that the adjustments specified in the Bill will not apply to public officers who are remunerated on

starting salaries that are delinked from the annual civil service pay adjustment, and to judges and judicial officers. In other words, the pay of public officers remunerated on starting salaries as of 1 October 2002 would remain unchanged until such time when concerned officers qualify for an increment after which their salaries would be paid in accordance with their respective adjusted pay scales. As regards the exemption arrangement for judges and judicial officers, in recognition of the independent status of the Judiciary and the fact that the pay and conditions of service of the judges and judicial officers are determined separately from other civil servants, the Government has, since the latter half of last year, started discussing with the Judiciary the establishment of a new institutional structure and mechanism as well as the appropriate methodology for the determination and revision from time to time of the pay and conditions of service for judges and judicial officers. The latest progress is that the Chief Justice intends to make a proposal early next year to the Administration for consideration. When the new institutional structure, mechanism and methodology are in place, an assessment will be made within the new structure as to whether the pay reduction now proposed for civil servants should also be applied to judges and judicial officers and if so, from what date.

Madam President, the decision on this year's civil service pay adjustment, which has been made in accordance with the established mechanism, is fair and reasonable. It has taken full account of the views of civil servant as well as the overall interest of the community. The purpose of the legislation is to ensure that we can implement the decision with certainty. The public at large generally supports the Government's decision this year to reduce civil service pay. Civil servants in general are also prepared to share the burden with the rest of the community at this time of difficulty. I appeal for Members' support for the Government's proposal and approve the Bill within the current Legislative Session so that the decision on a civil service pay reduction could take effect smoothly as planned.

With these remarks, Madam President, I appeal for Members' support for the Bill. Thank you.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Public Officers Pay Adjustment 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.

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

**PRESIDENT** (in Cantonese): We will resume the Second Reading debate on the Adaptation of Laws (Miscellaneous Provisions) Bill 2002.

### **ADAPTATION OF LAWS (MISCELLANEOUS PROVISIONS) BILL 2002**

#### **Resumption of debate on Second Reading which was moved on 15 May 2002**

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Adaptation of Laws (Miscellaneous Provisions) Bill 2002 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Adaptation of Laws (Miscellaneous Provisions) Bill 2002.

Council went into Committee.

**Committee Stage**

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

**ADAPTATION OF LAWS (MISCELLANEOUS PROVISIONS) BILL 2002**

**CHAIRMAN** (in Cantonese) : I now propose the question to you and that is: That the following clauses stand part of the Adaptation of Laws (Miscellaneous Provisions) Bill 2002.

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

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Schedules 1 to 14.

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

(Members raised their hands)

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

(No hands raised)

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

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

Council then resumed.

### **Third Reading of Bill**

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

### **ADAPTATION OF LAWS (MISCELLANEOUS PROVISIONS) BILL 2002**

**SECRETARY FOR JUSTICE**: Madam President, the

Adaptation of Laws (Miscellaneous Provisions) Bill 2002

has passed through Committee without amendment. I move that this Bill be read the Third time and do pass.

**PRESIDENT** (in Cantonese) : I now propose the question to you and that is: That the Adaptation of Laws (Miscellaneous Provisions) Bill 2002 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Adaptation of Laws (Miscellaneous Provisions) Bill 2002.

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

**PRESIDENT** (in Cantonese): We will resume the Second Reading debate on the Boilers and Pressure Vessels (Amendment) Bill 2001.

### **BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2001**

#### **Resumption of debate on Second Reading which was moved on 9 May 2001**

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

**MISS CYD HO** (in Cantonese): Madam President, I now report on the main deliberations of the Bills Committee on Boilers and Pressure Vessels (Amendment) Bill 2001 in my capacity as Chairman of the Bills Committee. The details of the deliberations are set out in the Bills Committee's Report to the Legislative Council.

Under the existing Boilers and Pressure Vessels Ordinance (the Ordinance), boilers and steam receivers are required to be operated under the direct supervision of a "competent person" who should possess a certificate issued by the Commissioner for Labour. The Government introduced the Boilers and Pressure Vessels (Amendment) Bill 2001 (the Bill) because in 1997 when the proposals for reviewing fees and charges under the Ordinance were

examined by the then Legislative Council, ambiguities were identified in the provisions relating to the charging of fees under the Ordinance. The Administration undertook then to review the relevant provisions and introduce amendments as necessary.

In the course of the scrutiny of the Bill, the Bills Committee has raised concern over a number of issues. Regarding clause 2 of the Bill, members are concerned about whether the amendments will substantially change the existing practice, or add new conditions, for the issue or endorsement of a certificate of competency.

The Administration has explained that the amendments are technical in nature which aim to remove the ambiguities in the Ordinance, and do not seek to substantially change the existing operation of the Ordinance. The proposed amendments only seek to clarify the considerations of the Commissioner for Labour for the issue or endorsement of a certificate of competency. The conditions are that an applicant must either produce evidence that satisfies the Authority (such as evidence showing that the applicant has acquired the relevant qualifications), or pass the examination conducted by the Authority, and has substantial experience, skill and knowledge in the operation of the types or classes of boilers and pressure vessels concerned.

The Bills Committee has asked the Government to explain the basis for charging and adjusting the fees for the examination and for the issue of certificate; and I have proposed a reduction of such fees. The Administration has responded that the fees have not been increased, and are set on the principle of cost recovery. The Government has stated that the rise in cost from 1997 to 1999 has not been offset by the slight decline in administrative cost in recent years. Nevertheless, the authorities have undertaken to review the fee level in the next fee revision exercise to be conducted at the end of 2002.

The Bills Committee welcomes the proposal in the Bill to provide for an appeal mechanism against administrative decisions regarding the issue, endorsement or revocation of certificate. Members noted that a person can appeal to the Authority in the first instance, and if he is not satisfied with the Authority's decision, he can further appeal to the Administrative Appeals Board.

The Bills Committee is particularly concerned about the proposed sections 6(7) and 6(8) which stipulate that the Commissioner for Labour may make rules in relation to the examinations conducted for the issue or endorsement of

certificate, and that such rules are not subsidiary legislation. In this connection, the Bills Committee has asked the Administration to clarify two points:

- (a) the policy and principles for declaring what kind of rules made under powers conferred by ordinances should or should not be subsidiary legislation; and
- (b) the reasons for specifying in the proposed section 6(8) that the rules to be made in relation to examinations conducted for the issue or endorsement of the certificate of competency are not subsidiary legislation.

The Administration has explained to the Bills Committee that the test for determining whether certain rules made under powers conferred by ordinances are subsidiary legislation is whether the rules carry any legislative effect. The rules to be made under the proposed section 6(7) are intended to be rules on the administrative arrangements for examinations, for example, syllabus for examinations and standards of competency to be attained by the candidates. As these rules are administrative in nature and are not intended to carry any legislative effect, it is specifically declared in the proposed section 6(8) that such rules are not subsidiary legislation for the avoidance of doubt.

The Bills Committee has suggested that the Administration should consider deleting the proposed section 6(8) if it does not affect the Commissioner for Labour's powers to make rules in relation to examinations under the principal ordinance. In response to the concerns raised by the Bills Committee, the Administration has agreed to delete the proposed sections 6(7) and 6(8) and will move Committee stage amendments to replace the proposed sections 6(7) and 6(8) by new provisions.

The Administration has proposed other amendments to address the concerns raised by members. For example, amendments will be made to such terms as "fit and proper persons" and "substantial experience" in the proposed clause 2, in order to be more in line with the present conditions for the issue of certificate.

The Bills Committee supports the resumption of Second Reading debate on the Bill and the amendments proposed by the Administration.

Madam President, I will now speak in my personal capacity. The Bill, which relates to labour policy and concerns the details of examinations for the operation of boilers and steam receivers, is not at all controversial in the first place. However, as a provision in the Bill, namely, the proposed section 6(8) mentioned by us earlier on, involves the standard for determining which kinds of executive powers need not be conferred by legislation, and this will lead to two entirely different focal points in respect of the same subsidiary legislation, the authorities have consequently agreed to delete the proposed section 6(8), so as to expeditiously provide an express examination and fee-charging system which is clear and more comprehensive for members of the industry. Yet, the issue arising from the proposed section 6(8) is, indeed, very important. The Bills Committee has agreed that this issue should be thoroughly examined and followed up by the Panel on Administration of Justice and Legal Services. Clarification should be sought as to under what circumstances the executive authorities can seize powers by declaring, without going through the legislative procedures, that a particular act is not subsidiary legislation. This is indeed very important, because if we fail to set an appropriate standard, the executive authorities can bypass the monitoring of the legislature to seize powers arbitrarily. While the piece of legislation in front of us now only involves the policy on boilers and pressure vessels and has no grave consequences, if we do not pay due attention and if we allow this Bill to be passed rashly, then when similar provisions continue to come up in future, the powers to be seized by the authorities might not be that simple. Here, I must cite a readily available example. Regarding the issue of subsidiary legislation that we are dealing with now, the relevant provision is written this way: "For the avoidance of doubt, it is declared that rules made under subsection (7) are not subsidiary legislation."

Recently, we have been scrutinizing the United Nations (Anti-Terrorism Measures) Bill, which is of great importance. One of the provisions therein is very similar to the above one, and is written this way: "For the avoidance of doubt, it is hereby declared that a notice under subsection (1), (2) or (3) is not subsidiary legislation." Indeed, except for the different Chinese expressions of "並非" and "不是", 98% of their contents is but identical. But if this kind of act which seeks to bypass the monitoring of the legislature in order to seize powers is really endorsed rashly, we would indeed be very worried about the powers that the executive authorities would attempt to seize in future. This is very important, and will have a great bearing on us. So, I very much hope that the Panel on Administration of Justice and Legal Services, and the Bills Committee on the United Nations (Anti-Terrorism Measures) Bill, can conduct in-depth

studies of the relevant provisions. The debate on the United Nations (Anti-Terrorism Measures) Bill is set to be a heated one. Thank you, Madam President.

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

(No Member responded)

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, the Boilers and Pressure Vessels (Amendment) Bill 2001 was introduced into the Legislative Council on 9 May 2001 with the aim of removing the ambiguities in the Boilers and Pressure Vessels Ordinance and the Boilers and Pressure Vessels Regulations.

I am grateful to the Honourable Cyd HO and other members of the Bills Committee for their detailed scrutiny of and constructive comments on the Bill. Taking heed of members' suggestions in the Bills Committee, I shall move several amendments to the Bill at the Committee stage to refine our legislative proposals.

The Boilers and Pressure Vessels Ordinance, enacted in 1962, controls the safe use and operation of boilers and pressure vessels. It requires, among other things, boilers and steam receivers within its coverage to be operated under the direct supervision of a "competent person", who should possess a certificate of competency issued by the Boilers and Pressure Vessels Authority (the Authority).

In 1997, when the proposals for reviewing fees and charges under the Ordinance were examined by the then Legislative Council, ambiguities were identified in the provisions relating to the fee-charging arrangements and the Administration undertook to conduct a review, which resulted in the Bill which is now in front of Members.

The Bill seeks to clarify the different fee-charging and refund arrangements. It also clarifies the existing provisions in regard to the issue, endorsement and revocation of certificates, and expressly empowers the Authority to conduct examinations for the issue or endorsement of a certificate of competency. Another proposal of the Bill is to establish an appeal channel for

persons aggrieved by administrative decisions in relation to the issue, endorsement or revocation of certificates under the Ordinance.

During the deliberations of the Bills Committee, members have raised concern about the proposed provisions which give express powers to the Authority to make rules in relation to examinations conducted for the issue or endorsement of certificates and that such rules are not subsidiary legislation. According to section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), "subsidiary legislation" is defined as "any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect". Hence, the test for determining whether certain rules made by the Authority under powers conferred by ordinances are subsidiary legislation is whether the rules carry any legislative effect. Following the discussion by the Panel on Constitutional Affairs in 1999, the Administration has undertaken to include, where necessary, an express provision in any new legislation to make it abundantly clear whether a statutory instrument is subsidiary legislation. The purpose of doing so is to avoid unnecessary dispute over the legal nature of the relevant instrument. I understand that Members will raise this issue for further discussion at the relevant panel of the Legislative Council. I believe that this issue will be adequately addressed in that forum. Since the rules are intended to cover administrative arrangements for examinations and do not have any legislative effect, Members suggested that the provisions be deleted from the Bill. We agree that the provisions are not absolutely necessary as such power can be deemed to be conferred on the Authority by virtue of section 40(1) of Cap. 1. I shall, therefore, move an amendment to delete these provisions.

The proposed amendments in the Bill are basically technical in nature and do not impose any additional statutory duties upon the stakeholders. We, therefore, propose that the Bill, once enacted, should come into operation with immediate effect.

I shall introduce several other amendments to the Bill, and explain the reasons for these amendments at the Committee stage. Madam President, I hope that Members will support the Boilers and Pressure Vessels (Amendment) Bill 2001 and the amendments to be moved by me later at the Committee stage.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Boilers and Pressure Vessels (Amendment) Bill 2001 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Boilers and Pressure Vessels (Amendment) Bill 2001.

Council went into Committee.

### **Committee Stage**

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

### **BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2001**

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

**CLERK** (in Cantonese): Clauses 1 and 3 to 6.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Clauses 2 and 7.

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam Chairman, I move the amendments to the clauses read out just now as set out in the paper circularized to Members.

Clauses 2(a), 2(b) and 2(c) of the Bill set out the grounds on which the Boilers and Pressure Vessels Authority (the Authority) may issue, endorse or revoke a certificate. The clauses as presently worded require the applicant to be a fit and proper or suitable person and in possession of substantial experience, skill and knowledge. The proposed amendment is to remove the reference to "fit and proper" and "suitable" in the Bill, and to prescribe more clearly our policy intention that experience, skill and knowledge are the only attributes that are required by statute.

Clause 2(d) of the Bill gives express authorization to the Authority to conduct examinations for the issue and endorsement of certificates and make rules governing the conduct of examinations, and that such rules are not subsidiary legislation. Having examined this clause, we have come to the view that since the Bill provides the Authority with the powers to conduct examinations, related powers to decide on the administrative arrangements for the conduct of examinations will be deemed to be conferred on the Authority by virtue of section 40(1) of the Interpretation and General Clauses Ordinance. But to put beyond doubt the powers of the Authority to review examination results, we propose to include an express provision to this effect while we delete the provisions that empower the Authority to make rules.

During the deliberations of the Bills Committee, members also considered the existing deemed revocation provision under section 6(4)(b) of the Boilers and

Pressure Vessels Ordinance. The provision provides that the certificate of competency shall be deemed to have been revoked if the certificate holder has not, for four years or more, been engaged in the operation of the class or type of boilers or steam receivers specified in the certificate. Members are concerned that it would be difficult for employers to verify the past service of a certificate holder. Having considered members' view as well as the fact that the provision has never been invoked in the past, we propose to delete the deemed revocation provision from the Ordinance.

Clause 7 of the Bill provides for consequential amendments to the Schedule to the Administrative Appeals Board Ordinance (Cap. 442). The proposed amendments are simply consequential to the proposed amendments to clause 2 that I have just mentioned.

All the above amendments represent the consensus reached between the Administration and the Bills Committee. I hope that Members will support and pass these amendments. Thank you, Madam Chairman.

*Proposed amendments*

**Clause 2 (see Annex III)**

**Clause 7 (see Annex III)**

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Clauses 2 and 7 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): New clause 2A      Authority to keep certain registers, and particulars to be entered in register of boilers and pressure vessels.

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam Chairman, I move that the new clause 2A read out just now as set out in the paper circularized to Members be read the Second time. Members have already passed an amendment to clause 2 which is to delete the deemed revocation provision of the Ordinance. This new clause is added to provide for consequential amendments to the related section in the Ordinance.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 2A be read the Second time.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): New clause 2A.

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam Chairman, I move that new clause 2A be added to the Bill.

*Proposed addition*

**New clause 2A (see Annex III)**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 2A be added to the Bill.

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

(Members raised their hands)

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

(No hands raised)

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

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

Council then resumed.

### **Third Reading of Bill**

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

### **BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2001**

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President,  
the

Boilers and Pressure Vessels (Amendment) Bill 2001

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

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

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Boilers and Pressure Vessels (Amendment) Bill 2001.

## **MOTION**

**PRESIDENT** (in Cantonese): Motion. Proposed resolution under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance.

## **PROPOSED RESOLUTION UNDER THE FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE AND THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, I move that the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001 made by the Commissioner for Labour be approved.

The proposed Amendment Regulation aims to extend the coverage of the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (the principal Regulations) to the container handling industry and to enhance the professionalism and training of safety officers in general.

At present, the principal Regulations apply to construction sites and shipyards only. Proprietors of these industrial undertakings are required to employ a safety supervisor where the number of persons employed is 20 or more, and a safety officer where the size of employment is 100 or more. Accidents which occur in the container handling industry tend to be more serious in nature,

and we consider it necessary to improve the safety performance of the industry through the employment of safety officers and safety supervisors.

The Amendment Regulation also proposes various measures to enhance the professionalism and training of safety officers:

- (a) to impose on safety officers additional duties in the management of the workplace;
- (b) to raise the minimum qualification and working experience required for registration as a safety officer;
- (c) to repeal the obsolete "grandfather clause" provision for the existing classes of designated industrial undertakings since serving practitioners at the time of the introduction of the registration on 29 October 1986 have all been registered.
- (d) to limit the period within which the "grandfather clause" provision may apply to 12 months after the principal Regulations become applicable to a new class of designated industrial undertakings; and
- (e) to introduce a mechanism for renewing and revalidating the registration of safety officers upon expiry of a four-year validity period. Safety officers will be required to complete not less than 100 hours of Continuing Professional Development programmes in safety and health in the preceding four years for the purpose of renewal or revalidation of their registration.

The proposal to extend the coverage of the principal Regulations to the container handling industry will come into effect 12 months after enactment of the Amendment Regulation to allow sufficient time for training or recruitment of relevant safety staff. Many container handling operators have already employed their own safety staff and should have no difficulty in complying with the new requirements within 12 months.

As regards the proposals to enhance the professionalism of safety officers, they will come into immediate effect, except that the "grandfather clause" provision will apply for 12 months after the principal Regulations first become applicable to the container handling industry. This will provide sufficient time

for safety officers who are currently employed in the industry to get themselves registered.

The Amendment Regulation, if enacted, would benefit both employers and employees by improving the safety performance of the industry which would in turn enhance productivity. Representatives of major container handling operators and depots have been consulted and support the proposal. I recommend the Amendment Regulation to Honourable Members.

Madam President, I beg to move.

**The Secretary for Education and Manpower moved the following motion:**

"That the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001, made by the Commissioner for Labour on 21 June 2001, be approved, subject to the following amendments —

- (a) in section 1(2), by adding "11," after "Sections";
- (b) in section 2(a), by adding "開始" before "適用";
- (c) in section 3, in the proposed regulation 7(1)(b) —
  - (i) by adding "為安全主任" after "註冊";
  - (ii) by adding "開始" after "規例";
- (d) in section 4, in the proposed regulation 7B(8), by deleting "關;" and substituting "關、";
- (e) in section 14, in the proposed Schedule 3, in paragraph 1D, by deleting "該" and substituting "上述";
- (f) in section 16, in the proposed item 6(d), by adding "某人" after "將"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Education and Manpower, be passed.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Education and Manpower 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 of the Members present. I declare the motion passed.

### **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Two motions with no legislative effect. The time limits of Members' speeches are set in accordance with the recommendations of the House Committee. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Solving the problem of "prolonged immigration and customs clearance".

### **SOLVING THE PROBLEM OF "PROLONGED IMMIGRATION AND CUSTOMS CLEARANCE"**

**MR JASPER TSANG** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, urging the Government to implement positive measures to solve the problem of "prolonged immigration and customs clearance", be passed.

Madam President, on the first day of the long Easter holidays this year, serious overcrowding occurred at the departure hall of Lo Wu as many Hong Kong citizens had chosen to spend their holidays in the Mainland. In the morning on the same day, a quota system for tickets to Lo Wu had to be adopted at stations along the East Rail of the Kowloon-Canton Railway, and long queues of waiting passengers were also found at all these stations. Around 10 am, thousands of waiting passengers were queuing up at Kowloon Tong Station, tailing back to the roadside off the Station. I heard one passenger saying that he had to wait there for more than two hours before he could catch a train. In other words, counting from the time he left home, he had to spend a whole morning before he could get to Shenzhen.

The 1 May long holidays in the Mainland early last month was the first golden holiday period after the Mainland relaxed its restrictions on Hong Kong tour groups. In Hong Kong, the tourism industry and the retail and catering sectors all looked forward to the holidays eagerly, hoping that they could do more business. In an estimation beforehand about the number of mainland tourists visiting Hong Kong during this holiday period, the Hong Kong Government and the Hong Kong Tourism Board estimated that hundreds of thousands of mainland tourists would be coming, and everybody thought that we were well prepared for that. Much to our surprise, in the morning on 1 May, serious congestion still occurred at the departure halls of Lok Ma Chau and Lo Wu; some passengers from the Mainland even had to wait for three to four hours before they could complete immigration clearance. And, it was reported in the press that many mainland tourists were extremely dissatisfied. This was particularly the case with those who came for the first time; they said that they already got a very bad impression about Hong Kong when they first set foot on it.

Are all these just isolated cases which will only occur in very special times? Yes, sometimes, as in the case of the Easter and 1 May holidays, these may be the result of special circumstances. But as we all know, the overcrowdedness and confusion at those places in Hong Kong leading to the various control points in the Mainland are in fact not uncommon. Whenever we want to cross the boundary during peak periods, we have to suffer, have to encounter similar unpleasant experiences. Immigration and customs clearance are not only "difficult", but also "slow" and "tedious". The point is that similar peak periods are getting increasingly frequent and common. From the statistics of the Hong Kong Tourism Board (Mrs Selina CHOW should know better than I do), we can notice that the number of tourists from the Mainland has increased

by nearly 40% when compared with that of two years ago. After the restrictions on Hong Kong tours are relaxed in the Mainland, the number of tourists from the Mainland in the first four months of this year has exceeded 1.9 million, a rise of almost 50% when compared with the figure in the corresponding period last year.

We also notice from the Cross-Boundary Travel Survey conducted by the Planning Department last year that the number of cross-boundary travels between Hong Kong and the Mainland is more than 330 000 a day on average, a rise of 17% when compared with the corresponding finding in 1999. Besides, nearly 500 000 people habitually travel between Hong Kong and the Mainland at least once a week, and this also represents a drastic increase of 34.7% when compared with the corresponding figure of 1999.

In the middle of 2001, the Planning Department conducted the "Thematic Survey — Hong Kong Residents' Experience of and Aspirations for Taking up Residence in the Mainland of China". It was found that some 40 000 Hong Kong residents aged 18 or above had already taken up residence in the Mainland. The Department also found that 13 000 households would take up residence in the Mainland within the next five years, and those which would do so within the next 10 years amounted to 25 000.

Regarding employment, the survey statistics of 1998 indicated that the number of Hong Kong people going back to the Mainland for work had increased by more than two-fold in a matter of 10 years. Many mainland enterprises have recently come to Hong Kong to recruit staff members; this has proved to be very appealing to Hong Kong residents, and tens of thousands of Hong Kong people have applied, many of whom are professionals.

Madam President, we can see that with an ever increasing number of Hong Kong residents taking up residence or working in the Mainland, cross-boundary demand and the pressure on boundary control points are bound to become greater and greater. And, as a matter of fact, much improvement is needed for the control points of Hong Kong and the Mainland in terms of facilities, manpower and the procedures of handling travellers.

This is why I have moved this motion today to put forward the improvement measures recommended by the Democratic Alliance for Betterment of Hong Kong (DAB). It is hoped that Members can offer their valuable opinions in this motion debate. I shall now state the four recommendations of the DAB. Put simply, they are the co-location of immigration and clearance

facilities, improvements of facilities, the opening up of the boundary and additional control points.

On the co-location of immigration and clearance facilities, we think that immigration formalities must be simplified. The co-location arrangement must be actively implemented as soon as possible, for it is absolutely necessary. The Government has disclosed that this will be tried out first in Lok Ma Chau and Huanggang and implemented in the Shenzhen-Hong Kong Western Corridor scheduled for commissioning in 2005.

We think that first, this measure must be implemented as quickly as possible, and, second, it must not be limited to one or two control points. The various control points of Hong Kong and the Mainland should all implement such a measure, which can provide great convenience to passengers. We know that there are some legal problems which involve law enforcement officers executing their duties in another jurisdiction. We also know that the measure may involve some expenditure issues, because the construction of a joint clearance building may necessitate negotiations with Shenzhen and the relevant mainland authorities on how each side is going to provide the facilities required.

However, we think that these two problems are not overly complicated and it should not be very difficult to overcome them, because law enforcement officers executing their duties outside their own jurisdictions is not anything new. We can see that in other parts of the world, such a measure is adopted between two countries. Germany and Poland, for instance, now also implement synchronized clearance at the control points between them. At the four largest control points between these two countries, two joint clearance buildings are situated on the German side and two others on the Polish side. The law enforcement officers of these two countries also execute their respective duties under the same roof. Since similar legal problems can be overcome even between two sovereign states, I am sure that there will not be very complicated disputes between Hong Kong and the Mainland. Therefore, we hope that if there is a need for the enactment of legislation, we should proceed as quickly as possible. The DAB will render its full support for the relevant legislation.

Regarding the question of resources, we believe that if the need is really warranted, Members will certainly give their approval. We hope that besides Huanggang and Lok Ma Chau, this measure can also be implemented as soon as possible at other control points, especially Lo Wu. The passenger traffic at this control point is by far the heaviest, so there is no reason for not implementing the measure there. As for the construction of a joint clearance building in Lo Wu

that can be used by both sides, negotiations with the Shenzhen authorities are of course required. But we do notice that whether in Hong Kong or in Shenzhen, many people in support of the idea have carried out studies and put forward various feasible schemes — schemes of many different kinds, covering the location of the building in Shenzhen, or in Lo Wu, that is, on the Hong Kong side. We have studied these proposals, and we must say that some of them are really innovative. That is why we are convinced that as long as the Government is determined enough, it will not be difficult to overcome the technical problems involved. Our only hope is to implement the measure as soon as possible.

Second, we wish to point out that as far as facilities improvements are concerned, the most important thing to do is of course to increase manpower and the number of clearance counters, so as to facilitate smoother cross-boundary passenger flow. But besides this, the provision of other facilities must also be explored. At present, there are no resting areas for passengers at all our land control points. Passengers departing at Lo Wu, for example, must walk straight to the departure hall after alighting; even when there are too many passengers, they have no other alternatives. When they return to Hong Kong, the situation is just the same; there is absolutely no place to go when they feel tired and want to take a rest. Finding a place where they can have a drink or a bite to eat to regain their strength is even more out of the question.

On 1 May, many passengers from the Mainland had to wait in the open at Lok Ma Chau for several hours. They complained about the extremely poor conditions there, saying that since no seats were available, they had to sit on the ground. We think that in this age of ours, it is really a bit too harsh to treat passengers that way. We should not allow this to happen. Therefore, improvements should also be made to the facilities in this area.

Third, the opening up of the boundary. The DAB has repeatedly advocated that the authorities should partially open up the Frontier Closed Areas. This can bring about many benefits. From the economic perspective, and from the angle of the development of these areas too, many reasons can in fact be given. But today, I only wish to discuss this issue from the perspective of cross-boundary travels. For instance, why are tickets to Lo Wu sold on a quota basis during the Easter holidays, and why are passengers not allowed to buy these tickets freely at all the stations? The reason is that the Lo Wu Control Point cannot accommodate too many passengers, and since passengers can go nowhere else after their arrival at Lo Wu, they are all stuck at the control point. But suppose the closed area of Lo Wu is opened just like Shenzhen, where there is plenty of room outside and surrounding the control point, with even shopping

arcades and food establishments, the situation will certainly improve. Many people do not know before arrival that a control point is overcrowded. And, even though the Government may have broadcast messages beforehand, advising people that since a certain control point is very congested, people should not go there any more, passengers may still do so because they do not know how to time their journeys, only to find upon arrival that the departure hall is packed with people. If the closed area there is opened, passengers can avoid the peak times by having a walk in the shopping arcade or having a bite to eat. That way, they will not have to cram into the overcrowded departure hall, nor will they have to suffer the overcrowding at other stations along the railway.

What is more, as we all know, the train fare for Lo Wu-bound journeys is very unreasonable, disproportionately high. The reason for this is that the closed area there is accessible by only one means of transportation — the railway, and no other means of transportation are available. So, in the absence of any competition, the train fare can be set at whatever levels determined by the railway company. This is very unreasonable. In the past, the idea of 24-hour operation at control points was raised. But this was argued by some as not feasible, and one of the reasons advanced was that the Kowloon-Canton Railway could not operate round-the-clock. Precisely because of this unreasonable arrangement of having just one railway, there will be many practical benefits if we can open the Lo Wu closed area to different modes of transportation, allowing them direct access.

Finally, we think that the Government of the Hong Kong Special Administrative Region (SAR) should conduct more negotiations with the mainland Government on the provision of additional sea and land control points to cater for the rapid increase in dealings between Hong Kong and Guangdong Province. Actually, there are not enough sea and land control points now.

About a month ago, the DAB organized a seminar on "Guangdong-Hong Kong Infrastructure Co-operation"; the seminar was well-received, showing that the community is very concerned about this issue. We have raised many proposals. For instance, our Tuen Mun branch has proposed the construction of one more pier in Tuen Mun for the provision of sea transport to various destinations in the Pearl River Delta. There is enough room in Tuen Mun; we hear that some companies are willing to operate the services, and Tuen Mun is also well-equipped with feeder transport. But the Government may perhaps have to consider the factor of employing additional customs and immigration

staff. Well, anyway, the plan was shelved for reasons unknown. The construction of an additional control point in Tuen Mun will definitely prove convenient to the residents of New Territories West and even the entire New Territories.

Madam President, we have taken the initiative of advancing several proposals. I do not wish to say that this is anything like "throwing out a brick in the hope of getting a jade in return", because if I describe our proposals as "bricks", I am afraid I will not be too respectful to my DAB colleagues responsible for the relevant research. But I am sure that the proposals will definitely enable us to get more "jades" in return. I look forward to hearing the views of many Members, views that can urge the Government to go forward. Thank you.

**Mr Jasper TSANG moved the following motion: (Translation)**

"That, due to the rapid growth in economic and trade activities and in the flow of travellers between Hong Kong and the Mainland, particularly the recent surge of visitors from the Mainland, the border control points and various ancillary facilities in Hong Kong are under great pressure and travellers are waiting much longer for immigration and customs clearance, thereby hindering cross-border exchanges and affecting Hong Kong's reputation; in this regard, this Council urges the Government to:

- (a) enhance the capacity of the border control points for immigration and customs clearance, streamline the clearance formalities and promote vigorously the co-location of immigration and clearance facilities;
- (b) deploy additional manpower and improve the facilities at the border control points;
- (c) open up part of the Frontier Closed Area and perfect the road network leading directly to the border control points; and
- (d) actively discuss with the mainland authorities and explore the choice of sites for the designation of more border control points in order to cater for the future rapid increase in exchanges between Hong Kong and Guangdong Province."

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

**PRESIDENT** (in Cantonese): Ms Miriam LAU will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

I now call upon Ms Miriam LAU to speak and move her amendment.

**MS MIRIAM LAU** (in Cantonese): Madam President, I move that Mr Jasper TSANG's motion be amended, as printed on the Agenda.

Madam President, the number of travellers travelling between Hong Kong and Shenzhen has risen steadily in recent years. According to figures of the Immigration Department, the passenger throughput at the border control points at Hung Hom, Lo Wu, Lok Ma Chau, Man Kam To and Sha Tau Kok rose from 143 million in 2000 to 149 million in 2001, representing an increase of 5 million. The Lo Wu Control Point alone is now handling 250 000 travellers on average daily. During long holidays, the passenger throughout at the Lo Wu Control Point has consistently surged to new heights, the latest record being 330 000. According to the estimation of the Immigration Department, the Lo Wu Control Point will reach its maximum capacity for handling cross-boundary travellers in 2005. By that time, it will have to handle 400 000 travellers on average daily, an increase of nearly 60% compared to the current figure. The Lok Ma Chau Spur Line now under construction is expected to be completed only in 2007. Only by then can cross-boundary passengers be diverted effectively and the pressure on the Lo Wu Control Point relieved.

Lo Wu is one of the busiest border control points in the world. While the majority of cross-boundary passengers are local residents, there are also many mainland travellers among them. After the abolition of the quota on "Hong Kong Tour", the number of mainland visitors to Hong Kong exceeded 500 000 in April this year, reaching some 525 000, a drastic increase of 64.8% over the same period last year. Apart from crossing the boundary by land, they will also come by rail through the Lo Wu Control Point. Moreover, the mainland Government will shortly implement new measures to greatly relax the

restrictions on mainlanders travelling to Hong Kong for business or leisure purposes. Before the commissioning of the Lok Ma Chau Spur Line, we can be certain that the various border control points will be under tremendous pressure.

Compared to other modes of transport, railway has a greater carrying capacity. Moreover, more than 60% of travellers now travel to and from the Mainland through the Lo Wu Control Point. Thus, to solve the problem of "prolonged immigration and customs clearance" in the short term, we need to find ways to avoid this "bottleneck", apart from improving the passenger handling capacity at the Lo Wu Control Point.

The original motion has proposed a number of short-term and long-term measures, with which the Liberal Party very much agrees. However, no concrete measure is suggested for avoiding the bottleneck of the Lo Wu Control Point. That is why the Liberal Party proposes an amendment suggesting studies of the launch of a through-train service between Hong Kong and Shenzhen.

A regular through-train service between Hong Kong and Shenzhen should be technically feasible. Between 1984 and 1990, the Kowloon-Canton Railway Corporation (KCRC) operated a through-train service between Hung Hom and Lo Wu. Since the demand for this service was by no means keen at that time, it was cancelled in the end. However, in recent years, at the request of travel agencies, the KCRC has operated a through-train service between Hung Hom and Lo Wu during long holidays and festive periods as a chartered service, with the travel agencies providing the passengers. The KCRC also operates through-train services to neighbouring Dongguan and Guangzhou and to faraway Shanghai and Beijing. However, it does not operate through-train services to Shenzhen.

The demand for a through-train service between Hung Hom and Lo Wu was not keen in the past perhaps because the congestion at the Lo Wu Control Point was not as serious as today. Besides, the through-train service provided by the KCRC then was not really a through-train service. Passengers had to complete immigration clearance for their departure from Hong Kong at the Hung Hom station before boarding the Lo Wu Express. Upon arrival at the Lo Wu station, they still had to proceed to the Joint Inspection Building in Shenzhen for immigration clearance. Even if passengers could avoid the queues at the Lo Wu Arrival and Departure Halls, they could not avoid the queues at the Lo Wu Bridge and the Joint Inspection Building in Shenzhen.

However, the fact that the KCRC has operated through-train services between Hung Hom and Lo Wu in recent years at the request of travel agencies shows that there is a certain demand for such services. If the non-stop through train departing from Hung Hom terminates at Shenzhen, it would then be a real through-train service. For local and mainland travellers who do not wish to queue up at the border control points, no doubt this would provide them with another alternative. According to a survey of cross-boundary travellers last year, 77% of those interviewed were in favour of the launch of a through-train service between Hung Hom and Shenzhen. Some interviewees even expressed the willingness to pay a higher fare in order to avoid the queues.

Some people are concerned that the through-train service would wind down the provision of local train services. However, we must know that during peak periods on holidays when a large number of passengers are stuck at the platform at the Lo Wu station, the KCRC may, on a discretionary basis, reduce the number of train services for safety reasons. Instead of reducing the number of train services, it would be better for the KCRC to operate trains that run directly to Shenzhen in order to avoid the bottleneck of Lo Wu.

However, to allay public concern and gauge public response, the Liberal Party suggests operating a trial through-train service between Hong Kong and Shenzhen during long holidays and festive periods. Depending on the response, it could then be extended to the peak hours on weekdays. To increase the passenger carrying capacity of the through-train service, the KCRC could consider providing more space for standees. I am sure some people would not mind standing for a while in order to cross the boundary more quickly.

At present, there are no immigration and customs clearance facilities at the Shenzhen station. However, room has been reserved for the clearance of second line residents. The Liberal Party suggests that the SAR Government should discuss with the Shenzhen authorities on co-operation in launching a through-train service between Hong Kong and Shenzhen. Both parties can also explore the possibility of implementing the co-location of immigration and clearance facilities for the through-train service between Hong Kong and Shenzhen. The Liberal Party believes that with the co-operation and support of the Shenzhen side, a through-train service between Hong Kong and Shenzhen will expeditiously help ease the pressure on the Lo Wu Control Point.

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

**Ms Miriam LAU moved the following amendment: (Translation)**

"To delete "and" after "(c) open up part of the Frontier Closed Area and perfect the road network leading directly to the border control points;" and to add "; and (e) actively discuss with the mainland authorities the launch of a through-train service between Hong Kong and Shenzhen" after "(d) actively discuss with the mainland authorities and explore the choice of sites for the designation of more border control points in order to cater for the future rapid increase in exchanges between Hong Kong and Guangdong Province"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Ms Miriam LAU to Mr Jasper TSANG's motion be passed.

**MRS SELINA CHOW** (in Cantonese): Madam President, I am very grateful to the two Members who showed such an accurate grasp of the question that the Hong Kong Tourism Board (HKTB) is most concerned about. All the figures they cited are absolutely correct. I believe the greatest concern of this Council is the departure needs of Hong Kong people. While the confusion in most cases is but a long-standing problem and does not arise only recently, it appears that there is a need for the problem to be urgently addressed.

Of course, we also care about mainland travellers visiting Hong Kong. Indeed, there has been a surge of mainland visitors within a short time, and this is an irrefutable fact. This year, in particular, we have seen a three-fold increase. Apart from the figures cited earlier, I wish to make some additions. Of the mainland visitors who came to Hong Kong in 2001 as mentioned by the two Members, three quarters of them actually came through land and sea crossings, while only one fourth travelled by air. In other words, nearly 3 million visitors came to Hong Kong through land crossings last year. The number of visitors to Hong Kong will triple this year, and as we can see, 1.9 million visitors have come in four months, and the greatest increase was registered in the number of visitors who came through land crossings. Therefore, no doubt we must improve the arrangements in various areas, especially the arrangements at the land boundary control points.

I am certainly in favour of solving the problem once and for all. In the long term, the co-location of immigration and clearance facilities is no doubt the

ideal solution. Not only will this provide greater convenience to travellers, it will also be more economical in terms of the utilization of resources. To achieve this objective, we certainly have to expeditiously reach a consensus with the Shenzhen Government. I hope the Secretary will give us a timetable, since it is learnt that the Government is also very supportive of this measure and has already made certain effort. But since it is such an urgent matter, we hope that a timetable could be provided.

I was also very glad to hear the Honourable Jasper TSANG say that he would support requests made by the Government whether in respect of legislation or resources. I am sure that in the long term, the co-location of immigration and clearance facilities could bring about a lot of advantages and both governments will stand to gain. If efficiency can be improved and co-operation between both sides fostered, it will generate more economic benefits and provide convenience to the residents.

From another point of view, apart from the co-location of immigration and clearance facilities, other long-term measures may also be helpful to the arrangements for practical operations. Since we can foresee a continued increase in the number of mainland visitors (we also hope that the number will continue to increase and not drop), we hope that the visitors during the so-called "golden holiday week" can be spread out more evenly, that is, mainland visitors who are increasing in number will not just come during the "golden week". If they can be spread out more evenly, it will result in fewer peak periods at the border control points. Then the problem that we face during the Chinese New Year holiday and the 1 May Labour Day holiday would not be intensified. It would be better if more visitors could come at other times. Of course, this would depend on the arrangements of travel agencies and promotional campaigns by other quarters. The HKTb could also play a part, since our promotional efforts should not concentrate too much on certain holidays. As far as I know, the promotional campaigns of the HKTb will cover rather long periods. For instance, the Mega Hong Kong Sale from June to August will last 11 weeks. We hope to attract more mainland visitors to stay in Hong Kong for a longer period of time so that arrangements can be made for them to spend their holidays in Hong Kong.

In the short term, we need to implement some measures right away, for some long holidays will be coming before the full implementation of the co-location of immigration and clearance facilities and certain other measures. For instance, the First of July and National Day holidays, and even the Chinese New

Year holiday next year, and the problem that we have encountered this year may recur during these holidays. We need to review the chaos during the golden holiday week starting from 1 May and find out where the problem lies. After a more detailed analysis, we find that it all boils down to two main problems: first, the surge in the number of visitors; second, the arrival of visitors almost at the same time. The problem was especially serious on 1 May because the majority of visitors arrived in the morning of 1 May, something that we had never expected. We knew that there would be many visitors, but we never thought there would be so many of them. This may be due to some communication problems. I believe the travel agencies have the duty to make better arrangements and it is necessary to deploy additional manpower. I know that the liaison between the travel agencies and the Immigration Department on the visitors' lists this time still leaves a lot to be desired. I hope that improvements can be made in future. I also hope that the Travel Industry Council of Hong Kong and the China National Tourism Administration will provide assistance as far as possible.

As for the facilities, even though the permanent facilities cannot be completed in time, temporary facilities can still help ease the pressure and make travellers more comfortable.

**MR JAMES TO** (in Cantonese): Madam President, it was 4 June yesterday. That is why some of our colleagues may have very strong feelings about the motion being discussed today concerning prolonged immigration and customs clearance. However, I will not go into this today. I also have no intention to repeat the figures mentioned by Mr Jasper TSANG earlier, since we all make reference to those figures.

I just wish to raise a few issues. First, in my view, there is a need to seriously consider the idea of requiring "arrival clearance but not departure clearance". We have to deal with this question very carefully, since we do not know if it might arouse concern in the international community on whether the concept of "one country, two systems" and its implementation would be affected. If we look at it from a practical point of view, the United Kingdom already implemented this measure a few years ago. We should weigh the pros and cons of adopting this concept or otherwise. For instance, how much time is needed for the immigration clearance of tens of millions of people travelling to and from Hong Kong each year? If they are going to the Mainland, they will ultimately be inspected by mainland law enforcement officers, since the Mainland practises arrival clearance. As to the time that could actually be saved, calculation should be made against, for example, the number of wanted criminals being

arrested, the deterrent effect on certain acts, and the number of tax evaders or alimony evaders being caught, and so on. In my view, it is worthwhile to seriously study the statistics derived from the weighing process. My initial view is that this concept should be feasible insofar as the weighed worth of this measure is concerned.

Since travellers departing through land crossings have to go through arrival clearance in the Mainland, the Mainland will possess some information in relation to certain aspects that I have mentioned earlier. So, when information is needed, say, when investigating some serious crimes or other incidents, we can still get information by certain means. Thus, in my view, we should give serious consideration to the policy of requiring "arrival clearance but not departure clearance". However, the Government may think that after the issue of smart ID cards later on, the effectiveness may be further enhanced and so, there is no need to consider the question of not requiring departure clearance. But, in the long run, I still think that the Government definitely should consider this issue.

Moreover, we should be careful about adopting the policy of requiring "arrival clearance but not departure clearance". I have not suggested that this measure should be implemented at the airport. Why? The difference between Hong Kong and the United Kingdom is that if Hong Kong does not require departure clearance, the international community would be worried because they might be beset with the influx of illegal immigrants, which would be a big headache for them. That is why I think it may be more difficult to enforce this measure at the airport.

Second, in considering the question of the co-location of immigration and clearance facilities, we must note that some so-called think-tanks (that is, research centres) have carried out studies on certain regions where the co-location arrangement is implemented. Their finding is that implementing this measure cannot necessarily save time, and in some cases, it might even cause delays. Of course, when we say that this measure can save time, one of the conditions is synchronized clearance procedures being carried out by both sides, that is, the traveller crossing the border hands his identity proof to both kiosk A and kiosk B. Even if the clearance procedure on the Shenzhen side may take 10-odd seconds, while that on the Hong Kong side takes 10 seconds, since both sides carry out the procedure at the same time, it may expedite the process. However, if the traveller has to queue up at one counter and then at another counter, it may save him some waiting time, but he still has to wait; and if the clearance procedure on the Hong Kong side is slower whereas that on the mainland side is faster, then even the few seconds cannot be saved.

Apart from coming up with this idea, I also think that the laws on jurisdiction should be made more explicit. Instead of merely using Memoranda of Understanding, legislation should be enacted to form the basis of policy. Laws should be made to define the powers of our law enforcement officers, such as their enforcement powers in the Mainland. I also hope that such enforcement powers will be exclusive. In other words, the Mainland should amend the relevant laws to give Hong Kong law enforcement officers exclusive enforcement powers in certain areas subject to certain restrictions. In my view, this would be advantageous to both sides. At least, this can prevent mixed or overlapped enforcement powers. Since both sides have different legal systems, many complicated problems will arise if the powers are not clearly defined.

Third, as far as I know, some are of the view that it would be better to co-locate immigration and clearance facilities in Shenzhen. Their argument is that Shenzhen has ample space and therefore has greater flexibility and potential for development. However, this is not true. Hong Kong can also provide plenty of space for immigration and customs clearance. Recently, when the Finance Committee of the Legislative Council was considering the approval of a sum of \$180 million, I went with other Members to inspect the Lo Wu Control Point. There is no air-conditioning outside the control point. While inspecting the works outside the control point, we saw some villages nearby. When we asked whether certain works could be completed earlier, the answer we got was no, because the noise of the construction might affect the villagers. Members then exchanged whispered comments, for they thought that if the works were so important and represented a major development that could affect Hong Kong's lifelines, the Government should try to complete them more quickly. Is it not true that we sometimes may have to resume land and make compensation for the construction of roads?

If we do agree that certain developments, such as constructing a joint clearance building, are of paramount importance and we have to consider the ancillary facilities and the refurbishment or addition of various facilities, then we need not give prior consideration to a handful of villagers living nearby. Of course, we will respect their ownership of private property. In fact, there are cases in Hong Kong before in which land is resumed for railway construction. I do not think we should impose restrictions on ourselves in this matter. I hope that the Government can consider the matter flexibly and comprehensively. There are many border control points between Hong Kong and the Mainland where we can apply more tangible and imaginative ideas. Regarding the Frontier Closed Area and the road network mentioned in Mr Jasper TSANG's motion, I think we should also consider taking similar measures. Frankly

speaking, if we are to do it now, the compensation for land resumption will also be lower. That is why at this stage, greater importance should be accorded to more tangible ideas.

In terms of manpower, on festive days, we will find plenty of staff deployed at the control points. On festive days, the media will surely be there to cover news at the various control points and the travellers being interviewed will usually say that the situation is acceptable. It is during the peak hours on weekdays that problems usually arise. I believe the controlling officers and senior staff at the control points will monitor the situation frequently at these times. If there are fewer travellers, they will open fewer counters. If there are more travellers, they will open more counters. But in deciding how many counters should be opened, they still insist on a so-called "buffer" principle that all travellers have to queue up for more than 10 minutes in any case, and that they are supposed to wait for some time. So, they will not deploy many more staff for clearance purposes. However, on festive days, abundant immigration and customs staff will be deployed, and travellers can therefore proceed to the counter for clearance without having to wait in queues. Does the Government have to be so mean about the calculation of the time needed for clearance? Indeed, the deployment of more staff to provide clearance service on weekdays may also be cost-effective.

Madam President, the Democratic Party supports the motion.

**MR HUI CHEUNG-CHING** (in Cantonese): Madam President, the problem of "prolonged immigration and customs clearance" concerns not only passenger flow, but also cargo flow. To the import and export sector which engages in trade between Hong Kong and the Mainland, the customs clearance procedures are considered extremely troublesome by all.

In my view, to solve the problem of "prolonged customs clearance" in terms of cargo flow, the authorities must implement the following measures expeditiously: the co-location of immigration and clearance facilities, setting clearance time targets, putting electronic seals on goods vehicles at the point of loading so that they can proceed directly to the Kwai Chung Terminal, setting up customs clearance zones at Lok Ma Chau and Huanggang in Shenzhen, and providing round-the-clock customs clearance service for goods vehicles at all control points. In the meantime, the Government should "proactively", "comprehensively" and "resolutely" study and implement the relevant measures.

First, the Government should work more proactively to improve the clearance arrangements. The Government may defend itself by arguing that the crux of the problem of "prolonged customs clearance" lies in the Mainland and not in Hong Kong. Since different control points in the Mainland go by different rules, the problem of "prolonged customs clearance" will still persist no matter what measures Hong Kong has taken unilaterally. The question is since the need to improve clearance arrangements is a consensus between Hong Kong and the mainland Government, if the Hong Kong side has reasons to believe that improvements are warranted in mainland enforcement agencies, it really must not evade the issue but should reflect the actual situation directly to the Mainland, in the hope that red tape can be minimized as far as possible.

In addition, the Government must carry out comprehensive planning of the cross-boundary transport network. The Government has all along neglected cargo transport in areas to the west of the Pearl River Delta, such as Zhanjiang, Zhuhai, Zhongshan and Jiangmen. As a result, it only seeks to develop cross-border roads to the north of Hong Kong. Even the so-called Western Corridor that crosses the Shenzhen Bay is actually in the more northerly side to the northwestern part of Hong Kong. No major study has been conducted on how goods in the western part of the Pearl River Delta can be transported to Hong Kong directly and expeditiously. As a result, goods from that area have to make a huge detour northward before they can be transported to Hong Kong via Humen Bridge and Shenzhen. This is not only time-consuming. It also increases transport costs and puts far heavier pressure on the border control points in the northern part of Hong Kong.

As early as in 1989, far-sighted Hong Kong businessmen already proposed the building of a cross-strait bridge at the mouth of the Pearl River connecting Tuen Mun and Zhuhai. In 2000, Macao also suggested building a bridge linking Coloane in Macao and Lantau Island in Hong Kong. However, the Government has refused to clearly state its position as to whether the bridge will be built and when it will be built. Nor has it proposed an alternative plan for discussion.

Madam President, if Hong Kong is to continue to serve as a major trading port in south China and to position itself as an international city in the eyes of the world, it must solve the problem of "prolonged immigration and customs clearance" in terms of passenger and cargo flow to and from our hinterland. Only when there is a smooth flow of people and goods can we attract different businesses to develop here and see prosperity in all sectors. I welcome all suggestions that could reasonably solve the problem of "prolonged immigration

and customs clearance". Once again, I call on the Government to actively and comprehensively study the relevant issues with the Central Government and the mainland authorities concerned, as well as expeditiously and resolutely implement the requisite measures. Immigration and customs clearance is not just a matter of border management; it also concerns the long-term cross-boundary planning strategy. If the Government procrastinates in carrying out and implementing long-term planning, not only will the problem of "prolonged immigration and customs clearance" remain unsolved, Hong Kong's position as a cargo flow centre in south China and a logistics hub in the world will also be undermined.

Madam President, I so submit.

**MR HOWARD YOUNG** (in Cantonese): Madam President, in recent years, the economy of the Pearl River Delta has developed rapidly and the number of mainland and Hong Kong travellers travelling between Hong Kong and Guangdong has continued to rise. According to a survey of the Planning Department last year, the number of cross-boundary travellers has tripled in 10 years. In 2001, a total throughput of 149 million at the border control points in Lo Wu, Lok Ma Chau, Hung Hom, Man Kam To and Sha Tau Kok was recorded. That included goods vehicles, travellers and overseas visitors. Early this year, the Government abolished the "Hong Kong Tour" quota and relaxed the restrictions on mainland visitors, resulting in more mainlanders coming to Hong Kong. Last week, the Hong Kong Tourism Board announced a 64% increase in the number of mainland visitors in April compared with the same period last year. This is most encouraging. However, the land immigration clearance measures in Hong Kong have been unable to cope with the surge in the number of cross-boundary travellers.

Under the present economic recession, the tourism, retail and catering industries all hoped that the golden holiday week starting from 1 May would bring a short boom to their business and stimulate consumer spending in Hong Kong. However, the Government and the tourism industry had failed to make adequate preparation for the large number of inbound visitors, resulting in many of them being stuck at the various border control points. The situation at the Lok Ma Chau Control Point was particularly serious. Since mainland visitors had to wait for hours to complete immigration clearance, their impression of Hong Kong had naturally been adversely affected since they set foot on the territory. It also revealed the inadequacy of land immigration and customs facilities in Hong Kong.

While the Government has implemented some improvement measures to address the ever-increasing number of cross-boundary passengers, which include improvement works at Lok Ma Chau and Lo Wu, the building of the Sheung Shui to Lok Ma Chau Spur Line, and even the issue of smart ID cards to facilitate immigration clearance for local and mainland residents, particularly preparing for automated passenger clearance of Hong Kong residents in future, these are more long-term measures which will not bear fruits until next year or even the year after next. Since some of the works are being pressed ahead in full steam, they have caused traffic congestion. One example is the Lok Ma Chau Control Point. As goods vehicle drivers who frequently pass through this control point and even some private car drivers well know, it seems that there is inadequate traffic controlling personnel there, and as a result, private cars and vehicle goods run on the same lanes. The situation is even more confusing during peak hours. Actually, this happens on both the Hong Kong and the Mainland side.

Since the improvement works will take at least two or three more years to complete, will the relevant authorities consider using the existing facilities to divert passenger flow and relieve the pressure on the control points? In 2000, I asked a question in the Legislative Council and suggested operating a through-train service between Hung Hom and Shenzhen in order to ease the congestion at the Lo Wu Control Point. However, the Government's reply was that a through-train service between Hung Hom and Shenzhen was less popular and the number of slots for such service was limited. Moreover, given a lack of immigration and clearance facilities at the Shenzhen station, a through-train service to Lo Wu could only be provided as an irregular service chartered by travel agencies during holidays. That was almost two years ago. Had the Government considered this issue, and accepted and given effect to this proposal then, this would have become reality today.

At present, the congestion and queues at the border control points appear mainly at weekends, on festive days and during the three long holidays in the Mainland, that is, the Chinese New Year, Labour Day and National Day holidays. During these holidays, travel agencies will charter through-train services between Hung Hom and Lo Wu, showing that there is a certain demand for the service. Only that little has been done to promote the service and as a result, the timetable of the through-train service is not announced regularly and the feasibility of this service not explored. According to a survey, 77% of the interviewees are willing to pay a higher fare to ride on a through train from Hung Hom to Shenzhen to avoid the congestion in Lo Wu. On the other hand, if

mainland passengers take the through train from Shenzhen to the Hung Hom Control Point, the pressure on Lo Wu and even other border control points will be greatly relieved. We must know that for people arriving from the Mainland, it will take them a longer time to complete immigration and customs clearance. The mainland Government has expressed concern about a large number of mainland travellers being stuck at the various Hong Kong border control points on 1 May Labour Day. If the Hong Kong Government can actively discuss this with the mainland Government, I am sure that the mainland Government will take matching measures to help solve the problem.

I am very glad that at the fifth Hong Kong/Guangdong Co-operation Joint Conference in mid-March this year, both sides finally agreed to implement the arrangement for the co-location of immigration and clearance facilities. I am sure that this arrangement will certainly be helpful. We may need some innovative ideas. While the co-location of immigration and clearance facilities is certainly a good thing, can Hong Kong follow the practice of other countries and waive departure clearance? At present, the United States and Britain do not require departure clearance. This may be a sensitive question. If people can leave Hong Kong freely, what should be done if there are wanted criminals in Hong Kong who have to be repatriated? With regard to this question, is there a possibility for this to be considered in the context of the mechanism of co-locating immigration and clearance facilities? Perhaps Hong Kong can reach an agreement with the Mainland, so that if the Mainland refuses the entry of any person from Hong Kong, the person can be repatriated to Hong Kong so that his identity proof can be checked by the relevant authorities. I think these arrangements are to a certain extent worth exploring. Also, is it possible to require travel agencies to submit a list of passengers for prior clearance? I think the Administration should take this into consideration.

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

**MISS CHOY SO-YUK** (in Cantonese): Madam President, ever since the Financial Secretary announced the abolition of the quota on "Hong Kong Tour" in this year's Budget, the number of mainland visitors has drastically increased. It is estimated that in May alone, 500 000 mainland visitors came to Hong Kong where they spent \$2.5 billion, resulting in a boom in many tourism-related sectors. However, behind this good news, the capability of our border control points and ancillary facilities to effectively and quickly divert such an enormous passenger flow does give cause for concern. Over the past few months, for

instance, we saw frightful headlines in the press almost every month, such as "More than 1 000 people at Lok Ma Chau pushing the barriers to vent their anger", "Hong Kong control points 'besieged' as 20 000 mainland visitors flooded in", "Great chaos as mainland visitors crossed the border on Labour Day". If even the Hong Kong-Mainland border control points are not managed properly, how can we ride on the momentum of the economic growth in the Motherland, which the Chief Executive said was the most important direction for Hong Kong's future development in last year's policy address?

First, I wish to talk about the problem of the Lo Wu Control Point. Actually, given the present facilities and manpower in Lo Wu, it should be fully capable of handling large numbers of cross-boundary passengers before and after long holidays. But why is there still congestion from time to time? While the reasons are manifold, the most important reason is that too many travellers cross the border at certain times; the control points, therefore, cannot clear the crowds in a timely manner, resulting in temporary serious congestion. After all, travellers have nowhere else to go at the Lo Wu frontier except to pass through immigration. As a result, the Immigration Department has to absorb as many travellers as they arrive. There is no buffer zone in terms of passenger flow control.

Since it is impossible for us to make travellers cross the border at different times, the authorities should open up part of the Frontier Closed Area and put in place facilities with different characteristics near the border control point to attract passengers to stop over for shopping, eating or entertainment. When travellers see the long queues at the border control point, they can go shopping or seek entertainment nearby until the queues become shorter. This will avoid serious congestion at the control points.

This idea is nothing new. During a motion debate on opening up and developing the Frontier Closed Area in October last year, I already suggested that the Government should designate an area in the Lo Wu Frontier Closed Area and vigorously develop it into a large recreation and shopping centre for Hong Kong people and mainland visitors. At the same time, it could further allow mainlanders to enter the Lo Wu Frontier Closed Area for the day after going through simple clearance procedures, provided that they leave on the same day, so that they can enjoy Hong Kong-style shopping and recreation in the area. Apart from alleviating the problem of "prolonged immigration and customs clearance", it could also bring huge economic benefits to Hong Kong. With increasingly frequent economic, social and cultural exchanges between Hong Kong and Shenzhen, opening up the Frontier Closed Area will also achieve the

positive effect of allowing Shenzhen and Hong Kong to complement each other and strengthening their ties.

Madam President, to carry the point a bit further, Hong Kong is already a part of China. It is natural to formulate measures to provide greater convenience to mainlanders to visit Hong Kong. In order to provide the 40 million potential visitors in the Pearl River Delta with greater convenience, the Government should issue "travel permits for visiting Hong Kong" to those whose permanent residence is in the Pearl River Delta region. Holders of these travel permits are allowed to travel to Hong Kong for sightseeing, visiting relatives or business for an unlimited number of entries before their permits expire, for a maximum stay of seven days each trip. I believe this will play a positive role in achieving the target in the policy address of speeding up the economic integration between Hong Kong and the Pearl River Delta.

Moreover, I wish to talk about the Lok Ma Chau Control Point. All along, drivers of private cars crossing the border through this control point are required to have their papers checked at the first kiosk for immigration clearance, and then drive on to another kiosk for customs clearance. Recently, in order to expedite the clearance formalities, the Government has, on a trial basis, co-located part of the immigration and customs clearance formalities. In other words, vehicles no longer have to clear immigration and customs at two separate places. On the surface, this arrangement can indeed expedite the process, and the Government has also told me that some time can be saved. However, from my personal experience and the experience of many friends, this is not the case. The queues at the kiosks adopting the new arrangement are often much longer than those at the kiosks adopting the conventional practice. The reason is quite simple. No matter which practice is adopted, immigration and customs officers check the papers one after the other and not simultaneously. Under the new arrangement, vehicles will only stop at the kiosks for a time longer than the past when the inspection was conducted in two separate steps. As a result, the queues are naturally longer. Actually, if both governments really want to reduce the time required of the clearance procedures, the most thorough solution is to implement the co-location of immigration and clearance facilities. I hope that before implementing any proposal, the Government will carefully consider the actual situation and avoid making inappropriate arrangements. Otherwise, it would only aggravate the problem concerning immigration and customs clearance that we are facing now.

Madam President, I so submit.

**ABRAHAM SHEK:** Madam President, the 1 May labour holiday was in fact a labouring day for many thousands of mainland visitors as they had to wait for three to four hours under very unbearable conditions, just for coming to Hong Kong to spend their tourist dollars.

Who were the losers? The Hong Kong people were the losers; our retail shops were the losers; and our Hong Kong reputation as a tourist paradise also suffered. It is high time that the Government should take positive and proactive steps to prevent such incidents from happening again.

Since the abolition of a travel quota system in January this year, the number of mainland visitors is increasing by the day. In April alone, the number rose to 500 000, which is a 65% increase when compared with the same period last year. This shows that mainland visitors have become a major source of tourists for Hong Kong. It is anticipated that this trend will continue for a certain period of time. The border control points of the two regions will, therefore, be under great pressure in the future.

Currently and fortunately, congestion at border control points mainly occurs during weekends and public holidays in Hong Kong and the Mainland. During this period, the passenger volume is substantially larger than on weekdays. Very often, the Immigration Department (ImmD) would have made special arrangements to cater for the increased passenger volume. However, in order to fundamentally resolve the prolonged immigration and customs clearance problem, the Government should streamline the clearance formalities and increase the provision of immigration and customs facilities. At present, simplifying the clearance procedures is recognized as one of the improvement goals. High technology should be applied to achieve operational efficiency in immigration and customs clearance. The future implementation of smart ID cards for clearance will not only save time and reduce congestion at border control points, but will also save the manpower of the ImmD. In view of this, the ImmD should plan to derive the maximum benefits from the smart ID cards.

Moreover, the ImmD should also streamline the immigration clearance formalities for mainland visitors. After all, they are subject to severe exit control at the mainland side. By doing so, I am sure that it will expedite immigration and customs clearance, resulting in increased efficiency to facilitate mainland tourists coming to Hong Kong. Regarding the co-location of

immigration and clearance facilities, I think this is a very good long-term objective, but there is no urgent need to implement this plan for resolving the current problem. The major constraints of co-locating the immigration and clearance facilities are the discrepant legal systems and criteria of law enforcement between Hong Kong and the Mainland. If the Government implements this plan without careful planning, it will likely arouse substantial legal disputes between the two regions. Thus, I urge that the Government should carefully consider this issue.

I would also like to suggest that the Government should not only focus on solving the prolonged immigration and customs clearance problem by improving the existing cross-boundary land facilities, but should also consider solving the problem by strengthening the provision of facilities like opening more border control points.

In November 2001, the Legislative Council Panel on Transport requested the Government to conduct a study on rebuilding the Tuen Mun pier so as to provide a cross-boundary ferry pier for passengers, thereby providing greater convenience for residents in Northwest New Territories travelling to Macao and the Pearl River Delta region, and *vice versa*. In fact, there is an increasing number of people who own residential properties in the Pearl River Delta region for leisure and resort uses. The journey time from Tuen Mun to Macao and some places of Guangzhou Province such as Zhuhai, Zhongshan, Shunde, Panyu and Nanhai is less than one hour. This sea-crossing route has a shorter journey time than Lo Wu and Lok Ma Chau crossings, and thus provides more convenience to the public. Furthermore, the above places are situated at the heart of the Pearl River Delta region, which is one of the most affluent regions in the Mainland. It has an enormous potential for attracting tourists to Hong Kong. In addition, there are many Hong Kong-owned enterprises in these places and manpower exchanges are frequent. Constructing a sea-boundary control point at Tuen Mun pier will definitely facilitate the exchange of talents among Hong Kong, Macao and the Pearl River Delta region. In fact, the Tuen Mun pier has already got three berths for cross-boundary uses. It is ready for use upon some modification works and installation of immigration and customs facilities.

Apart from the problem of prolonged immigration and customs clearance for passengers, the same problem occurs in cargo clearance. The prolonged import and export clearance procedures for goods vehicles and cargo examination increase the transportation time and costs, thus further weakening

Hong Kong's edges in sea freight transport. At present, in addition to the insufficient counters at Lok Ma Chau Control Point, the round-the-clock operation of the control point is ineffective in solving the prolonged waiting for customs clearance for cargoes. This is because only one lane is in operation from 10 pm to 7 am. In view of this, the Government should actively liaise with the mainland authorities to improve the processing capability of the different land-boundary control points. Otherwise, Hong Kong's leading status as an international transportation hub will be adversely affected.

With these words, I support the motion.

**MR NG LEUNG-SING** (in Cantonese): Madam President, the problem of "prolonged immigration and customs clearance" has been bothering Hong Kong for years. It has become a hindrance to the further enhancement of economic and cultural ties between Hong Kong and the Mainland. According to a Cross-Boundary Travel Survey of the Planning Department in 2001, with increasingly close social and economic ties between the Hong Kong Special Administrative Region (SAR) and the Mainland and the continuous development of the Pearl River Delta, the cross-boundary passenger flow and vehicular traffic have grown significantly over the past 10 years. The number of cross-boundary travellers rose from 36.9 million in 1990 to 116 million in 2001, while the vehicular traffic increased from 4.9 million to 11.3 million. At the Lo Wu Control Point, for instance, according to the original estimation of the Kowloon-Canton Railway Corporation, the volume of passenger traffic crossing the border through Lo Wu would only grow by 7% annually. However, in recent years, the cross-boundary traffic between Hong Kong and Shenzhen has increased rapidly at an average of 17%. In 2000, a total of 86.5 million travellers crossed the Lo Wu Control Point, with the daily average figure at 236 000, exceeding the expected traffic of some 4 million by more than 20 times. The congestion is so serious that there is even a need to implement a quota system for train tickets to Lo Wu. The various problems revolving around "prolonged immigration and customs clearance" are especially evident on some festive days.

All these show that the Government lacks foresight in planning and has failed to make policies in a decisive manner. First, it has failed to foresee the rapid increase in the flow of passengers and cargo between Hong Kong and the Mainland, and only adopted hasty measures when the actual need arose, using small, patch-up measures to deal with the rapid changes. Our connections with

control points in the Mainland are important social and economic lifelines for Hong Kong, just like the airport and ports which link us with the external world. The Government should make long-term infrastructural planning and carry out the relevant works before the actual need arises. Apart from coping with the actual growth in passenger and cargo flow, there is also a need to make long-term planning in terms of the infrastructures at the border control points to stimulate and actively promote future growth in passenger and cargo flow. Only by doing so can we sustain the momentum of development of the overall Hong Kong economy. However, we are so passive now that we cannot even cope with the immediate needs, let alone actively stimulate and promote the growth in passenger and cargo flow between Hong Kong and the Mainland.

Madam President, the SAR Government is often too tardy in planning new border control points and lacks decisiveness in decision-making and enforcement. There is also a lack of co-ordination between departments, and what is more, the departments are often obstacles to each other in their work, causing delay in some projects, such as the Lok Ma Chau Spur Line Project. In balancing environmental protection and infrastructural projects, I think we must handle the matter through reasonable co-ordination on the premise of the overall development of society, instead of giving absolute priority to the considerations of any side. Our ties with control points in the Mainland have become imperative, given the actual problems that have arisen; and there will also be great changes in the future demand. In my view, the Government should clearly understand this situation and the suggestions made by the community and Members of this Council. The key is that the Government must make effective changes accordingly in terms of the decision-making and implementation procedures with regard to planning and the works, in order to keep up with the changing situation. Otherwise, the problem of "prolonged immigration and customs clearance" that has been bothering Hong Kong people for a long time will unavoidably become another long-standing knotty problem on which no decision is reached despite repeated discussions.

Madam President, I so submit.

**MR KENNETH TING** (in Cantonese): Madam President, the Liberal Party has always been very concerned about the congestion at the border control points between Hong Kong and the Mainland. Early this year, the Guangdong Province and Hong Kong finally reached an agreement to implement a trial scheme of the co-location of immigration and clearance facilities at the

Huanggang Control Point. The Liberal Party welcomes this. In the Liberal Party's view, the advantage of the co-location arrangement is that it can shorten the clearance time of travellers and will help enhance the handling capacity of the control points.

However, as about 60% of Hong Kong travellers cross the border via the Lo Wu Control Point, to ease the congestion of cross-boundary passengers, the most important thing is to enhance the handling capacity of the Lo Wu Control Point. If the co-location of immigration and clearance facilities can be introduced at the Lo Wu Control Point, it would certainly go a long way toward solving the problem.

Earlier, the Chief Secretary for Administration, Mr Donald TSANG, said that there is already co-location of immigration and clearance facilities at the Lo Wu Control Point, since travellers do not have to get on and get off vehicles for clearance. The Liberal Party considers this view questionable. Literally, the co-location of immigration and clearance facilities means that the arrival and departure clearance procedures in two places are processed at the same time on one side of the border and travellers do not have to queue up twice. However, at the Lo Wu Control Point, travellers have to cross the Lo Wu Bridge on foot and the arrival and departure clearance procedures are conducted separately on the Mainland side and the Hong Kong side. The Liberal Party is of the view that this is not quite the genuine and ideal form of co-location of immigration and clearance facilities.

So, if the trial scheme in Huanggang works well, the Liberal Party considers that the Hong Kong Government should actively consider extending this arrangement to other land border control points, especially the Lo Wu Control Point, to further ease the congestion of cross-boundary travellers.

Indeed, as early as in November 2000 when members of the Federation of Hong Kong Industries and I were on a visit to the Mainland and met with our country's leaders, we already proposed a similar arrangement of co-locating clearance facilities for cargoes. We suggested that China and Hong Kong could complete the inspection procedures at the same time in the same customs inspection building, in order to shorten the time of clearance. The customs authorities in the Mainland responded positively to this proposal. It is a pity that the trial scheme in Huanggang does not include the clearance of cargoes. I urge the Government to more actively discuss with the Chinese side to extend the co-location arrangement to cargo flow and more land border control points.

Moreover, the Liberal Party believes support measures on various fronts are required in order to ease congestion at control points, such as deploying additional manpower and providing more facilities and border control points. In terms of manpower, at the peak hours, the Lo Wu Control Point can open all the 200 counters to deal with the crowds. However, due to the shortage of staff, not all the counters are manned even with such arrangements as the deployment of additional staff and overtime work. The authorities have pointed out that the smart ID card scheme to be implemented in 2004 is expected to ease the shortage of staff. But before such scheme is implemented, the Liberal Party thinks that this problem can be solved by providing additional manpower or by greater flexibility in deployment.

As for the provision of more border control points, other than the five existing control points, the SAR Government has not specifically looked into other sites for creating more control points and does not take an active attitude in this matter. As the population grows, cross-boundary travels will become increasingly frequent. The Liberal Party urges the authorities to plan and develop other border control points earlier, and actively explore the viability with the mainland Government, in order not to let go the opportunity of the integration of the Guangdong Province and Hong Kong as a result of congestion at the border control points.

In the Liberal Party's view, if we do not ease the congestion at the border control points, it will not only cause inconvenience to travellers, but will also affect business exchanges and hinder the integration of the economies of both Hong Kong and the Mainland. Therefore, the Government must make improvement expeditiously, including discussing with the Chinese side to solve the problem.

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

**MR ANDREW CHENG** (in Cantonese): Madam President, on behalf of the Democratic Party, I will speak on the motion and the amendment from a transport point of view.

The wording of the original motion mentions the need to "perfect the road network leading directly to the border control points". The Democratic Party agrees with this. Actually, in terms of cross-boundary traffic planning, the

Government has for many years neglected the importance of ancillary transport facilities. While Lo Wu is the largest border control point in Hong Kong, its transport planning is extremely poor. To cross the border at Lo Wu, travellers can only rely on one transport mode — the Kowloon-Canton Railway (KCR) and has no other alternatives. In case of disruption of the KCR service, passengers can only wait for KCR feeder buses or special transport arrangements of the Government. This is an inflexible, inefficient and "stopgap" measure with which people are dissatisfied. Imagine when people return to Hong Kong from the Mainland after the Chinese New Year and it so happens that the KCR has to suspend service due to an operational problem, and everyone is stuck at the Arrival Hall in Lo Wu waiting for the Government's arrangement to clear the crowds, what kind of scene will that be?

Just take a look at the ancillary transport facilities in Shenzhen and we will realize that transport planning in Hong Kong is rather backward. Madam President, today's motion is the problem of "prolonged immigration and customs clearance". I also have a problem with "immigration clearance", since I do not have a Home Visit Permit and cannot go to Shenzhen to have a look. However, we all know that there are many different modes of transport in Shenzhen. One can freely choose to take a train, bus, minibus or taxi. In future, Shenzhen will also have an underground system. With these transport arrangements, people are not dependent on one single transport mode and even if something happens to one transport mode, people can immediately choose other modes of transport. The Government does not have to worry about how to disperse the crowds. Similar ancillary facilities are found in Macao and the Gongbei control point in Zhuhai. Only the Lo Wu Control Point in Hong Kong is wholly dependent on the KCR. The SAR Government should indeed make an effort to catch up in this respect.

Besides, since Hong Kong is wholly reliant on the transport services provided by the KCR, this has led to a monopoly. Passengers using the cross-boundary railway service have to pay a fare several times higher than those of the local lines. For instance, while the KCR fare from Fan Ling to Sheung Shui is only \$3.5, the fare from Fan Ling to Lo Wu is \$20. If people want to go to the Lo Wu area in Shenzhen, they can only take the KCR. It is unlikely that they will go to Huanggang via Lok Ma Chau, and then travel to Lo Wu by a means of transport in Shenzhen. So, with no other alternatives available, the KCR operates in the form of a monopoly and the fares are set at an unreasonably high level.

To address the above problems, the Government must build roads in Lo Wu so that other transport modes can provide services to Lo Wu. In that case, people will no longer be solely dependent on one means of transport. It will also create an environment in which different modes of transport can compete in terms of their services and fares to the benefit of consumers. In fact, similar arrangements should also be implemented at the Lok Ma Chau Control Point, so that the "yellow buses" in Lok Ma Chau will not be the only cross-boundary service provider in that area and will not be in a position to charge unreasonable fares.

Ms Miriam LAU's amendment proposes the launch of a through-train service between Hong Kong and Shenzhen. Last year, a similar motion was introduced in this Council, calling on the Government to consider discussing with the mainland authorities the launch of an express train service between Sheung Shui and Shenzhen, as well as a through-train service between Hung Hom and Shenzhen. The Democratic Party supports the latter, since the concept of this service is similar to that of the Regional Express Line. After the expansion of the Hung Hom Station, there will be adequate ancillary facilities to support the relevant service. We will only need to study whether to launch the service within the framework of the existing railway lines or as a new line like the Regional Express Line. We must also examine the adequacy of the ancillary facilities in Shenzhen in coping with an additional through-train service. But for the former proposal, the Democratic Party reiterates that it needs to be further explored.

The Democratic Party is of the view that any study of an express train service between Sheung Shui and Shenzhen should be comprehensive and should not be confined to the Sheung Shui area. Studies should also be conducted as to whether there is a more suitable choice than Sheung Shui among the existing train stations.

Since Ms Miriam LAU's amendment only proposes the launch of a through-train service between Hong Kong and Shenzhen in a general sense and does not specify where the service should be provided, we have no objection to it. The Democratic Party supports both the amendment and the original motion.

Madam President, I so submit.

**MR LAU KONG-WAH** (in Cantonese): Madam President, some northern New Territories residents recently told me that some mainland visitors now take the

bus to Sha Tau Kok to have dim sum and shop in the northern New Territories in the morning, and then return to the Mainland. This seems to be similar to the way Hong Kong people used to go northward to spend money. I believe large numbers of visitors will be coming southward to spend money too. As this will not happen only on holidays, the problem of "prolonged immigration and customs clearance" will thus occur on weekdays.

Indeed, if we look back on the long holidays over the years, obviously this situation simply recurs year after year: "Where there is holiday, there is congestion; and every border control point is invariably flooded with huge crowds of people". With regard to this issue, Madam President, there is a recent TV commercial promoting the attitude of "being a good host"; it teaches salespersons what attitude should be adopted when selling clothes, cameras and so on. One of its slogans is that "nowadays, such attitude won't do anymore", and this is very to-the-point. If we apply this line to the problem of "prolonged immigration and customs clearance", the present situation would serve as a perfect negative example. The problem is primarily due to the shortage of facilities, manpower and control points and limited ancillary facilities, as opposed to an unlimited number of patrons. Using limited resources to cope with an unlimited number of patrons will cause great inconvenience to travellers and greatly tarnish our image as a world city.

Madam President, the Government has been actively using the image of a flying dragon to promote Hong Kong as a world city. However, when mainland visitors come to Hong Kong, the first thing they see is not the flying dragon, but long queues. If we have no wish to replace the flying dragon with long queues as the symbol of Hong Kong, I think we must change, and this change has to do with people and their mentality.

Madam President, recently, this Council has had heated debates on the accountability system for principal officials. The accountability system reflects a desire for change. The public hopes that this change will improve the administration of the Government. I believe the first test facing the future principal officials may be the problem of "prolonged immigration and customs clearance".

With regard to this issue, I have three wishes that I hope the relevant accountable principal officials will fulfil. The first is that when some feasible short-term measures are proposed, such as those proposed by Mr Jasper TSANG, Chairman of the Democratic Alliance For Betterment of Hong Kong (DAB), and

by Ms Miriam LAU of the Liberal Party, I hope the relevant accountable principal officials will implement these proposals accordingly.

My second wish is that the future accountable principal officials will consider the matter from the users' point of view, instead of blindly believing in some forecasts of consultants. Why do I have such strong feelings? It is because when the DAB held a symposium on cross-boundary infrastructure, we asked the Government when the Guangdong-Hong Kong-Macao Bridge connecting the eastern and western ends of the Pearl River will be built and when it will be completed. The Government's answer was in the year 2016. 2016 is a long time from now. Madam President, the mainland authorities are already saying that they might as well do it themselves, which means that they are thinking about building a tunnel from Zhuhai to Shekou by themselves. If their plan is put into practice, Hong Kong will be in trouble. By that time, not only will Hong Kong face the problem of "prolonged immigration and customs clearance", its whole economy will also be affected. That is why I very much hope that the Government can consider this issue from the practical point of view and expeditiously conduct studies in this regard.

My third wish is that the future accountable principal officials will break away from the boundary constraints and make planning in collaboration with the Guangdong Province. I recall that when we discussed the Western Corridor in the Panel on Transport, the map had no other information except for a bridge between Hong Kong and the Mainland. The Hong Kong side has no information at all as to which highway will be linked to the bridge. Even when we asked the Government later, we were only given some very simple, rudimentary data. With such planning, how possibly can the project be successful? Similar problems were also revealed in the recent discussion on Route 10. It is undesirable to make planning that confines to the territory without looking at the overall planning of the Guangdong Province, Hong Kong and Pearl River Delta.

Madam President, today, I read an article in the *Nanfang Daily* about discussions held by the Chinese People's Political Consultative Conference of Guangdong Province. The title of this report which hit the headlines says: "Co-operation between Guangdong, Hong Kong and Macao lags behind the development of the situation and needs to be enhanced". As we can see, there are actually very strong voices coming from the non-governmental circles. They strongly urge officials of the SAR Government to enhance co-operation and co-ordination with other sides. Co-operation among the officials of the two or

even three places must be enhanced. I am sure the Secretaries will have no problem becoming the future accountable officials. But I also hope that they will give first priority to the problem of "prolonged immigration and customs clearance". I am sure that in the coming golden holiday starting from 1 October, the National Day, the public will put the relevant principal officials, including the Chief Secretary for Administration, the Secretary for Transport, the Secretary for Planning and Lands, the Secretary for Economic Services and the Secretary for Security to the test, and see if they can pass the test in dealing with this problem of "prolonged immigration and customs clearance".

**MR FREDERICK FUNG** (in Cantonese): Madam President, with the increasingly close ties between Hong Kong and its largest economic partner, namely, the Mainland, the exchanges between residents of the two places have also become more and more frequent. In recent years, there have often been congestion and disgruntled crowds at the border control points, showing that the existing immigration and customs clearance facilities in Hong Kong cannot cope with the cross-boundary passenger flow which has always been increasing substantially. Hong Kong must therefore put in place a perfect, efficient and extensive network for cross-boundary passenger and cargo flow that complies with the environmental and conservation requirements to which more and more importance has been attached, in order to provide convenience to Hong Kong residents who go northward for entertainment, employment, business or even settlement, and create a win-win situation.

I will speak on the parts of Mr Jasper TSANG's motion relating to the improvement of the border control points and the deployment of additional manpower, and also particularly focus on part (c) about "perfecting the road network leading directly to the border control points". Particular emphasis will be given to using a mass carrier network, that is, the railway network to solve the problem of "prolonged immigration and customs clearance".

At present, most Hong Kong residents are still using the cross-boundary railway as the main transport mode to travel to the Mainland. Last year, the cross-boundary passenger figures in Hong Kong stood at 86 million, more than double the figures 10 years ago. This shows that the only cross-boundary railway line, the Lo Wu line of the East Rail of the Kowloon-Canton Railway Corporation (KCRC), is under great pressure. The Hong Kong Association for Democracy and People's Livelihood (ADPL) and I are of the view that the Government needs to advance the construction of the second cross-boundary

railway, the Northern Link, in order to genuinely ease the congestion at the Lo Wu Control Point.

In the middle of last year, the authorities said that while the existing cross-boundary passenger service of the East Rail could cope with the demand, short-term measures would still be adopted to ease the passenger congestion which was a pressing problem. In the long run, the Sheung Shui to Lok Ma Chau Spur Line of the East Rail, including a cross-boundary crossing, would first be constructed, followed by the Northern Link between Kam Sheung Road in Yuen Long and Lok Ma Chau as proposed in the Railway Development Strategy 2000 in 2011.

However, analysing it in terms of environmental protection, financial costs and social development, the ADPL and I are of the view that the Lok Ma Chau Spur Line, which is proposed to be built first, will not be able to meet the long term demand for cross-boundary passenger service effectively, whereas the Northern Link originally proposed to be built at a later stage can replace it completely.

First, according to the Environmental Impact Assessment Report released by the Environmental Protection Department last October, the construction of the Lok Ma Chau Spur Line of the East Rail may have an adverse impact on the environment of Long Valley in Yuen Long. In addition, the temporary wetland proposed by the KCRC as compensation may not be able to compensate for the habitat loss. As a result, it rejected the Lok Ma Chau Spur Line project scheduled to be completed in 2004. While a viaduct and a bored tunnel options with Long Valley as the centre have been proposed later, the ADPL and I consider that both are nothing more than stopgap measures and cannot really remove the threat posed by the Lok Ma Chau Spur Line to Long Valley's ecology.

Second, according to the financial estimates made by the Conservancy Association earlier, it would take the KCRC 24 years to recover the cost of the Lok Ma Chau Spur Line, far more than the 13 years needed to recover the cost of the Northern Link. In terms of the construction cost, the former costs \$1 billion more than the latter. Over a period of 30 years, the Lok Ma Chau Spur Line would only yield a 7.2% return, while that yielded by the Northern Link would be 15.3%. Thus, from the angle of financial costs, I think the Northern Link can generate more benefits for the KCRC.

The third and the most important point is that the construction of the Northern Link will not only provide the public with a second cross-boundary railway, but will also divert some 150 000 cross-boundary passengers daily. As a result, the East Rail will only need to cater for some 240 000 passengers, thus considerably easing the congestion between Kowloon Tong and Sheung Shui. The Northern Link will not only facilitate cross-boundary travels by residents in West Kowloon and the western New Territories, and will also directly benefit people living in the Yau Ma Tei, Tsim Sha Tsui and Mong Kok area, and those living in Sham Shui Po, Kwai Tsing, Tsuen Wan, Tuen Mun and Yuen Long. The Government estimates that by 2010, the population in the above six areas will increase to 2.63 million, accounting for about 36% of Hong Kong's total population. They will undoubtedly have a keen demand for another cross-boundary railway. Therefore, advancing the construction of the Northern Link will not only help divert cross-boundary passengers, but will also reduce the journey time by 10 to 38 minutes. In other words, this can save 15 million hours of journey time yearly. The ADPL and I believe that most of the equipment and logistics and technological support now used in the construction of the West Rail could be transferred to the Northern Link project, and this can considerably reduce its construction time and cost. The completion of the Northern Link may thus be advanced to 2007 or 2008. This can also capitalize on the future ridership of the West Rail. While helping to divert cross-boundary passenger traffic, it will also ensure that West Rail will not raise its fare because of inadequate patronage.

On the whole, the ADPL and I believe that by completely replacing the Lok Ma Chau Spur Line with the Northern Link, we can avoid developing the Long Valley wetland which has very high conservation value. It will also provide residents in the western part of Hong Kong (that is, residents of Kowloon West and New Territories West as I mentioned earlier) with a more expedient and convenient cross-boundary railway, so as to divert the cross-boundary traffic in an efficient and long-term manner, thus relieving the pressure on the border control points and various ancillary facilities in Hong Kong.

Madam President, I so submit.

**DR RAYMOND HO** (in Cantonese): Madam President, the land border control points between Hong Kong and the Mainland are the busiest boundary crossing points in the world. After Hong Kong's reunification with the Motherland, the ties between the two places have become even closer. The passenger and

vehicular traffic passing through these control points has increased continuously. However, the relevant facilities have obviously failed to keep up with the demand. As a result, it takes travellers and cross-boundary passengers much longer time to complete immigration clearance, seriously affecting the passenger and cargo flow between the two places.

During the 1 May Labour Day holiday earlier, many mainland tourist groups came to Hong Kong. However, as Hong Kong had failed to make adequate preparations for this, mainland visitors had to wait for quite a long time to clear immigration and this has seriously affected their impression of Hong Kong.

The Labour Day holiday incident has merely exhibited the seriousness of the problem of immigration and customs clearance. Actually, the clearance problems at the border control points have been a nuisance to users for quite a long time and the situation has not seen any significant improvement. However, the Government has been vigorously promoting economic ties between Hong Kong and the Pearl River Delta in recent years. The problems of immigration and customs clearance are bound to become a great obstacle preventing Hong Kong from giving play to its unique edges in the Pearl River Delta.

In my view, to solve the present problems of immigration and customs clearance, we must improve the hardware and software facilities at the border control points. First, we must enhance the land cross-boundary transport networks and create more border control points to ease the present congestion at the control points. If Hong Kong and Shenzhen can better their cross-boundary road and railway networks, it will be conducive to solving the problems of immigration and customs clearance in the long term. Such networks will also be an indispensable hardware in the promotion of economic ties between Hong Kong and the Pearl River Delta.

Obviously, in developing the land cross-boundary transport networks and providing more border control points or crossings, we inevitably have to touch on the question of the Frontier Closed Area. We are now approaching the fifth anniversary of the reunification. However, the Frontier Closed Area with such a vast area measuring 17 970 hectares or 179 sq km appears to remain a forbidden area in the policies of the SAR Government. In my view, since Hong Kong has reunited with the Motherland, the Government should deal with and plan the land use of the Frontier Closed Area with a new mindset, so as to make good use of the land resources in the Frontier Closed Area. This will also allow Hong Kong to have greater flexibility in solving the problems concerning the

land border control points and have reasonable latitude for development. I have repeatedly talked about these issues in this Council and I hope the Government will not be hesitant anymore.

In terms of software support, the relevant authorities should step up its discussions with the relevant mainland departments on the feasibility of the co-location of immigration and clearance facilities. Indeed, this arrangement will greatly reduce the clearance time for passengers and even cargoes. In addition, the authorities concerned should expedite the introduction of high technology, such as smart ID cards, in an effort to streamline the clearance formalities and reduce the clearance time.

Madam President, the problem of "prolonged immigration and customs clearance" does not only affect frequent travellers between Hong Kong and Shenzhen. It also has a bearing on whether Hong Kong can become the centre of economic development in the Pearl River Delta Region. The SAR Government must address this problem squarely.

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

**MR YEUNG YIU-CHUNG** (in Cantonese): Madam President, Hong Kong is really a lucky place. Even our customs is lucky, for our control point at Lo Wu is the busiest land customs checkpoint in the world and is exposed to the highest level of risks. This is no alarmist talk. The Lo Wu Control Point is so crowded that there is no room for manoeuvre at all. People might fall and be trampled on by others to death anytime. Fortunately, no such serious incident has occurred. Otherwise, the consequences would be dire indeed. The summer holiday will soon be here and many students and teachers or Hong Kong people will go northward to travel and for vacation. Many mainland tourists will also come to Hong Kong during the holidays to shop and spend money. The land border control points between Hong Kong and Shenzhen will enter the peak season. In my view, we have not paid enough attention to the problems revealed by the congestion at the land border control points between Hong Kong and Shenzhen, and have failed to adopt effective measures in time to solve the problems and ease congestion, resulting in the problem becoming more and more serious.

Of course, to be fair, much has been done to improve facilities and ease congestion at the Lo Wu Control Point in recent years, and congestion during holidays and festive days has been greatly alleviated. It is often faster to clear

immigration in Lo Wu during holidays and festive days than on weekdays, because the authorities concerned will pay particular attention to these days and deploy additional staff and open more counters. On weekdays, on the contrary, the clearance time is often longer due to the shortage of staff and because less counters are opened. This shows the inadequacy of the Immigration Department in its contingency arrangements. It takes less time to complete clearance at the Shenzhen border control point than the Hong Kong border control point because there are more counters on the Shenzhen side and clearance can be completed by swiping the entry permit. Generally speaking, when the contra-flow approach is required to control the crowds in times of congestion, it is often because the Hong Kong side has failed to cope with the passenger flow.

In comparison, the Shenzhen authorities adopt more active and vigorous measures, and are more efficient in easing congestion at the border control points. For instance, this year, Shenzhen has begun the improvement works to the Lo Wu Control Point, the Joint Inspection Building and the Huanggang Control Point. It has adopted high technology and information technology to speed up inspection and clearance. It will also make similar improvements in the Man Kam To and Sha Tau Kok control points later. The Shenzhen Municipality plans to inject as much as RMB150 million yuan this year for the improvement of the border control points alone.

The SAR Government should learn from the Shenzhen Municipal Government the spirit of always being "eager to meet the needs of the people". It should adopt effective measures to save time, such as putting the existing space to good use, setting up more counters, recruiting more staff, streamlining the clearance formalities and adopting electronic checking of Re-entry Permits. It should also implement round-the-clock operation of border control points on festive days and during holidays gradually, expand the Lo Wu Control Point, considerably enhance its passenger handling capacity, implement the co-location of immigration and clearance facilities and speed up the construction of the Lok Ma Chau Spur Line, with a view to effectively solving the problem of "prolonged immigration and customs clearance".

Madam President, the handling of passenger traffic is by no means smooth. How about cargo flow? The situation is even more distressing. As we all know, long queues of container trucks at the Huanggang Control Point have long become a common scene. Goods vehicles have to wait for one to three hours or even longer to clear customs. There are now 30 lanes for the inspection of goods vehicles at the Huanggang Control Point on the Shenzhen side, but only 12

are available in Lok Ma Chau on the Hong Kong side. As a result of such a great discrepancy between the two sides, a bottleneck is formed in Lok Ma Chau. A reporter of the *Hong Kong Economic Times* has personally accompanied a container truck driver on his container truck to clear customs to cover the whole process. It was found that while the entire journey took less than three hours, they had to wait for five hours. Cargo flow is extremely important to the development of the Hong Kong economy. But the problem of "prolonged immigration and customs clearance" is like a bottleneck hindering the development of the cargo business. At present, transporting a container from Dongguan to Kwai Chung in Hong Kong by container truck costs \$1,000 more than transporting it to Yantian in Shenzhen, almost double the cost required in the latter case. Coupled with the fact that the handling charges at the Kwai Chung Container Terminal in Hong Kong are 30% to 100% higher than the charges in Shenzhen, Yantian and other mainland ports are actually eating into "the cheese" of the exports of Hong Kong. According to statistics, the throughput of the ports in Shenzhen has recorded a much higher growth than the ports in Hong Kong starting from last year. This was particularly evident in the early part of this year. The throughput of the ports in Shenzhen has increased by 50% in the first four months of this year, while the throughput of Hong Kong container terminals has shrunken steadily. If there is efficient customs clearance, goods vehicle drivers can make two or three runs a day. This will cut transport cost and enhance the competitiveness of Hong Kong's ports and cargo business. In my view, the Government should provide more inspection lanes for goods vehicles and streamline the clearance formalities for goods vehicles with information technology. Also, the co-location of clearance facilities should be implemented as soon as possible and the construction of the Western Corridor should be expedited to cope with the ever increasing cargo flow.

To facilitate the development of the Hong Kong economy, we must ensure the smooth flow of passengers and cargoes. Hong Kong is a small economy. To turn the corner, we must integrate with the Pearl River Delta and take advantage of the immense business opportunities in the Mainland. To this end, we must maintain an easy and smooth flow of passenger and cargo traffic in order to bring in money and value-addedness to Hong Kong. Only in this way can wealth be generated in Hong Kong. Solving the problem of "prolonged immigration and customs clearance" is not only a trivial matter that will help solve transport problems and make people's life easier. It is an important issue that will facilitate economic recovery and create job opportunities. We hope

that the relevant departments of the SAR Government will attach great importance to it and make every effort to find solutions to it.

With these remarks, I support Mr Jasper TSANG's motion.

**DR TANG SIU-TONG** (in Cantonese): Madam President, during festive periods or long holidays, long queues will appear at the Lo Wu Control Point. Due to congestion at Lo Wu, passengers at the Kowloon Tong and Hung Hom stations of the Kowloon-Canton Railway Corporation (KCRC) also have to wait for a long time before they can get on the train and leave Hong Kong. With regard to the question of easing the congestion at the border control points between Hong Kong and the Mainland, Members of this Council have asked the Government questions in this Chamber for many times, urging the Government to solve the problem of congestion at the border control points as soon as possible. However, the Government does not seem to have any solution to this problem in the short term. The public is really disappointed with the way the Government has handled this problem. Actually, to effectively alleviate the problem of immigration and customs clearance, there is no other way but to deploy additional manpower, streamline the formalities, improve the facilities at the border control points so as to accommodate more passengers, and provide passengers with a wider choice of border control points. The present situation is the result of the Government's failure to plan and introduce timely improvement measures.

For instance, due to constraints of the physical environment, the counters at the various clearance halls have been fully utilized. It is also impossible to solve the problem even if additional manpower is deployed to handle the cross-boundary travellers. It is true that improvement works are being carried out in Lo Wu and Lok Ma Chau. The works at Lo Wu will be completed by February 2005, while the works at Lok Ma Chau will be completed in September next year. By that time, there will be more counters and the queuing area in the Arrival Hall will be more spacious. However, during the more than two years before 2005, the people still have to put up with all the inconveniences in crossing the border, as well as the loss in time and money. If the Government has taken measures in time, people will not have to wait until 2005. After the completion of the improvement works, Lo Wu will be able to handle 400 000 passengers daily, while Lok Ma Chau can handle double the present passenger traffic, which stands at 25 000. The Immigration Department's passenger handling capacity

will be enhanced. However, another long-term problem is the continual growth in the flow of travellers between Hong Kong and the Mainland. How long can the Lo Wu Control Point with improved facilities hold out without being overloaded? During the five years between 1995 and 2000, the cross-boundary passenger traffic at Lo Wu has doubled. With the rapid development of the mainland economy, we can expect the number of mainland visitors to keep rising. The Government should make provision for this. In my view, the best solution is to improve the railway transport system in order to effectively divert passengers.

Madam President, the East Rail has reached its full capacity. It is impractical to think of enhancing its passenger capacity further. So, the authorities need to find another way to ease the pressure on the Lo Wu Control Point. I strongly urge the Government to advance the construction of the Northern Link, originally known as Phase II of the West Rail. The Northern Link is not the Long Valley line of the KCRC, but the extension of the West Rail between Yuen Long and Lok Ma Chau. According to the Government's present planning, the Northern Link will be constructed between 2011 and 2016. The Northern Link is the extension of the future West Rail connecting Yuen Long, Fairview Park, San Tin and Lok Ma Chau. The Northern Link will enable residents of New Territories West, Kowloon West and Hong Kong Island to cross the border via another route, thus saving them the time needed for transferring to the East Rail. More importantly, it will greatly ease the congestion at Lo Wu. This is also the aim of today's motion. Therefore, I urge the authorities again not to delay the construction of the Northern Link on the pretext of "coping with the development areas in northwestern New Territories". Let me reiterate here that this Northern Link is not the Long Valley line of the KCRC, but the extension of the West Rail between Yuen Long and Lok Ma Chau. Next year, the population of New Territories West will reach 1.74 million. It is not unreasonable at all to demand the construction of the Northern Link as soon as possible so that people can take the West Rail to Lok Ma Chau to cross the border there. The construction of the Northern Link brooks no delay.

The Long Valley line proposed by the KCRC is a sheer waste of taxpayers' money. Under the present economic environment, it is nothing but an "idiotic" idea to spend several billion dollars building this spur line. There is already a road in Shenzhen connecting Lok Ma Chau and Lo Wu, fulfilling the so-called circular function of the Long Valley line. As for building two more intersecting railways in Hong Kong from Lok Ma Chau to Sheung Shui and from

Lo Wu to San Tin, and linking them with the extension of the West Rail between San Tin and Lok Ma Chau, how is cost-effectiveness to be achieved? We must not forget that the construction of each railway costs several billion. If we complete Phase II of the West Rail, that is, the extension between Yuen Long and Lok Ma Chau, earlier than planned, it will save us more than 10 billion and solve all the problems. Why not go ahead with it?

Lo Wu, Lok Ma Chau, Sheung Shui and San Tin are only separated by a few square kilometres of land. Building three railways in this region only reflects the stupidity of the KCRC Board. It also shows again that they are "spendthrifts" who squander public money. The question asked by Mr Frederick FUNG earlier proves that I am not alone in taking this view.

Besides setting up additional routes for crossing the border, another important task is to enhance the efficiency of clearance and reduce waiting time. The co-location of immigration and clearance facilities was proposed quite some time ago. However, there has been no substantive progress until this year. The co-location of immigration and clearance facilities would no doubt involve some complex legal and other enforcement issues. As long as the SAR Government takes this matter seriously and tries its best to discuss with the mainland authorities, I am sure these technical problems can be solved and the measure can be implemented expeditiously. At present, the Huanggang Control Point and the Western Corridor have been selected as the sites to implement the co-location arrangement on a trial basis. The Hong Kong Progressive Alliance hopes that the relevant measure can be extended to other border control points. Apart from implementing the co-location arrangement, the SAR Government should also speed up the present clearance procedures by, for example, improving the computer facilities and setting up automated clearance systems.

Madam President, the economies of Hong Kong and the Mainland will continue to integrate. The two-way passenger and cargo flow will keep growing. It is unwise indeed that time should be wasted on queuing up for immigration and customs clearance.

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

**MR IP KWOK-HIM** (in Cantonese): Madam President, when we were young, during festive seasons, many people would take lots of luggage and put on lots of clothes to go to their home towns to visit relatives. They would push their way

into the slow diesel train and then into the teeming and suffocating Lo Wu Control Point for immigration clearance. This is the collective experience of Hong Kong people.

At present, the average passenger traffic at the Lo Wu Control Point is about 200 000 daily, while that during holidays is as high as 410 000. To cope with the annual growth of passenger figures, the Government is carrying out relevant improvement works at the Lo Wu and Lok Ma Chau control points, and the works will be completed in 2005 and 2003 respectively. This is good news. The improvement works show that the Government is willing to face the reality and ease the congestion at the two control points. But if we look carefully at the scale of the improvement works, we will find that they are not of much use in view of the annual double-digit growth in passenger traffic. We should not be too optimistic about the usefulness of these works. If the policy concerning the Frontier Closed Area and the direction of Hong Kong's development remain unchanged, doing patch-up work — and I stress patch-up work — on the existing facilities at the border control points will not be of much help. Even if improvement works are carried out from time to time to slightly enhance the handling capacity, all efforts will only be swallowed up in no time.

Due to globalization and regional division of labour, countries have to reposition themselves. With the implementation of reforms and the open up policy in our country for more than 20 years and its accession to the World Trade Organization, a lot of the world's capital will flow into the coastal or interior areas of the Mainland and hence lead to their rapid development. The South China economic circle with the Pearl River Delta at its core has gradually gained a firm footing. Hong Kong is no longer the Mainland's only window to the world. While the Mainland strives to achieve excellence, foreign businessmen have at the same time learned how to do business in the Mainland. Indeed, the world is changing rapidly and time can bring great changes. If Hong Kong remains *in situ* and does not look beyond the south of the Shenzhen River, it would ultimately be marginalized.

Recently, the SAR Government has been vigorously promoting infrastructural projects. However, its policy on the Frontier Closed Area has remained unchanged. As a result, the perfect road network would comprise roads that lead to a "dead end" and could not link up with the roads in the Pearl River Delta, and as a result, Hong Kong would be left out of the development of the South China economic circle. Ten years ago, the Guangdong Province already proposed to Hong Kong the construction of a Guangdong-Hong Kong-

Macao Bridge and the setting up of a border control point at Liantang. However, over the years, the Hong Kong Government has failed to respond to it actively. Consequently, our partners have gradually lost patience and eventually given up the idea of co-operating with us. Recently, the Guangdong Province has been actively exploring a cross-harbour tunnel project between Shenzhen and Zhuhai, and the light rail project of the Pearl River Delta has also been mapped out preliminarily. These large-scale projects have one thing in common, and to put it objectively, they do not count Hong Kong in. The Pearl River Delta is developing at a high speed. If we still maintain a conservative attitude, Hong Kong would be given a red card and expelled from the playing field, like the fate of some players at the World Cup which is now the talk of the town.

Due to the policy relating to the Frontier Closed Area, the vast area of land around the Lo Wu Control Point has remained deserted. For decades, people crossing the border have been wholly reliant on the Kowloon-Canton Railway and the Lo Wu Bridge. Since the railway has to be maintained at night, even if Lo Wu operates round-the-clock, people can only go to Shenzhen on foot. If the existing Tolo Highway can be extended to Lo Wu and a border control point can be "cloned" beside the present control point that can accommodate franchised bus and can be reached even by private cars, and with close co-operation from the Shenzhen side, the passenger handling capacity can be doubled right away. At the same time, why do we not "clone" a Lo Wu Shopping Centre beside the border control point where famous brands of goods and gold and jewellery can be sold? If we use our head, we can certainly create a dynamic, thriving new area. So, if we no longer cling to the outdated policy on Frontier Closed Area, how could there be the problem of "prolonged immigration and customs clearance"? How can the development potential of the Frontier Closed Area be confined to the construction of a super prison?

The policy on the Frontier Closed Area originated in the colonial period. Due to the British-Hong Kong Government's mistrust of China and the several successive influx of refugees after the War, the Frontier Closed Area had always played a buffer role. Now, Hong Kong has reunited with the Motherland for five years and the livelihood of mainlanders has become increasingly prosperous and affluent. We should therefore reassess the need for the existence of the Frontier Closed Area. Maintaining a large Frontier Closed Area will only set up obstacles for Hong Kong's development.

The motion proposed by the Democratic Alliance for Betterment of Hong Kong urges the Government to cast off the burden of its outworn mindset and

open up part of the Frontier Closed Area, as well as actively explore and implement plans to designate additional border control points, so as to lead Hong Kong towards a better tomorrow by participating in China's economic development.

Madam President, I so submit.

**MR HENRY WU** (in Cantonese): Madam President, the motion topic today is "prolonged immigration and customs clearance". But when I was preparing my script today, I found that this could be expanded to cover "stringent clearance" and "delay after clearance". These three topics concern different situations, different measures and different affected people. I shall deal with them one by one in my speech.

Mr James TO referred just now to the use of smart ID cards as a means of shortening the clearance time. Last Saturday, when I went to the disciplined services exhibition held at the Tsim Sha Tsui Cultural Centre, I personally tried out a fully automated simulation of the smart ID card clearance system. The system was not perfect because I did not look particularly handsome in the photograph taken by the system, but I also thought that it was not too bad already. In theory, since all the clearance procedures under the system did not require any manual operation, a lot of manpower saving can be expected, and the clearance time in the future can be shortened very significantly. But we must realize the fact that while Hong Kong residents will be issued smart ID cards, mainland residents will not be issued any, or their documents may not be compatible with our system. So, we may after all still fail to tackle the problem of huge numbers of mainland passengers trying to go through clearance all at the same time.

The main reason for this motion to be moved for debate today is the stranding of huge numbers of mainland travellers at border control points during the "golden holiday week" that started on 1 May. That is why our first and foremost task should be to study the causes of the stranding of travellers.

According to the report of the authorities concerned, the stranding of travellers at border control points was caused mainly by some factors beyond the control of the Hong Kong Government, such as the failure of mainland tour groups to follow the regular procedure of submitting lists of tourists beforehand.

At that time, the Hong Kong Government already took the necessary contingency measures of deploying additional manpower to conduct customs and immigration clearance. Besides, in an exceptional move, the authorities also sent immigration staff on board the tourist coaches of those mainland visitors who were in a hurry to leave Hong Kong by plane, and these immigration staff assisted the visitors in solving their problems and handled clearance formalities all along the way. This shows that the authorities concerned really did the most they could. For this reason, they should be commended.

But we still have to comment on the entire incident impartially. The Hong Kong Government did fail to make an accurate estimation on the peak volume of mainland visitors coming to Hong Kong; this might have been the result of the fact that it was the first long holiday period following the relaxation of the Hong Kong Tour quota by the Mainland. That was why our immigration authorities might lack the necessary experience. But the problem was not that of Hong Kong alone. Although the 1 May incident was just an isolated case, I still think that there is a need for improvement. It is hoped that having gone through the challenge last time, the authorities can make adequate and effective preparation for the next peak period of mainland tourist entry.

Madam President, while I agree that increased manpower can shorten the time of clearance, I do have some reservations about whether this is a reasonable way to allocate the economic resources of Hong Kong. Admittedly, the coming of tens of thousands of mainland tourists to Hong Kong for consumption during the last "golden holiday week" did give the local consumption market a boost, and the people of Hong Kong also welcome the continued consumption by mainland tourists in Hong Kong. But if manpower increase is to be introduced on a permanent basis simply because of the influx of mainland tourists that occurs just during the few golden holiday periods in the year, I am afraid that such move may not be in line with the principle of effective resources allocation. And, people may even complain about excessive manpower and wastage of public resources. What is more, the experience of last time tells us that the problem is not caused by Hong Kong alone, and even if more manpower is added, it may still be difficult to prevent similar incidents. I am therefore of the view that the existing resources should be used more effectively. Specifically, communication and co-ordination with mainland authorities should be enhanced and manpower should be deployed appropriately. This is a more satisfactory approach.

Madam President, improving the facilities and upgrading the clearance capacity of control points can of course offer better services to passengers. This merits our support. But as we all know, there have always been ongoing efforts along these directions. I too hope that the Government can complete its improvement works for border control points as soon as possible, so as to cope with our increasingly busy immigration work. That way, the problem of "prolonged immigration and customs clearance" will vanish in the future.

However, when it comes to the streamlining of immigration clearance procedures, I must advise extreme caution. From the standpoint of travellers, they will of course think that the simpler such procedures are, the better. To them, what is best is the doing away with all clearance procedures, in which case they can just walk straight through. But we must note that such procedures are required for security and population control reasons, and so, they actually involve the interests of all in Hong Kong. I think that while immigration clearance procedures can be streamlined, they must never be handled lightly. We must strike an appropriate balance between passenger convenience and the protection of public safety. In recent years, there has been frequent news coverage of many cross-boundary crimes and cases of mainland women coming to Hong Kong for prostitution. Therefore, it is very important for us to deliver a message to the public that there is very "stringent clearance" for both lawbreakers and women intending to engage in prostitution here.

Madam President, besides manpower deployment and policies, we must note the importance of the supporting role played by our infrastructure and transport systems. If not, however satisfactory the facilities of a control point may be, "delay after clearance" will still occur because of the lack of necessary transport networks. And, there will bound to be delay after clearance, because passengers will find it very difficult to leave the control point after clearance.

For this reason, when it comes to issues like opening up the Frontier Closed Area, perfecting the road networks leading directly to the border control points, the designation of more control points and the launch of a through-train service between Hong Kong and Shenzhen, we must, besides examining the road networks in the northwestern New Territories, give holistic consideration to other ancillary road and railway networks, including feeder roads and transport facilities, to ascertain whether they can cope with the possible increase in pressure, lest huge resources are spent on large-scale infrastructure projects to the neglect of the ancillary role of other extension networks, thus leading to mismatch of resources allocation.

Madam President, I agree to the various proposals contained in the original motion and the amendment because in theory, they can all upgrade the clearance capacity of our control points and improve clearance procedures, but I must add that in actual practice, there will be a problem of resources deployment. Therefore, further exploration is needed to ascertain whether these proposals are completely appropriate.

For all the reasons above, I think that what is more practical, what must be tackled urgently, is that we must make better use of our resources, enhance our communications and co-ordination with mainland authorities and expeditiously work out the clearance arrangements for visitors from the Mainland. I think so because the next peak time of mainland tourist entry will be 1 October, the National Day, which is fast approaching. No one will wish to see the recurrence of huge numbers of passengers being stranded at the border control points.

Madam President, I so submit.

**MISS CHAN YUEN-HAN** (in Cantonese): Madam President, the problem of "prolonged immigration and customs clearance" is quite a hot topic for discussion in recent years. It is because from time to time during the long holidays, the various border control points will be packed with travellers. After looking at the figures, I am not surprised to see such things happen. For example, if we compare the figures of 2000 with those of 1995, we will find that there were about 40 million passenger trips made in 1995, but the figures surged to more than 100 million in 2000. That represents an 104-fold (*sic*) increase. This is quite inevitable as ties between the two places are getting closer. But from the figures, we find that 85% of the cross-boundary travellers cross the border at Lo Wu. So problems often appear at Lo Wu. Actually, we have four other control points in Lok Ma Chau, Man Kam To, Sha Tau Kok and Hung Hom, but some problems are not properly dealt with in these places. The recent congestion at Lok Ma Chau is, of course, another problem.

With more frequent contacts between Hong Kong and the Mainland and the increasing number of travellers, it appears to be quite natural that problems in this aspect will appear. However, if we think more carefully, we will find that there is still room for manoeuvre. I shall now discuss this.

As I have just said, 85% of the travellers cross the boundary at Lo Wu, while those who do so via Lok Ma Chau account for only 11%; and cross-boundary vehicles take up about 68% of the traffic. We notice that passenger flow at Man Kam To, Sha Tau Kok and Hung Hom control points does not show any significant increase over the years. The occasional congestion is due to some other reasons, for example, the congestion which happened during the most recent golden holidays was because the immigration officers did not know that the travel agencies had arranged so many tours to Hong Kong and so they were not able to cope with the sudden increase in tourists. That is another problem, and I shall come to it later. I have said earlier that since there has not been any significant increase in the number of passengers in these control points over the years, the Government may consider making better diversion efforts in all the existing control points. I think if work in this aspect is improved, some problems which are not of a permanent nature can be solved.

Madam President, to solve the problem of "prolonged immigration and customs clearance" and enable travellers to complete clearance with greater convenience, there must be sound matching facilities, including the railway networks. We know that this would take a long time and so, what I am going to talk about is how a solution can be reached within a shorter timeframe, that is, in these few years. In my opinion, diversion is a good idea and apart from diversion, it is also important to make good preparation before the holidays. Now I would like to talk about these two points.

How are we going to encourage travellers to use control points which do not have a high passenger flow in order to reach the objective of diversion? I think more efforts should be made by the Government. Let us look at the utilization rate of the Lok Ma Chau Control Point. As a matter of fact, the number of passengers handled by this control point only accounts for 11% of the total passenger throughput. For a long time the figures at Lok Ma Chau have not witnessed any great increase in passenger flow. There is a great stretch of land in the Lok Ma Chau Control Point which is a closed area and since the control point is very far away from the Huanggang Control Point in Shenzhen, so passengers crossing the border at the Lok Ma Chau Control Point will need to take a shuttle bus commonly known as the "yellow bus" before the closed area and the trip lasts about three minutes. When they depart from the Lok Ma Chau Control Point, they will have to take a "yellow bus" again to Huanggang to go through the arrival formalities there. So the travellers would find it very inconvenient. The cause for this may be due to the immigration procedures of

the two places. Many people have also put forward their views on the "yellow buses" and their operation. I think we should try to tackle the problems together and put in our efforts, and if we do so and as efforts are made on both sides of the boundary, we will be able to find a solution. I think we can make good use of the Lok Ma Chau Control Point and adopt some measures to divert the passenger flow.

In addition, I think in order to tackle these problems, the Government can draw reference from the immigration clearance policy adopted by the control point between Macao and Gongbei, where the closed area is abolished so that passengers can cross the border on foot or by different means of transport. That can also be a solution. Can the Government consider taking these measures before any long-term planning and ancillary facilities are complete?

As to the existing diversion measures, I think the Government should consider adopting a series of measures including widening the roads to the control points in Lok Ma Chau and Man Kam To so as to maintain a smooth traffic flow. I think these are also important. Very often, problems may come up in these aspects. I would also like to add that if diversion measures are to be effective, it would involve not only work on the Hong Kong side but also complementary efforts from the mainland authorities. If such complementary efforts are done well, I think the diversion measures will be more effective. The Government must put in greater efforts on this before it can become a success.

After talking about the diversion issue, I would like to turn to the peak periods of cross-boundary passenger traffic before and after the holidays. As a matter of fact, many problems happen when holidays fall on two consecutive days, long holidays and during the golden holidays on the Mainland. On a previous occasion I asked the Secretary for Security why some wrong estimates were made regarding the golden holidays that started on 1 May. As the President did not permit me to follow this up at that time since this is not permitted in the question time, the Secretary only gave a reply and that was it. Actually, I would like to tell the Secretary that I believe there are people who must be held responsible for this incident. It is because the lists of tourists which the tourist agencies submitted to the Immigration Department (ImmD) were very small in number and there were only 100-odd names. I do not believe it is possible for people to join tours in the morning and come to Hong Kong in the afternoon or at night, or to join a tour the night before and come to

Hong Kong in the morning of the next day. If the ImmD and the industry had better communication, I do not think serious problems like the one which happened during the golden holidays that started on 1 May will happen again. It is important that the ImmD and other departments concerned should make good preparation in advance. If the ImmD can make good preparations with the industry, then the chances of man-made mistakes can be minimized and problems can be avoided. I am very worried that such problems will happen time after time and if that is the case, will the mainland tourists whom we have tried so hard to attract to spend their holiday here switch to other destinations instead of Hong Kong? That is really something we should look into.

There is yet another question. Although in recent times our immigration and customs authorities have done quite a good job in receiving tourists, tourists from the Mainland still think that the waiting time they spend on immigration clearance is too long. I think the departments concerned should improve their work in this regard. It may be a common thing to wait for a few hours when we travel overseas, but for a place like Hong Kong which claims to be a highly efficient place, it is not acceptable to make tourists wait for a whole day for clearance. That is why I think it is very important for the authorities concerned to streamline the clearance procedures as soon as possible.

Madam President, I support the motion and the amendment. Thank you.

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

**MR TAM YIU-CHUNG** (in Cantonese): Madam President, I do not intend to make a lengthy speech and I only wish to discuss a number of more specific operational problems. Earlier in the debate many colleagues have suggested using large-scale planning and infrastructure to provide support, and they are very good suggestions. As the Secretary for Security is present, I would focus more on proposals in respect of operation to facilitate her handling of the matter.

Some staff in government departments told me that the formalities for handling inbound visitors or tour groups from the Mainland are rather backward. For instance, while computers are used, labels for visitors cannot be printed; and if it is possible to do so, the formalities would be completed by sticking the labels onto the visitors' travel documents. At present, staff still have to

calculate the expiry date by themselves on the basis of the permitted period of stay of each visitor, such as seven days, two weeks, three weeks or three months, adjust the date stamp and affix the stamp onto the visitor's travel document. The procedures may take one to two minutes. If we multiply the total number of visitors by this one to two minutes, the time spent will be very alarming. In this regard, can the authorities replace the manual procedures by labels printed by computer? This, I think, would not incur too much expenditure and I hope the department concerned could implement this as far as possible.

At present, alteration works are being made to the Lok Ma Chau Control Point. I heard that the project will be completed in August but I am not sure if it can be completed as scheduled because judging from its current progress, the project may not be completed in August. While alteration works are in progress, many travellers still cross the border there and the situation is a bit chaotic. When foreign tour groups reach the Lok Ma Chau Control Point on cross-border direct buses, passengers have to get off the bus, carrying with them all their luggage, in order to complete the immigration and customs clearance. As they have usually done some shopping and so, they are in rather awkward position since they have to carry all their luggage, big and small, when crossing the border. Unlike the airport where trolleys are available for visitors to put their luggage while going through customs and immigration clearance, there are no such trolleys for use at the Lok Ma Chau Control Point; and there are no attendants to carry luggage for visitors. In overseas countries, visitors just have to pay and porters in uniform wearing a cap can carry the luggage for the visitors. However, such service is not available at the Lok Ma Chau Control Point. Hong Kong is an international city; first-time visitors to Hong Kong will definitely be surprised to see such practices. The Government has said that improvements would be made, and we shall wait and see. But the authorities should really think of ways to solve the problem, having regard for the present circumstances.

I am very worried that the planning of the Lok Ma Chau Control Point would lag behind the development of the situation and passenger flow. After the completion of the new building at the Lok Ma Chau Control Point, it is said that it can only handle some 4 million passenger trips. This means that it would be saturated upon completion and it could not solve the problem at all. Yet, I know that the SAR Government has started to attach importance to the problem. Under the direct leadership of Chief Secretary Donald TSANG, the relevant departments are discussing with the mainland authorities on ways to speed up various construction works and are studying various contingency measures.

Although there is an enormous passenger flow at the Lo Wu Control Point, the Lo Wu Control Point has a more spacious queuing area, compared with the Lok Ma Chau Control Point. However, the trend is that more and more people now like to cross the border at the Lok Ma Chau Control Point because, comparatively speaking, the travelling expenses are lower. It takes \$30-odd to travel by train but only \$7 for taking the "yellow bus" at the Lok Ma Chau. Even mainland tour groups are now using the Lok Ma Chau Control Point since the travelling expenses are lower. The fees of tour groups are also inexpensive; a trip to Hong Kong only costs a few hundred dollars, inclusive of travelling expenses. Therefore, some mainland tour groups now cross the border on "yellow buses". The problem faced by the Lok Ma Chau Control Point is that more and more people use the services there since travelling expenses are lower. Nevertheless, the Lok Ma Chau Control Point has many environmental constraints; for instance, it can only accommodate a maximum of three coaches of passengers. These problems are very serious. I hope that the Secretary can find more resources for the implementation of measures that can produce positive results within a short time, and tackle the existing problems as soon as possible. Thank you, Madam President.

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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr Jasper TSANG, you may now speak on Ms Miriam LAU's amendment. You have five minutes.

**MR JASPER TSANG** (in Cantonese): Madam President, I am very grateful to Ms Miriam LAU for proposing the amendment, adding a very good point to the several proposals made in my original motion. Actually, the DAB has always supported the operation of a Hong Kong-Shenzhen through-train service. Ms Miriam LAU has given very convincing reasons, explaining the advantages of this service and the feasibility of its implementation. I believe I do not have anything else to add. In a word, the DAB supports the amendment.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I am very grateful to Mr Jasper TSANG for proposing this motion and Ms Miriam LAU for proposing an amendment to it, as well as the many Honourable Members

who have spoken enthusiastically on the subject and given us a lot of valuable advice.

The Government of the Hong Kong Special Administrative Region (SAR) has all along been working towards the aim of promoting a smooth flow of passengers and goods at our border control points. The Chief Executive in his policy address last year and the Financial Secretary in his Budget this year have both stressed the importance of the development of the local logistics and tourism industries. This shows more explicitly the importance of achieving a smooth flow of passengers and goods at the border control points both in Hong Kong and the Guangdong Province.

Hong Kong is intricately linked with the province of Guangdong, especially the Pearl River Delta Region. The economies of the two places are mutually complementary. Our pressing task is to raise the customs clearance capacity at our border control points and to facilitate passenger and goods flows between Hong Kong and the Mainland. Work in this area is a great challenge, for the inbound and outbound passengers are constantly on the rise over the past few years. In 2001, the total number of passengers is 149.7 million. When compared with the 99.7 million in 1996, the rate of increase is as much as 50%. The increase in the number of passengers crossing the border through our land border control points is even greater, from 54.89 million passenger trips in 1996 to more than 160 million last year, representing an increase of 94.3%. The latter figure shows that more than 160 million passenger trips were made at our land border crossings to the Mainland last year, of which 86 million were made at Lo Wu. This tremendous growth rate of 94.3% in five years is rarely found in other places.

Findings of the "Cross-Boundary Travel Survey 2001" recently released by the Planning Department show that the number of cross-boundary passengers who travel between Hong Kong and destinations in Guangdong has surged to over 100 million. Added to this is the lifting of the Hong Kong Tour quota for mainland residents at the beginning of this year, resulting in a drastic increase in the demand for customs clearance services at our control points. At present, the average daily flow at Lo Wu is 257 400 passenger trips and the greatest number was not recorded during the Easter holidays this year but on 18 May when 341 562 passenger trips were registered. The average daily passenger flow at Lok Ma Chau is 42 400 trips. The greatest number was recorded during the Easter holidays this year when 60 587 passenger trips were made on 29

March. Many Honourable Members have mentioned the various difficulties people have experienced when clearing customs, and while I agree completely with these views, I hope Honourable Members would take into account the background for this enormous increase in the figures.

On the other hand, the number of cross-boundary vehicles also increased remarkably, from a daily average of 24 347 in 1996 to 31 035 last year. The growth rate is about 27% and most of the trips were made at Lok Ma Chau. The wording of the motion proposed by Mr Jasper TSANG has in fact offered an outline of the blueprint for improving immigration and customs clearance capacity in a comprehensive manner. In general, the blueprint includes the following:

First, conventional measures like deploying additional manpower, improving facilities at the border control points, extending the operating hours and streamlining the clearance formalities. Ms Miriam LAU suggests in her amendment to divert some passengers to other control points such as Shenzhen and that is also a useful measure to alleviate congestion at the control points.

Second, some innovative ideas such as the application of new technology and actively pursuing the innovative idea of co-locating immigration and customs facilities.

Third, the proposal to build new control points and related road networks to cope with the ever-increasing passenger flow and goods flow.

The various improvement measures which the SAR Government is actively pursuing are actually in line with the views presented by Honourable Members. The governments of Guangdong and Hong Kong have engaged in co-operations at various levels with the common goal of maintaining a smooth flow at the control points. The Hong Kong/Guangdong Co-operation Joint Conference which is co-chaired by the Chief Secretary for Administration of the SAR Government and the Vice Governor of the Guangdong Province have reached a consensus on measures to facilitate cross-boundary passenger and goods traffic. These measures include the extension of operating hours at the control points, increase the number of vehicle lanes for the inspection of cross-boundary vehicles, and the plan to implement co-location of immigration and customs facilities at certain selected control points. Some of the measures have been put into practice and they are well-received by tourists and residents on both sides of the boundary.

First of all, I would like to talk about the efforts made by the Government with respect to conventional measures. In terms of manpower resources, the Government has placed the staff establishment of the control points under review and improvements are being made all the time to cope with the increasing passenger traffic. Of course, when resources are being added, we should also consider their prudent deployment, for an increase in the manpower resources at the control points will definitely have a substantial impact on the recurrent expenses of the Government. Having said that, the Immigration Department (ImmD) has created 117 posts at the cross-boundary control points during the year 2001-02, and for the year 2002-03, an additional 76 persons will be deployed there. The Customs and Excise Department (C&ED) will increase 33 posts at the Lo Wu Control Point and will increase a further 45 when Phase II of the expansion work at the Lok Ma Chau Control Point is completed. The additional staff deployed will be responsible for the operation of the two buildings which are installed with x-ray systems for checking vehicles.

Apart from increase in manpower, the front-line operation departments will make flexible deployment of their staff during the peak hours and at the peak arrival and departure periods during holidays. All immigration counters will be opened at the dominant flow direction of passenger traffic, especially during the long holidays and peak arrival and departure periods. The departments concerned will deploy their staff from other sections to the frontline and will cancel the vacation leave of their front-line staff, thereby opening more counters at the control points and increase the clearance capacity. During the long holidays, the Civil Aid Service will also help in crowd control at the control points so that more disciplined forces officers can be spared for front-line work at the counters and cope with the crowds during festivals and holidays. I think this is broadly similar to what Mr Henry WU has said earlier, for we should use more flexible methods to cope with the peak arrival and departure periods instead of placing an excessive number of staff in the establishment.

Flexibility in the deployment of staff includes a rescheduling of the duty roster and the cutting or even cancellation of the meal breaks of immigration staff during the peak hours. Perhaps Honourable Members have read in the newspapers that we have rescheduled the shift hours and our colleagues at the control points will be having a more difficult time and they do not have any breaks during their seven-hour shift. In other words, our colleagues can only have a meal break after working for seven hours. The newspapers have reported on this news and it is said that the management of the ImmD is being

inhuman. These measures enable the number of staff serving the counters at the Lo Wu and the Lok Ma Chau control points to increase by 10% and 32% respectively during peak hours in the evenings.

Another conventional measure is the extension of operating hours. Honourable Members may know that since 1 December last year the operating hours at the Lo Wu and Lok Ma Chau/Huanggang control points have been extended, running from 6.30 am to 12 midnight. Speaking from the experience over the last few months, there has not been a great rise in the number of passengers during these extended hours of service.

In terms of goods traffic, ever since 1 December, the control point at Lok Ma Chau/Huanggang has opened three additional southbound lanes and one northbound lane for goods vehicles from 10 pm to 12 midnight. As for the period from 12 midnight to 7 am, the arrangement of one lane each for northbound traffic and southbound traffic is maintained. In the first quarter this year, the average flow of goods vehicles from 10 pm to 7 am is 1 050 vehicles and that is an increase of about 11% when compared to the average number of 942 in the fourth quarter last year.

With respect to the improvement of facilities at the control points, the Government has been putting in the best of its efforts. I would like to take this opportunity to thank Honourable Members for their support for the improvement works at the Lo Wu Terminal Building. We would press ahead with these works in full steam. These works include widening the passageway, expansion of the departure hall and addition of immigration counters. All these major and minor works are expected to be completed by phases from the beginning of next year to 2005. These works would complement the improvement works of the Kowloon-Canton Railway Corporation (KCRC) in the train platforms and the arrival and departure halls. These will help ease the congestion at the Lo Wu Control Point.

Mr TAM Yiu-chung has mentioned earlier that there is a lot to be desired in the Lok Ma Chau Control Point. One of the main reasons for this is that improvement and expansion works are being carried out there. The many works under Phase II of the improvement project at Lok Ma Chau will commence in the second half of this year and will complete in the following year. The works include the addition of more immigration counters and improvements to goods inspection facilities. After the works are completed, a total of 24 inspection kiosks for northbound and southbound traffic as well as other ancillary

facilities can be put into operation. All these will make passengers enjoy a more efficient service and greater travel convenience. The layout of the control point will be improved and by that time passengers can use the automated walkway to go to the control point after they get off from vehicles.

With respect to the streamlining of clearance formalities, ongoing efforts have been made by the ImmD to launch new measures for this purpose. One of these is the issue of machine-readable Re-entry Permits and Documents of Identity. In last October, the ImmD began to issue machine-readable Re-entry Permits and it is expected that machine-readable Documents of Identity can be issued by the end of this year. These machine-readable travel documents can save the time spent in manually inputting data.

In addition, the ImmD has been working in close partnership with mainland authorities over the years and it is hoped that they will soon issue machine-readable Permit for Travelling to and from Hong Kong and Macao, or commonly known as "two-way exit permit". The mainland authorities have started to issue machine-readable two-way exit permits in Jiangsu Province this January. Starting from the end of May, the provinces of Guangdong, Fujian and Shandong started to issue machine-readable two-way exit permits. Holders of these documents will find the time they use in clearance greatly reduced.

With the adoption of these measures the time spent on clearance is reduced and for example, last year 83% of the passengers at the Lo Wu Control Point could complete their clearance formalities within 15 minutes. The figures for the first three months this years have been raised to 86%.

As for goods clearance, our colleagues in the C&ED began to streamline the customs clearance formalities by phases since March this year in an attempt to match the automatic vehicle recognition system installed at various control points in June this year. The time spent by each goods vehicle on clearing customs will be shortened from 45 seconds to 30 seconds for each vehicle.

As for the proposal made by Ms Miriam LAU in her amendment on the launch of a through-train service between Hong Kong and Shenzhen, after consulting our colleagues in the Transport Bureau, we have the following views:

At present there is a East Rail train to Lo Wu about every five minutes and every train can carry about 3 750 passengers. So the East Rail should have the capacity to meet the demand of cross-boundary passengers.

In the past, the KCRC operated through-train service from Hung Hom to Lo Wu, but the service was stopped since there was not much public demand for it.

The Government had discussions with the Shenzhen authorities at the end of last year to study whether a regular express train service could be launched between Hung Hom and Lo Wu. The conclusion so reached was that in view of the immigration facilities in Lo Wu on the Shenzhen side, coupled with the limitations in passenger handling capacity there, the launch of such a through-train service was deemed unsuitable. At a later point this year when the improvement works at Lo Wu is completed, a further review will be made by then. As to the question of a through-train service to the Shenzhen railway station, there are some technical problems to it, and as the mainland authorities said, there is simply not enough space to set up a control point.

In terms of innovative ideas, we will introduce more new technologies, including the automatic clearance system mentioned by some Honourable Members earlier. This system of automatic clearance will be launched when the ImmD starts to replace the existing identity cards with smart ID cards in mid 2003. We think the automatic clearance system can be put into force in the year 2004-05. In addition, at the same time when the ImmD launches the automated passenger clearance system, it will also launch the automatic vehicle clearance system at the soonest.

With regard to cargo clearance, starting from this month, the C&ED will install an automated computer system to recognize vehicle registration numbers at the inspection kiosks at the control points in Lok Ma Chau, Man Kam To and Sha Tau Kok. The system will replace the manual input of vehicle registration information and hence reduce the time needed for vehicles to clear customs.

The C&ED is now actively studying the feasibility of introducing Road Manifest Electronic Data Interface (EDI) so that land cargo manifest can in future be submitted to C&ED for advance clearance by electronic means. This would greatly reduce the processing time for vehicles at the customs kiosks.

Co-location of immigration and customs facilities is another innovative idea we apply to reform the existing mode of clearance. In the fifth meeting of the Hong Kong/Guangdong Co-operation Joint Conference, a consensus was reached between both sides and support gained from the Central Government and the authorities concerned to actively pursue the idea of co-locating immigration

and customs facilities at Huanggang and the new control point at the Shenzhen Western Corridor.

A task force has been set up by both parties. I am the chairman of the Hong Kong side and Mr ZHANG Liangdong, the Director-General of Exchange and Co-operation of the Hong Kong and Macao Affairs Office of the State Council chaired the Chinese side. We have held a number of meetings and we have conducted in-depth discussions and studies on the co-location of immigration and customs facilities. We have reached a certain understanding on the major principles and the implementation plans, including the layout and the conversion work of the venues; but as to a consensus, that still has to wait for further discussions and plans. We undertake that we will brief this Council on the details when the time is ripe.

At present, the consensus is to launch a pilot scheme at the Huanggang Control Point for the co-location of immigration and customs facilities. The initial plan is to make use of the Carport in the Huanggang Control Point area and the Shenzhen Joint Inspection Station to be the venues for inspection of southbound and northbound traffic respectively. Experts from both sides are presently studying into the implementation details. The plan will solve the problem of insufficient space at the Hong Kong control point and it will also enable the diversion of most of the passenger vehicles at the Lok Ma Chau Control Point to Huanggang for the purpose of immigration and customs clearance. This will spare all the inspection kiosks at the Lok Ma Chau Control Point for goods vehicles and hence ease the congestion problem there at the peak periods.

We are also studying with our mainland counterparts on the launching of co-location of immigration and customs facilities at the Shenzhen Western Corridor. Our target is when the new control point is completed in 2005-06, the co-location arrangement can be put in force. The arrangement will be applicable to both passenger and goods inspections.

As to the question of jurisdiction, both sides agree that the scope of management of both the Hong Kong and Shenzhen sides should avoid any overlapping so that there will not be ambiguities in judicial matters. The objective is to set aside a designated area in Huanggang for the SAR to administer under the laws of Hong Kong. Within this area, law will be enforced only by officers from Hong Kong. However, as this designated area is outside Hong Kong boundaries, so we must amend the relevant laws to give

extra-territorial law enforcement powers to officers from Hong Kong. At the present stage, we have worked with the Department of Justice to begin some preparatory work for the amendment of legislation. When we have reached a consensus with the mainland authorities, we will inform the Legislative Council of the details of the legislative amendments.

Apart from the support of Honourable Members for the legislative amendments, we also need support in the form of resources. We would expect that there is a need to apply for funding from the Legislative Council before the co-location of immigration and customs facilities can be put into force. It is because funds are needed for the reconstruction and renovation works at the Carport to carry out the plan. Besides, when we are to use the existing facilities and land in the specially designated area in Shenzhen, we need to consider how to reach a proper financial arrangement with the Shenzhen side. Now the experts from various departments are studying the costs and expenses involved. We hope that we can report to the Legislative Council the funding required as soon as possible and that our request for funding can gain the support of Honourable Members.

As to the question of building more control points, we very much agree that in the long run we must build new cross-boundary control points to meet the demand from the ever-increasing passenger and vehicle traffic.

In the next few years, two new land boundary crossings will come into operation. The Shenzhen Western Corridor and the Lok Ma Chau Spur Line are scheduled for completion in 2005-06 and mid 2007 respectively. We would estimate that upon the commissioning of the Shenzhen Western Corridor in 2006, there will be a daily traffic flow of 28 400 vehicles, and the Corridor will have a capacity to handle more than 80 000 vehicles per day. As for the Lok Ma Chau Spur Line, the planned capacity is 150 000 passengers per day initially, and it can be further increased to handle 300 000 passengers daily. When these two new control points are completed, the capacity of our boundary control points should be able to meet the demands for quite a significant period of time.

In our attempt to further improve the traffic links between Hong Kong and the Mainland, and to foster better contacts with the Guangdong authorities, the departments concerned are engaging in active talks with the mainland authorities on the plan to build a Guangzhou-Shenzhen-Hong Kong express rail which connects Hong Kong, Shenzhen and Guangzhou (Regional Express Line). Our initial conceptions will be that this express line should be able to reduce the present journey time from one hour and 40 minutes to less than one hour.

Presently, the SAR Government is carrying out a long-term planning study called "Hong Kong 2030: Planning Vision and Strategy". The aim of the study is to formulate a long-term planning framework for issues like land use, transport, environment and so on, and to provide guidelines for our future development in the next 30 years. One of the major topics in this study is the need and timing for the construction of more cross-boundary roads in the long run. Different proposals on routes will be considered.

As to the question of opening up the Frontier Closed Area, we are of the view that the policy on this has no direct relationship with the topic we are discussing today, namely, the topic of resolving problems relating to immigration and customs clearance. At present, Hong Kong residents or visitors who travel between Hong Kong and the Mainland through border control points are not required to apply for a permit from the police. Therefore, our policy on the Frontier Closed Area should not be considered as a factor which will impede the passenger and vehicle flows and the efficiency at the control points. Some Honourable Members mentioned that the KCRC has only one railway line and it is in heavy use and they questioned why can we not build some more roads, devise some more minibus routes and plan some new roads along the frontier area? The problem is no matter how many roads we have, our clearance capacity depends on the capacity of our control points to handle passengers and vehicles. Therefore, building more roads may not necessarily solve this problem. For Lok Ma Chau, however, the constraint of passenger handling capacity at Lok Ma Chau/Huanggang is the ability of the bridge which connects Lok Ma Chau and Huanggang to cope with the load of traffic. We plan to widen the bridge connecting Lok Ma Chau and Huanggang in the second half of this year, so that it can accommodate three lanes of traffic. In addition, we also plan to expand the waiting area for northbound vehicles at the Lok Ma Chau Control Point and carry out improvement works at the San Tin interchange.

The authorities do not have any plans at this stage to abolish the policy on Frontier Closed Area, as we are convinced that the Frontier Closed Area plays an important role in the maintaining of the integrity of the boundary of the SAR and its internal security.

We are aware that members of the public have some views on the Frontier Closed Area policy. The Security Bureau agrees that while taking into account factors like boundary security, social needs, land use and the development of local economy, there should be a review of the coverage of the Frontier Closed Area.

In the planning study "Hong Kong 2030: Planning Vision and Strategy" being undertaken now, the Planning Department will look into the potentials for development in the Frontier Closed Area. The Commissioner for Tourism will also hire consultants to study the potentials for tourism in the northeastern part of the New Territories, including the Frontier Closed Area. The Security Bureau will take part in these studies and give advice on security matters.

Now I would like to respond to some suggestions made by some Honourable Members earlier. For example, Mr James TO and Mr Howard YOUNG suggested that the practice in Britain, the United States and Canada can be considered, that is, the clearance procedures should be simplified and there should not be any departure clearance. For more than a decade, many Financial Secretaries have proposed this idea and apparently this is a money-saving measure and will also save half of the workload. I noticed that Mr Henry WU did not seem to agree with this and he was concerned that this might affect the security work. We have considered the issue many times and we have discussed with the Financial Secretaries, and we have come up with the view that the departure clearance procedure should not be abolished rashly. It is because after frequent contacts with foreign security and immigration control authorities, we know that departure clearance is not practised in Canada because Canada supplies a lot of information to the FBI of the United States. The United States has information on the wanted persons by Canada, tourists information and departure information. The judicial systems of both countries are quite similar and so it is all right if Canada allows the United States to intercept its wanted criminals on its behalf.

As to why the United States does not adopt the practice of departure clearance, according to what we know from the officers responsible for investigation and immigration control, they express the regret that it is not possible to turn the clock back as it is very difficult to get enough resources for departure clearance nowadays. After the outbreak of the September 11 Incident, one of the highlights of the USA Patriot Act is to enhance its border control in the northern part of the country, that is, Canada. As a matter of fact, immigration officers in countries including Britain know that doing away with departure control will lead to a great security risk, but they can rely on information from their neighbours to arrest wanted criminals or to share information among themselves.

In Hong Kong, the principle of "one country, two systems" is to be upheld and since our legal system is vastly different from that in the Mainland and we do

not have any arrangement with the Mainland in respect of the extradition of fugitives or mutual legal assistance in criminal matters, if departure clearance is abolished, it would pose a great problem to efforts in the combatting of crimes and cross-boundary crimes in particular. This would erode the confidence of many foreign governments on the maintaining of "one country, two systems" in Hong Kong. The most important thing, as Mr James TO is also well aware, is about the control of strategic articles. If departure clearance is abolished in Hong Kong, it is believed that it would cause a grave concern in some great exporters in technology such as the United States.

Lastly, I would like to respond to what Miss CHAN Yuen-han has mentioned earlier. She said that in a certain meeting when I was giving a reply to an oral question, I did not have time to answer a follow-up question about whether anyone should be held responsible for the congestion on the 1 May Labour Day holiday at the control points where travellers had to wait for hours before they cleared customs. I am not sure if Miss CHAN means that some civil servants should be held responsible. We have looked into the situation and as I said in my reply on that day, the estimations made by the ImmD on the number of travellers were correct, that is, about 40 000 travellers were expected to arrive. Problems arose mainly due to two reasons, one is that there were more than 100 group tours arriving in Hong Kong and as many as dozens of these tours did not inform us in advance. The ImmD had tried hard to ask for a list of travellers from the Travel Industry Council but the Council did not pass any such information to the ImmD. Some of these tours did not hand in a list of the tour members to the ImmD for advance inspection. Second, I notice that Mr Howard YOUNG and Mrs Selina CHOW both pointed out that on that particular day, the mainland authorities let the travellers through the customs *en masse*, that is to say, a so-called "bunching" effect occurred where the travellers were allowed to get through the customs only after midday and that caused the Lok Ma Chau Control Point to become very congested. Despite this, the officers from the ImmD, the C&ED and the police did the best they could and it can be said that they exhausted all ways and means to cope with the crowd. The departments adopted the diversion method at once; police officers were deployed to lead many vehicles to go to Man Kam To and Sha Tau Kok, and they had even taken the visitors to the airport, for some of the travellers were on transit to Taiwan. On that day we also processed immigration clearance manually; some travellers completed their arrival clearance on their vehicles and we sent them past the control points. So we really did the best we could.

In reply to the question asked by Miss CHAN Yuen-han on that day, actually I am also very concerned for what happened. After looking into the incident closely, I am of the view that the government departments had done the best they could and so they should not be held responsible. What we should do in future is to liaise more closely with the tourism industry. I do not think that similar things would happen on the holiday on 1 October. It is because the tourism industry knows very well how to be a good host to the tourists and they will certainly not do anything to make tourists find themselves in such awkward situation when they arrive here. Our departments will liaise closely with the tourism industry before the coming of the long holidays on 1 October to make sure that we know how many tours are coming to Hong Kong and we will deploy enough manpower to cater for the needs of the tourists.

In other words, the SAR Government, including the Security Bureau, and the Transport Bureau and the Economic Services Bureau which have been consulted, all support the motion moved by Mr Jasper TSANG and the amendment moved by Ms Miriam LAU. We will continue to work in the direction of the proposals made by Honourable Members and we will adopt conventional improvement measures as well as new technologies and innovative measures in the hope that the difficulties in immigration and customs clearance can be reduced to a minimum. Thank you.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Mr Jasper TSANG, you may now reply. You still have 40 seconds.

**MR JASPER TSANG** (in Cantonese): Madam President, I am grateful to the 19 Members who have spoken and to the Secretary for her reply though I cannot fully agree with her views. For instance, I do not agree with the Secretary that the Frontier Closed Area policy is not directly related to the problem concerning immigration and customs clearance. Actually, the remarks made by Members are not confined to security policies. Although I have noted that economic and transport policies are not included in the purview of the Security Bureau under the arrangement of the accountability system for principal officials, I hope the relevant departments can listen and give weight to the comments and views of Members. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Jasper TSANG, as amended by Ms Miriam LAU, 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 as amended passed.

**PRESIDENT** (in Cantonese): Second motion: Life education.

## **LIFE EDUCATION**

**MR WONG SING-CHI** (in Cantonese): Madam President, I move the motion as printed on the Agenda.

Madam President, there is only one theme in my motion today, namely, a call on the Government to promote life education. A proper administration of life education is tantamount to giving young people vaccination injections that serve to enhance their abilities. It is hoped that by so doing, behavioral problems such as suicide, drug abuse and the use of violence among young people can be alleviated.

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

What is life education? This is in fact very complicated. I understand that the Secretary for Education and Manpower is scheduled to attend a function of the Angels Around Us Campaign at seven o'clock. I am sorry she will have to miss that today. However, I think that in the days to come the Secretary for Education and Manpower will still have many opportunities to take part in such functions.

The Angels Around Us Campaign is a very good project given extensive publicity in Hong Kong. However, this project, being promotional in nature and aiming at universal participation, is different from the target of education. What we want to promote is life education. Life education goes deeper than some other projects and covers an extensive scope, encompassing education on living, morality education, ethics education, education on the two sexes, civic education, death education and religious education, and so on. In fact, the purpose of life education is to make people understand life, and from then to affirm, cherish, and respect life, including one's own life and those of others.

Why do we have to promote life education? At present we do not have life education. Then is the problem very serious? In fact it is not. However, some phenomena in the present-day society, especially those relating to young people's rule-breaking and self-destructive behaviours, are indicative of one message, namely, that many members of the new generation do not treasure their lives. We have come across many cases in which young people slashed their arms because of love problems or something unhappy. There is one lady I know. She, once a little girl, is now an adult. Her whole arm is covered with scars. According to what she told me, she slashed her arm in order to make others care for her. Such behaviour of hurting one's body to attract care from others is in fact a disparagement of one's own life. Some young people commit

suicide as a form of escape from frustrations. According to a report in today's *Apple Daily*, a little girl committed suicide because of unsatisfactory examination results. What a pity! Some young people, who are dissatisfied with life and overwhelmed by difficulties, turn to drugs or dwindle themselves away so as to escape from life and living. All these clearly indicate that young people do not really appreciate the worthiness and value of life.

In addition, there are some young people who do not cherish other people's lives. According to some studies, there have been many incidents of fighting and bullying on school grounds and in the streets. There have also been cases in which gangs of young people set fire on dead bodies, conducted rapes or engaged in assaults. Obviously, such young people are not aware of the value of other people's lives. Surely, such young people have got to be held responsible. We cannot say that they are not responsible. However, coming from every corner of the society are messages exalting money and success, with expectations upon young people to be good academically and be admitted into prestigious schools. In the event that their parents are separated or must toil all day for their daily bread and cannot afford to spend time with them, then such young people will be deprived of proper care. Some of them will direct their energy on pleasures. Those who are better behaved will devote their energy to school work. It is with considerable efforts that teachers manage to finish some courses and some teaching work with them. I believe, however, that whenever they talk about the meaning of life among their peers, they may be teased by others. So they had better talk about other matters.

Such an environment only causes young people to work for superficial values, with very few opportunities to help them go deeper for the meaning of existence and the value of life. As they do not well understand living or life, their foundation is unsound, and they are, therefore, prone to temptations. To promote life education is, it is hoped, to establish in such young people a concept of life value that is complete or worthy of emulation.

Our present debate is not to criticize the existing educational system for being unsatisfactory or not up to requirement in certain areas. In fact, it is our hope to improve the present situation or to make it work better. As a matter of fact, present in the schools are a lot of elements of life education, such as the class teacher's session, the morning assembly, the personal growth class, the general knowledge class, civic education, and religious studies. Furthermore, there are the "Understanding the Adolescence Project" (UAP), one recently worked out and launched by the Breakthrough Group for the Government, and

the Primary School Student Guidance Service to be launched in September. In conjunction with a number of social service organizations, the Education Department (ED) has also prepared various teaching material packages, such as the one entitled "What to do", a teaching material package on morality, and another one entitled "Legality, Rationality and Sensibility", a teaching material package on ethics and religion. However, regrettably, in the implementation of such kind of work, it is often either focused on certain types of young people (that is, not extensive enough) or not being thorough in its follow-up work even when the teaching materials have been made available.

Let me give you an example. In an educational system emphasizing academic performance, these subjects will inevitably be peripheralized. When the students' academic performance is unsatisfactory or the syllabus remains unfinished, the class teacher or the other teachers invariably will finish teaching their own subjects first, putting aside subjects with elements of life education. Some teachers do want to promote life education, but because of the heavy work pressure, there is just not enough time for preparation. For instance, everybody has to take turn to conduct morning assemblies. It means extra work. So, it is often difficult for teachers to make systematic arrangements or put in too much effort.

In many cases, even though the ED and social service organizations send such teaching materials to the schools, they are just left there for dust to accumulate. It is because teachers already have a lot of "formal" courses to complete, it is not possible for them to spare the time to handle extra-curricular work. As a matter of fact, the UAP is not being implemented by teachers. It is being implemented with the assistance of many voluntary bodies and social workers. However, the UAP only aims to serve a group of problem youths, for whom assessment and follow-up work is carried out. We notice that teaching materials with elements of life education now available in schools are basically inadequate.

Often already present in current syllabuses are messages of daily living or elements of life education. For instance, when my son was in Primary One, there was one Chinese lesson that reads "I love my father", "I love my mother", and "I love my family". It is a great pity that the emphasis of the lesson was not on "I love my father" or "I love my mother". Instead, the emphasis was placed on how to say, write and memorize the few characters of "I love my father", and how to look up the dictionary for the radicals of those characters. It is not easy

to learn in the classroom how to put into practice the lesson of "I love my father" and "I love my mother", or how to "love". Fortunately, owing to the concern shown by me and my wife, my son has learned to "love father and mother".

In fact, behind these subjects there is not a complete set of teaching targets or concepts; they are relatively scrappy, with no aim to link up all subjects. Teachers just teach students with self-prepared course materials. All subjects being separately arranged by different educators, they are not systematic. In many cases, there is even duplication, which becomes wasteful of resources, and yields inconspicuous outcome.

Hence, the promotion of life education ought to be discussed by touching on two scopes. The first scope is that we should promote education that has life in it, that is, by adding to existing curricula or systems the elements of life education. In this way, teachers, regardless of the subjects they teach, can bring in elements of life education for students to know the meaning and value of life. The second scope is that it is hoped that existing curricula — for example, civic education classes, class teachers' sessions or morning assemblies — can be organized to include life education for systematic and purposeful implementation in prescribed order. In this way, life education can be better incorporated into the whole curriculum for implementation.

As I have just mentioned, Hong Kong in fact does have work of this sort. It is, however, believed that at present there is difficulty in implementation. Therefore, it is hoped that the Government can, on the one hand, consider infiltrating topics of life education into all subjects, and, on the other hand, bring in some courses for its implementation.

In fact, there are going to be a lot of difficulties in implementing life education. I also believe that many problems will crop up when it is put into practice. For example, we now want to introduce many subjects. However, teachers have no time to spare or are already under much pressure. As a matter of fact, many teachers have told me that they also want to know about life education themselves, the reason being that their lives are also at risk. If there is no teachers' participation in such a process, then in our opinion, it will be just something made out of thin air and there will be difficulties in implementation. It is therefore hoped that resources at schools can be increased to give teachers more room in order that life education can come under the co-ordination of certain teachers for implementation during classes or activities.

Equally important is the problem of teaching materials. There are actually very limited teaching materials for life education which are currently available in Hong Kong and really well-organized. However, it is more than easy to find several books on life education in any bookstore in Taiwan. In fact, such curricula in Taiwan are divided into 12 years. With a complete course for each of the 12 years, students ranging from those in primary one to those in senior middle schools all study the subject of life education. It is therefore, hoped that the Government can make every effort to set up the said course for our schools and teachers in order that they can teach life education systematically.

Finally, it is hoped that the Government can try to co-ordinate the work on life education such as by setting up a data bank or resource centre, liaising with different institutions and professions, and preparing teaching materials so as to make it possible for schools interested in running or already offering life education to get hold of more information.

Taiwan has worked on this for 10 years. However, only in recent years have efforts been made more earnestly and determinedly to implement it. It has been so especially after the Big Earthquake on September 21, with Taiwan people beginning to realize how fragile life is. Thus, both primary schools and middle schools have brought in life education so that more school children are able to take hold of their lives as well as the true meaning of life education. We, therefore, call upon the Government to follow the examples of nearby regions by showing determination in promoting life education.

With these remarks, Mr Deputy, I beg to move.

**Mr WONG Sing-chi moved the following motion: (Translation)**

"That, as youth problems, such as suicide, drug abuse and use of violence, have become serious, this Council urges the Government to adopt measures to promote life education in the face of this phenomenon, including developing comprehensive multi-media course materials, training teachers and providing other ancillary facilities, so that, through the primary and secondary schools curricula and activities, young persons will be systematically imparted the relevant knowledge and skills in handling problems and can develop a positive outlook on life, thereby strengthening their abilities to face up to adversity."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WONG Sing-chi be passed.

**DEPUTY PRESIDENT** (in Cantonese): Mr YEUNG Yiu-chung will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr YEUNG Yiu-chung to speak and move his amendment.

**MR YEUNG YIU-CHUNG** (in Cantonese): Mr Deputy, I move that Mr WONG Sing-chi's motion be amended as printed on the Agenda.

Mr Deputy, problems such as suicide, drug abuse and the use of violence are particularly serious among young people, which probably have something to do with the erroneous views on the meaning of life held by many young people. Every day they are faced with newspapers which feed them with graphic and written reports on suicides and drug abuse. Gradually they begin to find the value of life, the meaning of life, human relationship, and the relationship between Man and Nature all very blurry, they may even be led astray. In the case of some young people, whenever problems crop up in their school work or families, they would habitually try to run away from reality by intoxicating themselves with drugs instead of looking for solutions. Some would perhaps vent their grievances and grudges against society or families upon their bodies by means of self-mutilation. What is more, some young people, when facing defeats or emotion problems, not only do not know how to seek help from outside, but actually believe in killing themselves to put an end to their problems. So, there emerged, one after another, heart-breaking tragedies. All these show that young people do not understand the value of life totally.

Those phenomena not only make us worry, but also convince us that only by imparting without delay to young people through different social services the correct concepts on life value can they be taught the need to respect their own lives and those of others. Such work should include by adding to school curricula the learning activities of life education; placing emphasis on the need to care about members in the families and to strengthen parent-child relations in

parent education; bringing out the message of respecting life in publicity programmes; and, in the area of support and guidance services, helping the individuals to master problem-solving skills.

The aim of the Democratic Alliance for Betterment of Hong Kong (DAB) in moving this amendment is that we think school life is only part of youth life. Surely, it is an important part. The ways in which young people think and the knowledge that they take in are often influenced by persons and matters outside their schools. For example, family members, peers and places frequented by them are targets or venues for their emulation. Hence, life education cannot depend solely on schools. In order to implement life education successfully, synchronizing actions and full co-operation on the part of the society, families, and voluntary agencies are required. Here is an example. Some students like attending classes, and can easily absorb the knowledge learned at school. To teach young people how to handle problems and to foster in them a correct outlook on life, we fully support adding to school curricula and activities life education. However, as we all know, words alone are not enough for life education. Otherwise, it just smacks of preaching. It is also necessary to stress the need to feel and understand. Life education should not, therefore, be confined to school. It has got to be promoted comprehensively through different social strata, such as voluntary agencies and family education.

We are of the view that life education must have a target. It should also be approached from different aspects. A caring and amiable family has favourable influence on their children's growth. When the children run into problems, their family members can still be their listeners and ultimate supporters. On the contrary, in a family filled with grudges and swayed by emotions, children tend to keep problems to themselves. Earlier on, one voluntary agency launched a project to recruit "guardian angels", and received enthusiastic response from all sectors of the community. In fact, one's family members are one's best guardian angels. So, promoting the communication between parents and children and furthering parent-child relation are core contents of parent education. The establishment of a cosy and amiable family is prerequisite to the promotion of life education in a family. Not until young people can feel love and acceptance in their families will they understand the meaning of life. With regard to parent education, only if parents understand the need to better their ability to communicate between the two generations so as to effect mutual support, supplement and encouragement can life education become more involved.

Furthermore, in view of the fact that some young people can easily be influenced by teenage idols and peers, relevant publicity programmes are even more worth promoting. Those publicity activities, such as concerts, sing-song shows, and carnivals, are popular among young people. Therefore, the Government may consider subsidizing such activities. The theme should be on cherishing life. Popular singers and actors can be invited to those activities to convey to young people positive messages on cherishing life, staying away from drugs and respecting other people, and in the process, these messages should be reinforced with subtle influence.

In addition, elements pertinent to cherishing life can be added to support and guidance services. For family preventive work, we have 14 family support network teams, and are in a position to serve 6 700 families in crisis. There are also a few Integrated Family Service Centres, where volunteers are being trained, out-reaching and educational services offered and developed, and mutual aid groups organized. Also available to us for service to all kinds of young people are 24 outreach social work teams, several children and youth centres as well as school social workers. We ought to make good use of these established networks. Given the fact that some young people gain no understanding of life from their teachers and parents, and know not whether they themselves are on the right paths, any service with access to them should impart to them the positive meaning of life, stand by their side to help them address problems, and develop their abilities in facing up to adversity.

Life education has been in progress in other countries for years. Australia has set up life education centres. Available in the United States are various training programmes designed to help disadvantaged groups fight adversity, prevent drug abuse, and enhance problem-solving skills. In Taiwan, the Ministry of Education has set up a committee for the promotion of life education. The said committee, acknowledging the importance of life education to a person's growth, recommends that life education be extended from school to family and society. At present, Hong Kong is experiencing an economic downturn, with unemployment rate soaring, and many people are shouldering heavy burdens of livelihood. Domestic conflicts and tragedies may be triggered off any moment. We are of the view that it is now the optimum time to promote, with great vehemence, life education.

I so submit.

**Mr YEUNG Yiu-chung moved the following amendment: (Translation)**

"To add "parent education, publicity programmes and enhanced support and counselling services, the respective roles of schools, the family and the community will be strengthened, and" after "through the primary and secondary schools curricula and activities,"."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr YEUNG Yiu-chung to Mr WONG Sing-chi's motion be passed.

**MR CHEUNG MAN-KWONG** (in Cantonese): Mr Deputy, Hong Kong is an unhappy city. Many Hong Kong students are unhappy.

Surely, many factors contribute to this unhappiness. The pressure of class work is too heavy. Parents' expectations are too high. The requirements of schools are too strict. Love affairs are too problematic. For those in their teens, unhappiness is weightier than the heavens. As in the *Little Prince's* complaint, adults never find children's matters very important.

Students' cycle of suicides is their cycle of unhappiness. On the basis of data of the past few years, I did a small study on students' suicides. Students' suicide rate is lower during long holidays while the rate is higher during examination time. The suicide rates among primary school students and upper middle school students are lower while that among junior middle school children is higher. These data, more or less, point to a factor applicable to all schoolchildren's suicides, namely, the fact that young people are embittered by distress engendered by accumulated grievances of varying magnitudes, they are frustrated by their inability to voice their feelings or to find someone to pour out their hearts, consequently, they might find themselves hopeless, and might even finish themselves off ultimately. More and more studies show that depression can be the outgrowth of unhappiness, and that depression is the principal cause of suicides.

According to what a psychologist told me, a child inclined to commit suicide tends to have very low self-esteem. Perhaps the child has never felt warmth and love at home, or gained success and praise at school, while receiving,

at the uttermost, only consolation from friends. However, his friends' situation might be worse than his. Sometimes such consolation might even develop into commiseration among fellow sufferers. Most shocking is, of course, a case like the one occurring in Cheung Chau the month before last, in which several schoolchildren jointly committed suicide. Three schoolchildren looked upon group suicide as group outing, buying poison and charcoal, renting holiday home, and treating life like dust. That is a rare case. There also have been even more shocking cases of group suicides by family-members as well as tragedies in which parents killed their children before finishing themselves off. All these cases are unbelievably outrageous.

Mr WONG Sing-chi thinks that to convince both children and parents to treasure life, Hong Kong must have life education. I fully support this proposal. However, I am still of the view that life education should not be confined to the school. It should be in the family too. After all, curriculum is not living itself. Living itself is more important than curriculum. For living itself, family is in the forefront. A happy family life is the best life education. It is hoped that family, school and society can exude happiness, positiveness, optimism, and a will to move upward so that the sorrows of living, even if they are present, can be alleviated or thinned out as to make it possible for children to spend their youth in happiness.

Even though Hong Kong is undergoing economic depression, with life getting tough, there is still a need to keep our families optimistic and happy. Do you still remember the "Under the Lion Rock" years, when many people lived in resettlement areas, lined up for water, worked as child labourers, and assembled plastic flowers? Families that went through such tough years still cherish a lot of comforting and beautiful memories. Also to their credit is the production of one whole generation of people full of fighting spirit. Today, though Hong Kong is affluent, families are plagued with emptiness, with parents and children alienated from each other, and the solidarity and joy in sharing weal and woe are nowhere to be found. There are only non-stop materialistic pursuits and desires.

Being forgetful is the most common mistake committed by adults. Parents and teachers were once children themselves. Yet they do not remember the hopes, joys and sorrows of their childhood. "Shall We Talk", a song sung by Eason CHAN, expresses the feelings of young people. Its lyrics read "Children only look forward to joys while adults know only expectations. How come neither side knows how to exert effort in being considerate of the other

side?" Parents know not how to listen, and are unwilling to spend time to communicate with their children. Desirous of joys, children do not feel the love behind parents' expectations. With a man-made wall towering between parents and children, heart-to-heart communication has been rendered impossible. When there come problems, children would then realize that their families are but islands, where they can find no one to pour out their hearts. This is the sickness of depression plaguing modern families, which also constitutes the deep-seated cause of schoolchildren's suicides.

Eason CHAN has another song entitled "Bicycle", the lyrics of which are very touching as they describe the feelings of a child holding onto his father while riding on the back seat of a bicycle. The lyrics read: "Unwilling to part or let go, desirous of a firmer hold. This boundless life is like a wilderness. If a child can rest on his father's shoulders, long and steep though the route is, there is nothing to fear. Love me with greater love so that in the days to come I can be stronger and walk more steadily." Suicides by schoolchildren have become our worst social sore. Perhaps we can get some hints from "Bicycle" so as to make the family the typhoon shelter of a boundless life as well as the staunchest backing for life education.

Mr Deputy, I support Mr WONG Sing-chi's motion as well as Mr YEUNG Yiu-chung's amendment. The Legislative Council often emphasizes divergence. However, when it comes to the topic on schoolchildren's suicides and life education, more emphasis should then be placed on co-operation so that the society can receive more positive messages. Thank you.

**MR HOWARD YOUNG** (in Cantonese): Mr Deputy, in recent years, there is always a report on suicide every couple of days. All of them are what we do not want to hear or read about. What is even more worrying is the fact that those seeking to kill themselves are younger and younger in age, with the youngest one as young as just seven years old. Probably still fresh in your minds, and also mentioned by a fellow Member earlier on, is the incident that took place over two months ago, in which three youngsters aged between 13 and 15 jointly committed suicide in Cheung Chau by burning charcoal. This incident has aroused very strong resonance in society.

These examples stand to show that members of the younger generation do not understand the value of life, and know not how to face up to difficulties.

This has led to many tragedies exemplifying a disregard for and disparagement of life. The Liberal Party holds that the Administration should make a start with education by actively promoting life education in schools so as to make it possible for young people to build up a correct outlook on life since childhood in the course of their schooling, thus strengthening their abilities to face up to adversity in the days to come.

All along emphasizing only on the passing of academic knowledge, and adopting the examination-oriented approach as the main way of teaching, the educational system in Hong Kong is obviously out of step with social development which is being accentuated steadily. Educational reforms in recent years have never been able to achieve much.

Although our primary and secondary schools do offer some non-regular courses in life education, such as civic education, general studies and religious studies, these courses are all in "bits and pieces", with no unified concept. They are boring and not attractive. It is very difficult for students to comprehend the true meaning of life from them. We, therefore, suggest that the Government reform the current curricula so as to prepare more active, interesting and diversified course materials in conjunction with schools and set up websites on life education in order to promote life education more effectively.

However, policies and course materials not matched with the suitable teachers still cannot work. In Hong Kong, most of the teachers have received no formal training in life education. In order to master the correct concepts, they will have to study relevant courses. Now, many other nations, such as Taiwan and many Western countries, apart from actively promoting life education in schools, also offer various training courses for teachers. The Education Department and colleges of education may make reference to them when preparing suitable courses in line with the requirements of Hong Kong for teachers' enrolment.

On the other hand, there are a lot of retired teachers in Hong Kong. They have a lot of experience as well as the zeal to teach. The Liberal Party is even of the view that if they are given the opportunity, they are willing to go back to school to share their life experience with students. Therefore, the Government should give consideration to the idea of entering into close co-operation with schools and other educational bodies so as to encourage these retired teachers to participate in the promotion of life education on a voluntary basis.

Of course, the responsibility of helping young people to understand life does not rest with teachers only, a noticeably important role should also be shouldered by parents and society. Young people's exploration and search for the meaning of life should be ever ongoing, and should not stop upon departure from the classrooms.

It is said that family is the cornerstone of social stability. If parents can impart to their children a correct outlook on life, and set themselves as examples by facing up to difficulties with a positive and optimistic attitude, it is probably going to be of assistance to their children in overcoming problems and bewilderment confronting them in the process of growth. Furthermore, if society — especially the media — can culture an affirmative and positive atmosphere, then the promotion of life education will obtain twice the result with half the effort. For instance, earlier on, some social organizations launched the "Angels Around Us Campaign" to spread the message on care and respect for life. This campaign received extensive response from society and strong support from the public. This is a good illustration.

Mr Deputy, it is of great urgency to promote life education to alleviate the ever-worsening youth problem. The Liberal Party is of the view that schools, families and society (media included) should co-operate with one another closely to promote life education through concerted effort by the three parties. With these remarks, I support the original motion and the amendment.

**MISS CHOY SO-YUK** (in Cantonese): Mr Deputy, I remember watching a TV news report some years ago. In brief, it was about some children living in a Third World country. When having nothing to do, they liked climbing onto the tops of trains in threes and fours, and started to chase each other once the trains were in motion. When asked by the reporter why they still found pleasure in such a suicidal game even though they did witness friends having fallen to death from train tops, they said in a could not-care-less manner in front of the camera: "Life is too boring!" The shock that I felt then is still lingering on my mind now. I asked myself again and again: Is life really that base and low?

Hong Kong is far better than the developing country mentioned above in terms of economic conditions as well as the care given to children by society. However, when talking about disrespect for life, some of our young people are no different from theirs. This is even more lamentable.

Human beings are superior among all creatures. However, they are also among the few creatures capable of taking the initiative to finish themselves off. Some people maintain that suicide can be said to be a rational choice and that it exemplifies the evidence of real freedom of actions. Whatever the case may be, when we learn from newspapers that those who opt to kill themselves are some schoolchildren merely in their teens, nobody will believe that their decisions were made after thorough consideration, or agree with them that they had insurmountable difficulties, or, less still, endorse their decisions.

Ignorant are little kids. Young though they are, they seek "death" even before they learn about "life". How lamentable this is. However, it is still necessary to face reality after all the laments. What problems have been exposed with the recurrence of such tragedies?

With society growing rapidly, new things are cropping up and fading away incessantly. The speed is so fast that even adults, not to mention members of our next generation, find it somewhat beyond their abilities to keep pace with. Living in an age flooded with information, our young people have too many, rather than too few, choices. On the face of it, they have frequent and extensive access to information in all areas. However, everything is as transient as a fleeting cloud, its place being quickly taken over by new matters. There is just no time to digest and thoroughly comprehend the meanings behind matters. Young though they are, mentally they are already very much bewildered. Unless there are suitable guidance and enlightenment from family members or other people to help them build a correct outlook on life, they are likely to snap into inextricable confusion. Furthermore, our society is so materialistically rich that deficiency has never been experienced. Paradoxically, the problem is that all things are readily available. Long exposed to this, and thus very much spoiled, some of the young people do not have the ability or mentality to face up to adversity and challenges. As a result, they will threaten to kill themselves when they run into frustration.

Mr Deputy, it is a task of urgency to find ways to help members of our next generation to release themselves from bewilderment, once again to understand and affirm the meaning of life, and foster their respect and care for life.

Fortunately, the public has already noticed the seriousness of the problem and are willing to earnestly practise what they advocate by contributing their

efforts to spread the message of cherishing life. The Angels Around Us Campaign is less than a month old — many fellow Members just now mentioned the campaign, yet more than 10 000 people have already joined the campaign as guardian angels. The Evangelical Lutheran Church, the organization that launched the campaign, has also collected a lot of donations to launch the second phase of work so as to give greater depth to the contents of life education. To combat the unhealthy trend of suicides, many voluntary agencies, concern groups and religious bodies are also putting forward series of action plans at different levels.

Surely, it is not just the responsibility of individual organizations to teach members of our next generation to correctly understand life. In addition to actively promoting life education in schools, the Government must also take this opportunity to properly look into our educational system to see why students only engross themselves in the ranking of academic performance in total disregard of the vicissitudes of life or even the meaning of their existence, and the targets of life.

In the final analysis, examples set by parents themselves are most likely to influence children's minds and behaviours. Let us concede that schools have been earnestly urging students to respect themselves, care for others, and build up a positive view on life. However, if upon the return of children to their homes, their parents show them in every way to be very mindful of gains and extremely stingy, then is it possible for them, having been so exposed and so imperceptibly influenced by what they constantly see and hear, not to question what their schools have taught them? Going on in the world every second are tens of thousands of rapid changes. In order that children can keep pace with rapid social changes, families, schools and society must take synchronizing measures to help children clearly understand the meaning of life in order to build up a correct and stable sense of value as the base and reference for their behaviours.

With these remarks, Mr Deputy, I support the amendment as well as the original motion.

**MR AMBROSE LAU** (in Cantonese): Mr Deputy, the English philosopher RUSSELL said: "An individual human existence should be like a meandering river on earth — small at first, narrowly confined within its banks, and rushing passionately past boulders and over waterfalls. Gradually the river grows older. The banks recede, the waters flow more quietly, and — in the end — without any

visible break, they become merged with the sea, and painlessly lose their individual being." These words of RUSSELL's are so relaxing and comforting. However, a person's life is often not that poetic and picturesque. FANG Yue of our Song Dynasty said: "In eight or nine cases out of ten, things do not go as we wish. Not two or three of them are worth mentioning to others." In the course of a person's life, there are bound to be all sorts of difficulties, defeats and even sufferings. It has been said that "The moon may be dim or bright, wax or wane. People may have sorrow or joy, be near or far apart." In spite of all these, traditional Chinese culture still adopts an upbeat and positive attitude towards life. For instance, SU Dong Po said "There can be numerous changes in a short span, but none is surprising." It means that all the vicissitudes of life, including adversity, ought to be taken calmly, and that "it is always advisable to wait and see." In a Ming Dynasty novel *Pai An Jing Qi*, there is a saying which outlines in a unsophisticated manner the respect for life embodied in traditional Chinese culture. It reads: "Keeping the green hill there will dismiss the fear of no firewood for burning." According to *The Book on Filial Piety*, a Confucian classic, "Of all the properties in the Universe, that of Man tops all." The word "properties" in the saying refers to the properties of living, that is, life. It stresses that among all things in the Universe, man's life is the most valuable. It can be noted that the act of suicide is out of tune with traditional Confucian culture.

Mr Deputy, the value and affirmation of life upheld by Confucian culture are comparable with the views of the world's eminent cultures. For instance, the author of *Don Quixote* said: "While there is life, there is hope." According to the French essayist Michel de MONTAIGNE, "Even the ownership of all things in the world cannot be exchanged for man's life." Britain's literary giant SHAKESPEARE said: "But I do find it cowardly and vile, for fear of what might fall, so to prevent the time of life." Descriptions of passion for life and objection to suicide found in Western culture prove the universality of the life philosophy and life ethics embodied in Confucian culture.

Mr Deputy, suicide is a social sickness attributable to a combination of factors such as human psychology, family, social life, relations with others, physical and mental states. From the viewpoint of psychology, a man overwhelmed by difficulty, pressure, and failure may have the notion that "death may end all troubles". When a person's mind is being stormed by a sense of defeat, frustration, anger, sadness and helplessness, the person is very likely to commit suicide in order to run away from pain. However, the influence of traditional outlook on life, sense of value, conception of culture, and view of

society somehow may make the person look at suicide with guilt and rejection, taking suicide as a negative act regrettable for oneself as well as one's family and society. So, good traditional culture is a boon to young people as it may help them build up a constructive and positive outlook on life. It may also help fortify young people's abilities to face up to adversity.

Since ancient times, almost all social systems, cultures and conventional religions, in addition to bestowing on life the most sacred respect, have condemned suicide as an abnormal behaviour evading social responsibility and going against all ethics and morals. For instance, both Catholicism and Protestantism hold that it is against ethics and morality for anybody to resort to suicide to deprive of his own life since a person's life is bestowed by God and is, therefore, so sacred that it brooks no violation. Otherwise, it is an unforgivable behaviour going against ethics, morals and God. Buddhism believes in the reincarnation for all creatures. Accordingly, suicide cannot dissolve evils. Worse still, it generates further evils, thus rendering permanent release impossible. It is totally harmful, and not worth trying. By comparison, ideas on life philosophy and life ethics embodied in Confucian culture make even better sense, and offer greater width and depth. To address issues concerning our young people's suicides and matters detrimental to their health and minds, the Government should consider disseminating and promoting in an unsophisticated manner the life philosophy and ethics embodied in Confucian culture as the major ingredients for the promotion of life education.

Mr Deputy, I so submit.

**MS AUDREY EU** (in Cantonese): Mr Deputy, the motion moved by Mr WONG Sing-chi today is very meaningful. I am of the view that the purpose in promoting life education should not just be confined to the prevention of suicides, drug abuse, and the use of violence among young people. From a positive viewpoint, the promotion of life education can help to strengthen the abilities of our next generation to face up to adversity so that they can confront difficulties and challenges with a positive attitude. Furthermore, we have got to put in efforts to develop in our young people a sense of belonging and commitment to society.

Compared with previous generations, the material life of young people in Hong Kong today is more abundant. Even in some less well-off families, parents still try to satisfy their children's material needs even though they

themselves might have to live frugally. However, our next generation do not seem to be fully satisfied and happy.

Late last year, The Chinese University of Hong Kong conducted a survey, interviewing some 7 000 students ranging from Primary Four to Secondary Three. Of these, 36% were inclined to have depression. Nearly 30% periodically or frequently felt that to be alive was worthless. One quarter of the students often felt sad and hopeless. Even more worrying is that 24% of the students had thought of or planned to commit suicide, while another 4% of them have had committed suicidal acts.

Mr Deputy, my heart sank every time I read about a student's suicide in the newspaper, wondering with lament why the young people today can be so very fragile mentally. Our educational system, all along, only cares about the passing on of knowledge. Even though the Government often place stress on giving equal importance to the five domains of education, the reality is that neither life education nor civic education has been incorporated into formal courses. Some front-line teachers frankly admit that, given the great weight usually attached to academic achievements by parents and schools, and the complexity of the curricula, it is already very hard for teachers to teach and "catch up with the syllabus", not to mention the promotion of life education.

In recent years, the Government has in fact spent a lot of resources on student guidance service, for example, the policy of one school social worker for every school, resident psychiatrists for primary schools and so forth. However, the guidance service is mainly conducted on a case by case basis, most of those contacted being either youths at risk with obvious behavioral problems, or students willing to take the initiative to seek help. As pointed out by many experts, many suicide cases occurred in students considered to be ones with no major academic or behavioral problems. Just because they normally show no symptoms, it is likely for them to be neglected! So, it is necessary to use formal courses to effectively pass on to each student the message of respecting and cherishing life.

Mr Deputy, the contents of life education have to keep in pace with time. Human relations in a modern society are more complicated than those of the past. Information to which young people have access is far more extensive than that in the past. When they are faced with problems in areas such as schooling, family, friends and sexual relations, they are often at a loss. Therefore, life education

definitely is not merely education on morality, only seeking to teach students to follow rules. It has to equip students with the abilities to solve problems, and teach them to face matters going against their wishes with a positive attitude. This is more important.

As for the methods of instruction, classroom instruction alone is not enough to stimulate students' interest. The Education Department may refer to the experience of Taiwan in which group discussion, role playing, movie appreciation and debate are used to stimulate thoughts and the examination of problems among students.

Furthermore, I also call upon schools to make more efforts to encourage students to take up voluntary work. It is advisable even to follow the methods adopted elsewhere by making it compulsory for students to perform community service so that students can get involved with the community, understand the livelihood of different sectors of society, and build up a sense of belonging to the community and Hong Kong. Through community involvement, students can broaden their vision, and will then be able to face up to adversity with a more optimistic attitude and abstain from driving themselves into blind alleys over something trivial.

The major difference between Mr YEUNG Yiu-chung's amendment and the original motion lies in its introduction of parent education and enhancement of support and counselling services. Parental involvement is precisely an important ingredient determining the success or failure of life education. I want to point out that all the above suggestions require input of resources by the Government. It is especially so if teachers are required to participate in life education. It is necessary to, first of all, alleviate their burden by reducing their teaching workload. It is also necessary to provide some formal training to let teachers know how to help their students. If we can develop in members of our next generation the abilities to handle adversity as well as a sense of commitment to society, then it is worthwhile to spend a little more money.

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

**DR RAYMOND HO** (in Cantonese): Mr Deputy, youth problems have become more and more serious in recent years. Cases involving suicides, drug abuse and use of violence among young people are on the upward trend. The

Government must urgently formulate policies accordingly. I think that the origin of these problems has much to do with young people's attitude towards life. To solve such youth problems, we must, therefore, start with this area and instill in them life education.

Suicides and drug abuse among young people can be attributed to many reasons. All in all, I reckon that they are very much connected with family problems, examination pressure and emotional problems. With regard to family problems, this Council had discussions in mid-May this year. I have to reiterate that family problems are not just problems of individual families; they are the problems of society. The Government should face up to them. Now on examination pressure. In order not to impose undue pressure on students, the Hong Kong Government should review the existing systems of examinations and education. With regard to emotional problems, the Government may encourage young people to express their feelings to their friends in order that they could have their grievances alleviated. The use of violence by young people is, to a certain extent, under the influence of the mass media. So, the Government should formulate policies in this respect and suit the remedy to the case.

Mr Deputy, all the above can only bring about a transient solution to the problem. In order to get to the root of the problem, it is necessary to teach them to respect life. To this end, the Government must promote life education.

If young people respect life, then they will not do things harmful to themselves, such as suicide and drug abuse. In my opinion, the Government may take different approaches to promote life education, for example, imparting in them the meaning of life, the value of existence and the importance of the targets of life. To accomplish this, the Government may, on the one hand, work through publicity campaigns and, on the other hand, utilize the assistance of schools and parents.

Life is precious. We should not harm ourselves just because of petty mishaps. Young people today are the pillars of Hong Kong's future development. Thus, the Government should advocate the idea of cherishing life, and teach them the art of living so that we can have a constant supply of outstanding talents to strive for Hong Kong.

Mr Deputy, I so submit.

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

**MR LAW CHI-KWONG** (in Cantonese): Mr Deputy, some fellow Members mentioned the development of life education and the experience of Taiwan. I do not want to repeat. I only wish to bring up a few points.

The incidence of suicides by young people, when compared with those of other age groups, is not high. It can even be said that there is a great disparity if it is compared with the suicide rate of the elderly. However, if we want to promote life education, it is still necessary to start with young people after all. It is believed that life education can help to reduce young people's suicide rate and, in the long run, bring about a drop in the overall suicide rate.

With regard to life education, I think it is necessary to consider the relevant concepts. What is suicide? (Because of a bad habit, I have this urge to cite others' writings.) During our school days, everybody knew that DURKHEIM, a famous sociologist, had talked about two major elements of suicide, namely, the integration of social groups and the regulation of values and behaviours.

Regulation is not necessarily good or bad. Regulation that is too lax and regulation that is too tight might both lead to different kinds of suicides. However, it is very clear with regard to integration. If the integration of a social group is strong, then it is natural for its suicide rate to be low. For young people, there are two social groups that are most important, namely, peers and family. If one of the groups can offer integration, or, in simpler terms, support, then the suicidal problem will be alleviated.

So, for the purpose of getting involved in the suicide issue, it is also necessary to see it from the standpoint of social groups. In the first place, it is family education. Secondly, it is the work of youth groups. If young people can seek to have more contact with persons belonging to different sectors, diversified social groups can enable the personal growth process of young people to become more complete. In a diversified social group, there may be access to different peers or groups for the purpose of dealing with different issues. There is a greater chance for them to get help. This is the merit of diversified social groups. To belong to one single social group would probably have higher risk. The reason is that if a young person is in touch with only one group of friends, and if it so happens that every one of them is in poor mood, for example, all are feeling depressed because of poor examination results, then it is more likely for them to commit suicides. So, the task of finding ways to deal with young

people in social groups and families is probably an issue requiring the co-operation between the social work sector and the education sector.

Recent studies usually bring up that suicide itself is a cultivated issue. That is to say, the view on suicide is an understanding and an approach with regard to the suicide issue construed, consequent upon interaction between an individual and a social group or the society. In other words, when we frequently make mention of something, it will naturally have a deeper impression on our minds. For instance, if there is more coverage on suicide cases by the media during a certain period of time, and if a youngster already subjected to rebuke by his mother for unsuccessful examination results is being asked at that moment to say what he is thinking, most likely he will bring up the word "suicide". Why? The reason is that the cultivating process is interaction between people and society determined by the amount of information absorbed during a certain period of time. The more a person takes in one certain type of information, his immediate reaction and association will naturally be in that respect. I wonder if Honourable Members notice that in the past, when things were not to one's favour, one would clamour to kill oneself by jumping down from a height. Now many choose to say by burning charcoal. This is exactly how social messages suggest to us ways of handling things.

In brief, from the point of psychology, in fact there are three strata to the problem that needs to be dealt with, namely, the problem of value, the problem of emotion, and the problem of behaviour.

Earlier on, quite a few fellow Members made mention of matters such as the concept of value, positive outlook on life, correct outlook on life, and life philosophy. My response is that I doubt the feasibility of all these. As a matter of fact, textbooks currently used in our primary and secondary schools have dealt a lot with such subjects. We should not say that current textbooks do not touch on philosophy and outlook on life that are positive. The question is that the lessons are divorced from schoolchildren's living. The main constituent of the concept of value is personal exposure, not textbook reading.

How to get exposed to the meaning of life? If every person only looks at his own circle and environment of living, then it is indeed very narrow. He will be in a state of helplessness when faced with a situation beyond what he has been exposed to. So, how to help a young person to get exposed to a comprehensive outlook on life? The most effective method is to let him receive more

diversified exposure. To be exposed to what? See for himself how other people face up to all sorts of storms in their lives. See for himself how other people face up to all the challenges and hardships in their lives. How do the poor live? How do the chronically ill live? How do the terminally ill live? Most young people usually have not received exposure in such areas. Not until they are so exposed to death and living itself will they really understand what life is.

Emotion management belongs to the work of the second stratum. When we are emotionally disturbed or agitated, we are likely to be at a loss or even lose our control because of strong emotions. There is no need for me to elaborate on this.

Just now I have also touched on the problem of behaviour generally. Behaviour is the learning of ways to handle things. With regard to the question as to how to effectively solve all the problems that young people are now faced with, it is imperative to have different ways of handling things. So, there is a suggestion from the international community, namely, that when there is coverage on suicide cases, in addition to giving full description of the problem, it must, before reporting on the suicide cases, explain the ways of handling things by other people when they are faced with similar problems, instead of only focusing on the suicide cases concerned. Such an approach stems from the desire that young people will not look upon suicide as the sole solution when they are faced with problems. On this issue, we must, therefore, put in joint efforts.

Thank you, Mr Deputy.

**MRS SOPHIE LEUNG** (in Cantonese): Mr Deputy, this motion today gives us much room to express our views. It is apparent to us not that the whole society is not showing concern for young people. But, is it wrong for us to be concerned? Are we showing concern in the right way? Just now I listened to Mr LAW Chi-kwong's speech, which, is reminiscent of my old college days, and has taught me a lot of theories and imparted to me a lot of knowledge.

I agree with what a few fellow Members just said with regard to the point that nowadays young people have a very poor ability to face up to adversity. Miss CHOY So-yuk mentioned the point that young people find modern living too boring. I concur with her. Mr Deputy, I only mentioned what these two Members said. Quite a few Members have spoken today. I am, however, of the view that what these two Members said fits the current situation better.

As a matter of fact, originally I did not intend to speak. However, when I recalled the years when I was young, I could not but compare my situation of those days with that of today's young people to see the differences. I noticed one major difference, namely, that there are far more social workers in the present day. Credit goes to Mr LAW Chi-kwong and several Members for the efforts put in by them over the years to train people to be social workers. How come young people are still going in the opposite direction? We say that young people lack the abilities to combat adversity. Yet, young people find their lives too boring. What has gone wrong?

Just now Mr LAW mentioned the integration of social groups — I have indeed learned something today and I am really grateful to him — and on the whole, what can bring about interaction in the society. I think this is something we should chew on. At the same time, quite a few Members made mention of things like "the concept of value". In fact, I think fellow Members have brought up a lot of social problems. However, in many cases, discussions tend to be shallow, that is, touching the surface without in-depth exploration. A good friend of mine is a Vice President of Harvard University. He once asked me why present-day Hong Kong people could only think and see things in one dimension. In my opinion, that was a remark criticizing our society for being too superficial in handling things.

If we look back, then should we ask what a child's needs are? I have reflected upon this. I have given birth to a child and brought him to this world. Did I know what his needs were? If the so-called "interaction and integration in society" just mentioned are to be applied, then is it necessary for him to be able "to fall back on" something in the course of personal growth of this young life? Nowadays, can the school, society and family provide kids with something "to fall back on"? However, the so-called "something to fall back on" is not a materialistic issue; nor is it something achievable with, as suggested by a few fellow Members, the input of more resources by the Government. I think resources put in are already plentiful. Go to any housing estate to take a look (I am prepared to go with anybody to take a look). It can be noticed in the evening, when people are coming home after work or school, that the gymn shoes worn by young people there are often very expensive, which I am not willing to buy for myself. The brand name commodities used by many of them often "outshine" those that I am willing to buy for myself. Are their materialistic enjoyment inadequate? Have they not got enough money to go to karaokes? Have they not got enough money to "fool around" in the evening? Every answer is in the negative.

Then, what sorts of resources should be involved in the things for them "to fall back on"? Have we, their teachers, made real efforts to provide young people with something for them to "fall back on"? I think this is exactly the question that really warrants consideration. We should not just ask the Government to offer more certificate courses, say, Youth Pre-employment Training Programmes or what-not courses. Surely, the Government has its own difficulties. With regard to what the people want the Government to do, the Government will definitely comply wherever and whenever possible. We have kept asking the Government to do more. Whenever we think it is not enough, we make further requests to the Government, for example, a request for more associate degree courses. But what have we offered?

Let us try to compare the qualifications of local university students with those of overseas universities. Take locally-trained lawyers as example. In brief, some of them cannot even write fluent English, not to mention their power of analysis (some Members here have probably come across such cases). What to do? According to my information, our teachers belong to the most highly paid category in the world. Why are there such results? Where are our hearts? How are we to provide our young people with the "fall-back" support needed?

At present, the world is talking about "multi-dimensions". Mr Deputy, all along we have been teaching young people to look at things with a single-dimensional approach. If we really care for them, then, right from the time of their childhood, we should teach them how to see the world with a multi-dimensional approach, following up on this with efforts to make them understand their positions as well as ways to fit into the global scene. Now in respect of relations with others, including their brothers, sisters, cousins, fellow students, teachers and even persons with whom they are in touch, what are the relations among them in this scene? How to bring about an interaction? We ought to provide them precisely with such ideas, and not to ask the Government to keep on putting in more resources. To do so is tantamount to throwing more money into the sea.

It seems that we have not provided small children and primary school students with something "to fall back on". However, this is the responsibility that we all have to shoulder. We ourselves are still providing them with a lot of negative examples. We adore success, but we have not told them to appreciate the agonies behind success. We admire brand names, but we have not told them how the beautiful designs behind brand names come about — designers with

good academic records or those graduating from famous universities are not necessarily those capable of making beautiful designs, as what is needed is unique vision. Perhaps we have not taught our young people this. We respect certificates. But what does a certificate actually stand for? Whether young people should know how to approach learning correctly and how they are to ascertain the authenticity of information and look deeply into it receive no attention from us at all. Yet we push our young people out to the world. Perhaps we would also spend some more resources on them for them to obtain a few more certificates or enrol for some more training courses. But, thorough such actions, how are they taught to face up to difficulties? For this we should also take up full responsibility.

Today I am speaking in the capacity of a mother, supporting both the original motion and the amendment. Thank you, Mr Deputy.

**DR DAVID CHU** (in Cantonese): Mr Deputy, the younger generation constitutes the hope and pillar of Hong Kong's future. So, whenever there are tragedies involving suicides by schoolchildren or young people, we are all saddened and greatly shocked. As a matter of fact, apart from suicides, the gradual aggravation of other youth problems, such as violence and drug abuse, also worries members of the public. In fact, the improvement in material life and progress in society have not alleviated children and youth problems in Hong Kong. On the contrary, as the society is growing in complexity, the function of the family is weakening, and the traditional concept of value is diminishing, members of today's younger generation, when compared with their counterparts in the past, are facing more crises and worries. Consequently, they are also more complicated psychologically.

I am of the view that youth problems are closely linked up with family problems. The Government should strengthen the support given to families in order to reinforce the functions of the family. At the same time, the Government should also improve school education. After all, besides families, education has also cast a great influence on the development of young people. Apart from passing on knowledge to students, schools should also foster all-round development in their students to enable them build up a correct and positive outlook on life. Regarding school education, the Education Department has introduced a lot of reform initiatives in order that schools can help students achieve a more balanced development in the domains of intellect, morality and mentality. However, all along our school education has been

examination-orientated, without paying enough attention to morality education and the personal growth of students. The Government should work harder on this. I am of the view that, for the purpose of promoting life education in school, the Government should pay attention to the work in three areas.

Firstly, in respect of syllabus design, the Administration should conduct an overall review of the syllabuses of primary and secondary schools to ensure that existing subjects and the proposed subject of Integrated Humanities do have enough ingredients of morality education. This is to avoid running into a situation of favouring skills and knowledge in total disregard of ethical values. Furthermore, as far as I know, the Education Department plans to introduce personal growth education into junior or senior primary schools on a territory-wide basis. It is to be progressively extended to all classes over a period of three years, with contents covering the four areas of personal, social, academic and career development. The Education Department recommends that each school allocates six hours, that is, 12 sessions, to the relevant courses. I welcome this proposal on the course. It is, however, apparent that to spend only six hours a year on the course is inadequate. In order that there will be enough time for the promotion of life education, I call upon the Government to advise schools to increase the time allotment for the subject of personal growth.

Secondly, at present, Hong Kong is still lacking in a comprehensive set of life education syllabus and course materials, and is short of teachers for the promotion of life education. The Government must, first of all, work out a set of syllabus and course materials that are suitable for life education, and also provide teachers and social workers with the training on how to use those course materials.

Finally, to effectively promote life education in schools, the Administration should find ways to reduce the teacher-student ratio to ease the pressure on front-line teachers, so that they could be accorded more room to conduct morality education, and offer care and counselling to students having such needs so as to help them build up a correct concept of value and outlook on life.

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

**DR LO WING-LOK** (in Cantonese): Mr Deputy, there have been a lot of discussions on life education or education on living. Why have there been so much discussions? On making a comparison between young people of today

and I myself as a young man, I notice that many problems nowadays are very prominent and very serious, for example, young people's suicide problem, young people's smoking problem (an issue often mentioned by me), drug abuse, promiscuous behaviour due to early maturity, dropping out from school, and unemployment. It appears that many problems are emerging from our young people now. What are the differences between these young people and their counterparts in Hong Kong decades earlier?

In my opinion, changes in the structure of families is one of the major differences. In the past, families were big, family members lived together and supported each other. Both the youngest and the oldest received more appropriate care. Now we are living in smaller units. What is more, many families are double-job households. With both the father and the mother working outside, children must know how to take care of themselves at a very early age, and are very much subject to the influence of social factors beyond their family. Because of the opening up of many new towns, people originally living close to the centre of the city have moved outwards. As a result, their community ties have been uprooted. With insufficient care from the community, those young people living in new towns are faced with all sorts of problems.

Besides changes in the structure of families and society, our education system is, in my opinion, also partially responsible. In Hong Kong, more emphasis has been placed on textbook education, with relatively scant attention being given to instructions on how to behave, to handle things and to face the society. On account of this, young people of today somehow may not know how to handle the various challenges in the society.

Economically, Hong Kong has become more affluent over the last two decades. The society has been attaching more weight to material life. In such kind of economy, like a boat which surges up with high tides, very often, the society is likely to get disorientated. Then it is hard for young people to assure themselves of the value of their existence. They often do not know for what they exist or for what purposes do they go on living. This has also probably given rise to many problems.

Precisely because of this, society attaches much emphasis on the education on living or life education for young people. However, education on living or life education in the mind of one individual might differ from that of others.

Different persons have different views, and different organizations and different volunteers are also working on different things. Do they behave like what is described in the expression "a flash in the pan", that is, just like oil poured into a pan which may be quickly burned away with nothing left? The question as to how we are to provide our young people with the appropriate life education to enable them to master their lives is, in my opinion, very important.

I am not asking the Government to be responsible for promoting all the life education. However, I believe that the Government can do two very important things in this respect. Firstly, to formulate the targets of life education. How are we to educate our young people? The Government should clearly formulate targets 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10. There can be even 15 or 20 targets. Once there are clear targets, then we can see, in the first instance, whether we have enough resources to accomplish all these targets; and, in the second place, determine the effectiveness of the methods to be used. If there is no target, we will just keep on talking and talking while those keen on doing something just keep on working on their own, and ultimately, we probably may not be able to reach any of the expected targets.

Secondly, in society there are many people who are keen on doing something, such as those voluntary agencies and non-government organizations. If the Government can take the lead to integrate the strength of the entire society by enlisting all the organizations to work together, and to co-ordinate for them, then our precious social resources will not get overlapped or wasted, and everybody can make contribution to a common goal. In this way, the life education received by our young people will, I believe, be more enriched and better orientated.

The Secretary for Education and Manpower is now sitting in this Chamber. It is hoped that the Administration will receive this message and help all those in the society who are keen on doing something, including the social service organizations served by Mr WONG Sing-chi and the medical constituency that I represent (clinics and medical care institutions are front-line places to meet with young people), to effect integration, bringing about a force to promote life education for our young people.

Mr Deputy, I so submit.

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

**MR MICHAEL MAK** (in Cantonese): Mr Deputy, the economic recession has brought in many social problems, with endless suicide cases following hot on the heels of issues like rising unemployment rate, salary cuts, down-sizing, and negative equity. While adults like us think that we are already under too much pressure, youth problems have in fact emerged before we knew it.

According to the data from the Coroner's Court, in 2001 there were 26 persons aged between 0 and 19 dying from suicide. While these words are still ringing in our ears, the newspapers today again report on a suicide case in which a school girl, a participant of the Advanced Level Examination, took her own life seemingly because of inability to bear the pressure from examinations. As for drug abuse, of those reported to have used drugs abusively last year, some 30% were aged below 21. It has come to the notice of the Education Department that every year there are some 2 000 cases of campus violence involving fights among students. Furthermore, thefts committed by young people because of greed are quite common; so are incidents of abandoned babies delivered by girls not knowing what to do after becoming pregnant.

Young people today are very much under the influence of materialistic life. Being too anxious to be trendy, they may drink heavily, take drugs or tend to be promiscuous. Their concept of value is totally different from that of the previous generation. Some even go astray because of temptations. In even worse cases, they lose their health, their future and their lives. If it is seen from the perspective of society as a whole, serious youth problem may have a great impact on the society's productivity and expenditure. For instance, of the \$700 million spent by the Government in the year 2000-01 on the fight against narcotics, about one half thus spent is related to drug abuse among young people.

How come there are so many problems with young people? In the face of economic restructuring going in the direction of a knowledge-based economy, the guiding principle of our education is becoming more and more biased in favour of mastering technological and linguistic knowledge. To be biliterate, trilingual and cyber-savvy is precisely the main point strongly advocated by the Government. However, little is worth mentioning with regard to mental "nutrition". With the exception of religious nourishment available in some

schools with religious backgrounds, general education is only available in senior middle classes or in some universities. However, even there, such are merely electives. One may well say that life education has very limited domain. Consequently, young people today are "IQ-wise well-off, but EQ-wise weak".

Given the pressure of down-sizing and pay cuts, many parents have to work hard all day long for their daily bread. They just do not have the time to communicate with their children; they may even unconsciously take out the pressure from work on their children. According to reliable reports, there were parents who committed suicides with their children. With nothing to fall back on psychologically, young people can only commiserate with fellow sufferers among friends. However, there are not any more mature persons around to ease their mental stress. And they do not know of any other solutions. So they often make use of the meagre knowledge obtained from the mass media and simulate solutions that are improper. To solve youth problems, it is necessary to promote life education that is comprehensive and effective.

To find out the real reason young people commit suicides should be a difficult task. Here is an example. Two months ago, I personally went to a Cheung Chau holiday home to look into a suicide case that took place there on 17 March this year, when three students committed suicide by burning charcoal. According to the local operator, he noticed nothing abnormal with regard to the three students before the incident. Apparently, youth problems have still left much to be done!

To develop and effectively carry out life education, it is necessary to adopt a multi-prong approach. Family, society and school are all indispensable. As far as education is concerned, there must be a set of comprehensive life education syllabus and course materials telling them directly that the meaning of life is to be positive and not to give up one's life easily. Confucius said: "Not even life is known, let alone death." Many young people, however, do not know what death is. They might commit suicides in total disregard of the consequences. So, in my opinion, it is, of course, quite important to enable them to understand the meaning of life, but it is equally important to let them know how terrible death is.

Perhaps teachers at present are already under considerable pressure from heavy workload and the challenge from the Language Benchmark Assessment. They will probably be out of their breath if they are additionally required to receive training for the teaching of life education. However, I am of the view

that one of the issues now confronting students and young people is the suicide problem. This being the case, teachers, who are people mostly in touch with students, are very much duty-bound. In this respect, it is necessary for the Government to take effective measures to give teachers more room and resources for them to receive training and teach the students.

Being a representative of the health services, I think that members of my constituency are working very hard to solve youth problems, with nurses playing the community role of offering them a lot of counselling in areas such as employment, emotions, personal concept of value, and marriage. To solve youth problems, I call upon the Administration to put in more efforts in promotion and to offer assistance in this respect.

There is a saying that "The effect produced by death may be lighter than a feather, but may also be heavier than Taishan". The fact that young people tend to speak lightly of suicide is a warning sign to the society. If the Government does not pay more attention to young people and makes no effort to take co-ordinating action, the foundation of Hong Kong will be jeopardized.

With these remarks, I support the motion.

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

(No Member responded)

**DEPUTY PRESIDENT** (in Cantonese): Mr WONG Sing-chi, you may now speak on Mr YEUNG Yiu-chung's amendment. You have up to five minutes to speak.

**MR WONG SING-CHI** (in Cantonese): Mr Deputy, many thanks to Mr YEUNG Yiu-chung for making supplementary amendment to my motion.

What proposed by Mr YEUNG Yiu-chung is also an important task. Children go home after school. Unfortunately, we see that many families are also being plagued by problems. Parents' experience in living, knowledge they acquired or views they have on life often cast an impact on their children. It is,

therefore, hoped that in addition to school teaching, we can effect close co-operation with parents too. Surely, schools should teach children to understand life. In order that the society can fully understand children's plights as well as problems confronting families, I call upon social service organizations to make joint efforts with parents through different channels.

THE PRESIDENT resumed the Chair.

Views put forward by fellow Members just now regarding Mr YEUNG Yiu-chung's amendment and their comments on the motion are all very sound. It is believed that today we have made it clear that opportunities for life education are to be offered to students, meanwhile, some other people will also be benefitted from this. They are the family members of every fellow Member. As fellow Members today showed support for promoting life education in the families, it is hoped that when they go home afterwards they will share with their children and spouses our views on life so that families can be the starting point for the promotion of life education.

I believe that every fellow Member has the ability to do so. However, not every parent is necessarily able to do so. The safest way, therefore, is to fully implement life education in school curricula so that young people can also grasp some knowledge, gain some exposure, or get acquainted with it. In this way, their immunity in that area can be improved. Parents can influence children. But in many cases, it can be the other way round. So it is believed that full-scale implementation of life education in schools will benefit both the students and parents.

The comments that I heard from fellow Members today are all very brilliant and superb. May I again thank Mr YEUNG Yiu-chung for making this supplementary amendment to my motion. Thank you.

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, the motion proposed by Mr WONG Sing-chi today urges the Government to promote life education. He has placed the focus on schools, but Mr YEUNG Yiu-chung has proposed an amendment to remind us that the family and society also play very important roles in helping youths to develop a positive outlook on life, thereby strengthening their abilities to face up to adversity.

The 13 Members who have spoken have analysed from various angles the developmental problems faced by youths. The remarks made by Members have actually reflected the complexity of the problems. Adverse social atmosphere such as the worship for materialism, the neglect on character building; family problems, for instance, working parents are too busily at work that they have neglected their children; the influence of the media such as exaggerated or elaborated reports on suicide cases, would all affect the state of mind of youths. The economy is in the doldrums and the unemployment problem is serious, the community has also frequently criticized that youths seem to be less competent than the older generation in various aspects. These remarks usually weaken the self-image and confidence of the youths. To help youths to build up a positive attitude to face up to the challenges of life, the family, school and the public must co-operate in creating a caring and mutually supportive environment for the healthy development of the youths. School education is certainly important but if there are also the family and social environment to match with it, the effect must be even better. Otherwise, we would have made twice the efforts for half the results. I have just heard several Members criticizing the existing education system for placing too much emphasis on examination results. But when we ponder over their remarks carefully, we find that such culture actually reflects the values of the community, including employers and parents. The factor for consideration or prerequisite of an employer would be how qualified is an applicant for a job; that of a university is how many distinctions a student got in the Advanced Level Examination, or that of the selection of top-notch students is whether a student got five or seven distinctions in the Certificate of Education Examination. If parents only press children to study hard for examinations at home, regardless of how hard the education sector tries, the efforts would only be fruitless. Therefore, all of us have to make joint efforts to change the culture of our society as a whole.

Today, I would also like to take this opportunity to introduce to Members how the Government promotes life education in five aspects, namely the school curricula, extra-curricular activities, teacher training, student counselling and parent education.

Before I begin, I would like first to give an explanation on life education. A majority of the scope of life education just mentioned by Mr WONG Sing-chi has already been incorporated into moral and civic education under the school curricula. Perhaps I should give an example. The General Knowledge subject of primary schools comprises special units emphasizing that we should treasure our life. It also comprises such contents as our friends, understanding ourselves

and integrating with groups. The Social Education subject comprises units on how the youth can stand on their own feet and how they can get along with their families and friends. The Religious Knowledge subject also deals with personal and social problems including life and health education. Regardless of how they are named, these curricula already comprise elements of life education. Under the education reform, we highly emphasize moral and civic education and it is the most important of the key items. We believe it is most important to cultivate our moral character and a lot of problems would be readily solved if students have the correct values and can conduct their studies independently.

Our objective in promoting moral and civic education is to nurture positive and optimistic attitudes in students in the hope that they would face up to the setbacks in life with unswerving determination. We also hope that they would respect and treasure their lives and those of others as well as make responsible and rational decisions on their actions. When schools design the moral and civic education curriculum, we propose they should include in their lesson plans those incidents that students would often come across in daily life. As Mr LAW Chi-kwong has just said, through experience learning, the subject would have a deeper influence on students. Through these actual examples, we would like to enable our students to understand the proper attitude towards life and values as well as boost their self-esteem. These incidents in daily life can encompass six themes: First, personal development and healthy life; second, family life; third, school life; fourth, social life; fifth, working life and sixth, community life. These themes cover the experience of students in daily life. Through these incidents in life, students would be able to grasp the knowledge and skills required and learn to face up to the challenges of life in a positive manner.

Through other subjects, we also directly or indirectly nurture the self-esteem and life skills of students. For example, regarding the General Knowledge subject of primary schools, teachers would guide students so that they understand that everybody has his own strong and weak points so as to boost their self-confidence. Teachers can also use different methods to help students understand and solve their difficulties. In the Social Education subject for junior secondary students, teachers would lead students to hold discussions on how to deal with nervousness and pressure arising from learning tasks and examinations as well as the emotional responses brought by physical maturity. In the Chinese Language subject, besides nurturing the language proficiency of students, we would also nurture their character and sentiments through learning about literature and Chinese culture, and help them establish positive values. In fact, one of the important messages to be conveyed by the curriculum reform in

progress is that education in the 21st century should no longer lay particular stress on inculcating knowledge, for it is more important to nurture the attitudes and skills of students such as life and learning skills. Only through these we would be able to enhance the ability of youths in adapting to the rapidly changing social environment.

At present, 8% of the hours of instruction of primary schools and 5% of those of secondary schools are earmarked for multi-subject issue-based teaching including moral and civic education. A proposal of the curriculum reform further states that 19% of the time for learning of primary schools and 8% of that of secondary schools can be used for learning about different issues. Schools can also choose to do so by infiltration and subtle influence. Through learning various subjects or participating in extra-curricular activities, they can promote the development of the mind and physical abilities of students. Students would be able to learn how to co-operate with their peers, build up interpersonal skills, establish self-confidence and face up to challenges.

Since 1995, the Education Department has commissioned the Life Education Activity Programme to promote life education and the message of refraining from drug abuse to primary schools. The Narcotics Division of the Security Bureau has co-operated with non-governmental organizations in providing drug education seminars to all Primary Five to senior secondary students and students of the Hong Kong Institute of Vocational Education, highlighting the damage brought about by drug abuse. Such kind of education is conducted through the modes of infiltration or extra-curricular activities.

We understand very well that teachers are facing very intensive curricula and a heavy workload, it would be difficult for us to keep asking schools to spend more time out of the subject periods for life education, and we may not be able to obtain the expected results. The basic professional training of teachers include promoting moral and civil education in schools and giving students guidance so that they would establish the correct values and outlook on life. Mr WONG Sing-chi has just referred to a "I love my father" teaching method, which shows that we have to make more efforts in this regard. Very often, we can only achieve a superficial effect for teaching, for after all, we have deficiencies in communication skills and affective education. Yet, the whole education reform has placed more emphasis on mastery teaching, that is, teaching for understanding, and we also emphasize teaching through life experience. The Education Department, too, has provided a series of training courses to assist teachers in promoting various types of moral, civil and life education in schools.

We have also produced for schools a resource package and compiled exemplificatory materials for reference. We encourage teachers to focus the subjects on the daily life of students and assist them in cultivating an optimistic attitude towards our life which is to be treasured. We intend to upload these exemplificatory materials to our website in June 2002 for reference by all teachers in the territory.

Starting from September 2002, the Education Department would commission tertiary institutions to provide training courses for student counselling teachers/senior teachers and primary school teachers, to enable them to better understand the developmental needs of students, so that they could take the initiative to handle the problems of students in a positive manner. I also welcome the suggestion made by Mr Howard YOUNG that retired teachers should be invited to promote life education in schools on a voluntary basis. It would help support the schools and relieve the pressure of teachers. I hope that the representatives of teachers' groups in this Chamber including those of the Hong Kong School Educational Workers' Association and the Hong Kong Professional Teachers' Union would respond actively and assist in organizing the provision of such supportive services to schools by retired teachers.

In as early as 2000, we have already implemented the one-school-one-social worker policy to offer counselling service to students in need. From the next school year onwards, the Government would allocate more resources for primary schools to appoint counselling teachers, educational psychologists or social workers on the basis of actual needs. Schools can make the selection on their own to supplement and enhance counselling for primary students. The Education Department has a central psychological counselling team to support schools in handling more serious cases and assist students in solving their psychological problems so that they would regain confidence and face up to challenges.

In the school year 2001-02, we implemented in 150 secondary schools the "sky of growth" scheme to identify early the developmental needs of the youth and make timely intervention through effective training in development support. The scheme would be implemented in 154 other secondary schools in the school year 2002-03 and to all secondary schools in the school year 2003-04. From the next school year onwards, the scheme would gradually be extended to primary schools. The Education Department also co-operates with different disciplined services in organizing a "Multiple Intelligence Challenge Camp" to seek to build up students' confidence, self-discipline and observance of discipline through discipline and physical training.

In respect of community services, the Social Welfare Department (SWD) has an Integrated Team of Children and Youth Centres Services, Children's and Youth Centres, school social work services and outreaching social work services, to provide youths with appropriate development support activities and counselling services. In January this year, the SWD implemented peer counsellor services to assist Secondary Three school leavers in making decisions for their future. In the school year 2001-02, the police have created 33 Sergeant posts for the implementation of Police Secondary School Liaison Officer Scheme. Through multi-professional co-operation in schools, we wish to promote to youths the spirit of respect for law and discipline, and to give advice and support to staff and workers providing other services.

In regard to Student Health Services, the Department of Health (DH) provides secondary and primary school students with health assessment and referral services and promote health education to them to enable them to understand the physical and psychological changes in the developmental process. In the school year 2001-02, the DH started to implement the Youth Health Programme which includes a basic life skills training course targeted at Secondary One to Secondary Three students and various thematic courses for Secondary One to Secondary Seven students, teachers and parents. The objective of the Programme is to help youths to establish their goals in life, understand, identify and tackle various problems as well as helping youths, parents and teachers to understand the changes and needs of the youth in the physical, psychological, emotional and intellectual aspects.

Mr YEUNG Yiu-chung has pointed out the importance of family warmth to the healthy development of the youth and Mr CHEUNG Man-kwong has also said that life education should start from the family. I fully agree with them. The Education Department, the DH and the SWD have jointly promoted parent education; for example, they made efforts to equip parents in understanding the physical, intellectual and psychological development of their children at various stages. Parents are advised on how to communicate with their children and to establish parent-child relationship as well as assisting children to adapt to school life and various changes in the developmental process, and on how to build up self-confidence, sense of responsibility and the courage to face up to difficulties. We have also organized parent education courses in the workplace and housing estates since not all parents would be able to attend such courses at schools. We have also offered an on-air parent education course for working parents to enable them to receive this kind of information via airwaves. Furthermore, we have an

outreaching programme to subsidize non-profit-making organizations in organizing parent education courses for families with special needs.

We can see therefore from the above that the Government has actually done a lot and invested a lot of resources. However, I also agree very much with Mrs Sophie LEUNG that it is most important to give the youth something to fall back on and I believe love is the most important thing. Money and resources are certainly helpful but it is not where the crux of the problem lies. Members present are social leaders and the models of the youth, and every move they make would have profound influence on the youth. Recently, a voluntary body has advocated an "Angle of Life" Campaign. It is a very good campaign indeed and it aims to integrate the strength of the community for better life education. If everybody starts exerting his influence, the Government would not have to try so hard in respect of education. Since I have to participate in today's debate, it is a pity that I have to miss the first lesson of the Angel of Life training course, therefore, I will have to listen to the recordings of the lesson at home.

Lastly, I would like to comment on the questionnaire survey recently conducted by the Youth Development Research Team of the City University of Hong Kong on the promotion of life education in 1 300 primary and secondary schools in Hong Kong. I would like to make a few points. One hundred thirty two schools, around 10% of the total number of schools, have participated in the survey. I understand that the survey is still in progress and we have not received the complete information yet. One question in the questionnaire asks teachers whether they think students take life seriously and whether they have goals in life. We know that more than 20% of teachers think that students do not take life seriously. Actually, I being a policy maker, as well as Honourable Member, would want to know more clearly on what basis did the teachers draw such conclusion about the behaviours of students. To make efforts pinpointed at these behaviours, it is just not adequate to merely have an impression. I also hope that such questionnaire surveys would serve as guidelines for our policies or activities, which would then become more constructive.

I noticed from the 10% of the responding questionnaires that 45% of the respondents indicated that the Government should set up a centrally co-ordinated life education committee to promote the development of life education courses. However, I have just said that our moral and civic education have already included elements of life education. The Hong Kong Government has also set up quite a few advisory bodies and committees such as the Committee on the

Promotion of Civic Education, Commission On Youth and Panel on Education that often convene joint conferences to discuss youth problems. I very much agree with Dr LO Wing-lok that there should be better co-ordination. However, as Hong Kong is characterized by diversification, activities organized by different organizations would actually have different focuses. If the schools and students feel that there is any inadequacy, they can choose the activities suitable for themselves. Life education is a very broad subject and one single course cannot cover all the topics. Any way, there are advantages in allowing a hundred flowers to blossom. Nevertheless, I agree that we should show more concern and that our debate today matches the schedule of the progress and development of the whole education reform. I am also grateful to Honourable Members for their expression of valuable views. I would certainly analyse these views carefully and share them with my colleagues.

Madam President, with the co-operation of teachers, parents and the community, especially the social leaders present here today, I believe that youths would certainly be able to establish an optimistic attitude towards life and meet the challenges in life with unswerving determination.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr YEUNG Yiu-chung to Mr WONG Sing-chi's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi, you may now reply and you still have 46 seconds.

**MR WONG SING-CHI** (in Cantonese): Madam President, what the Secretary for Education and Manpower just said is precisely the view expressed by us earlier on, that is to say, the Government has in fact done something. However, as noted by Dr LO Wing-lok, we expect the Government to play the role of a co-ordinator, and in addition to incorporating the relevant work into its established concepts for implementation, it should also provide co-ordination so that the work in every aspect can be better achieved through the Administration's arrangement and co-ordination.

As for the schools, it is actually our hope that there can be more room for teachers to implement life education in schools and for them to see how to put life education into practice in the classrooms. We do not intend to force teachers to do additional work, because we can see that people in Hong Kong are already under a lot of pressure. It is, therefore, hoped that teachers and all others can enjoy life more and can also have a mastery of life education.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Sing-chi, as amended by Mr YEUNG Yiu-chung, 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 as amended passed.

**NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 12 June 2002.

*Adjourned accordingly at sixteen minutes past Nine o'clock.*

**WRITTEN ANSWER****Written answer by the Secretary for the Civil Service to Mr LAU Kong-wah's supplementary question to Question 5**

The total number of civil servants reported to be financially insolvent in each of the three years since 1999 relative to the territorial number of bankruptcy cases is as follows:

Number of Insolvency Cases in the Civil Service  
(1999-2001)

	<i>1999</i>	<i>2000</i>	<i>2001</i>
(a) Territorial no. of bankruptcy cases	3 071	4 606	9 151
(b) No. of civil servants who are reported to be financially insolvent*	342 (11.1%)	380 (8.3%)	655 (7.2%)

Notes: \* Based on the records of the Civil Service Bureau showing the number of officers who are declared bankrupt or heavily in debt.

( ) Figures in bracket express the number in (b) as a percentage of the territorial number of bankruptcy cases.

## Annex II

## WRITTEN ANSWER

**Written answer by the Secretary for the Civil Service to Dr LUI Ming-wah's supplementary question to Question 5**

For departments with a larger number of bankruptcy cases, the number of financially insolvent officers relative to the establishment of the department is as follows:

Departments with a larger number of officers who are financially insolvent

<i>Department</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Correctional Services Department	37 (5.2)	41 (5.7)	107 (15.3)
Hong Kong Police Force	40 (1.1)	92 (2.6)	100 (2.9)
Food and Environmental Hygiene Department #		61 (3.7)	94 (6.1)
Fire Services Department	16 (1.7)	28 (3.0)	78 (8.4)
Post Office	19 (3.2)	20 (3.4)	33 (5.7)
Other departments	230	138	243
Total	342	380	655

Note: # The Food and Environmental Hygiene Department was set up on 1 January 2000 upon disbandment of the Urban Services Department and Regional Services Department.

( ) Figures in bracket show the number of financially insolvent officers per 1 000 staff in the department.

**Annex III****BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2001****COMMITTEE STAGE**Amendments to be moved by the Secretary for Education and ManpowerClauseAmendment Proposed

2(a) By deleting the proposed section 6(1) and substituting -

"(1) The Authority may, upon application in writing, issue a certificate of competency to a person if that person -

- (a) has produced evidence that satisfies the Authority that he has adequate experience, skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the class or type to be specified in the certificate, as the case may be; or
- (b) has, by passing an examination conducted by the Authority, satisfied the Authority that he has adequate experience, skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the class or type to be specified in the certificate, as the case may be."

2(b) By deleting the proposed section 6(3A) and substituting -

ClauseAmendment Proposed

"(3A) The Authority may endorse an existing certificate of competency of, or issue a new certificate of competency to, a person under subsection (3) only if that person -

- (a) has produced evidence that satisfies the Authority that he has adequate experience, skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the additional class or type, as the case may be; or
- (b) has, by passing an examination conducted by the Authority, satisfied the Authority that he has adequate experience, skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the additional class or type, as the case may be."

2

By deleting paragraph (c) and substituting -

"(c) by repealing subsection (4) and substituting -

"(4) The Authority may -

- (a) revoke a certificate of competency if it ceases to

ClauseAmendment Proposed

be satisfied that the holder of the certificate has adequate skill or knowledge in the operation of all classes and types of boiler and steam receiver specified in the certificate; or

- (b) amend a certificate of competency by deleting a class or type of boiler or steam receiver specified in the certificate if it ceases to be satisfied that the holder of the certificate has adequate skill or knowledge in the operation of that class or type of boiler or steam receiver, as the case may be.";".

- 2(d) (a) By deleting the proposed section 6(7) and (8) and substituting -

"(7) A person who has taken an examination referred to in subsection (1)(b) or (3A)(b) may, within 28 days of being notified of his examination result, request in writing the Authority to review the result.

(8) Upon receipt of a request under subsection (7), the Authority shall review the

ClauseAmendment Proposed

examination result to which the request relates as soon as practicable and shall notify in writing the person of its decision within 28 days after the completion of the review.

(8A) The Authority shall consider any written representation submitted by the person concerned before it makes a decision under subsection (8)."

- (b) In the proposed section 6(9), by deleting "(1), (3) or (4)(a)" and substituting "(1)(a), (3A)(a) or (4)(a) or (b)".
- (c) By deleting the proposed section 6(10) and substituting -

"(10) A revocation or amendment of a certificate of competency by the Authority under subsection (4)(a) or (b), as the case may be, shall have immediate effect, notwithstanding any appeal lodged by the holder of the certificate against the decision under subsection (9)."

## New

By adding immediately after clause 2 -

**"2A. Authority to keep certain registers, and particulars to be entered in register of boilers and pressure vessels**

Section 7(5) is amended by repealing everything after "revoked" where it first appears and substituting "under section 6(4)(a)."

## 7(b)

- (a) In the proposed paragraph (b) of item 2, by deleting "6(1) or (3)" and substituting "6(1)(a) or (3A)(a)".

ClauseAmendment Proposed

- (b) In the proposed paragraph (c) of item 2, by deleting everything after "revoke" and substituting "or amend a certificate of competency under section 6(4)(a) or (b), as the case may be."