

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 30 April 2003**

**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 ERIC LI KA-CHEUNG, J.P.

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

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

THE HONOURABLE NG LEUNG-SING, J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., 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 BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

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, G.B.S., 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.

DR 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 LI FUNG-YING, J.P.

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

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

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

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

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

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

THE HONOURABLE MA FUNG-KWOK, J.P.

**MEMBERS ABSENT:**

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

THE HONOURABLE CHAN YUEN-HAN, J.P.

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

**PUBLIC OFFICERS ATTENDING:**

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

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

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

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.  
SECRETARY FOR HOUSING, PLANNING AND LANDS

PROF THE HONOURABLE ARTHUR LI KWOK-CHEUNG, G.B.S., J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

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

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.  
SECRETARY FOR SECURITY

THE HONOURABLE STEPHEN IP SHU-KWAN, G.B.S., J.P.  
SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR

DR THE HONOURABLE SARAH LIAO SAU-TUNG, J.P.  
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

THE HONOURABLE FREDERICK MA SI-HANG  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE STEPHEN LAM SUI-LUNG, J.P.  
SECRETARY FOR CONSTITUTIONAL AFFAIRS

**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

## **PRESENTATION OF PETITION**

**PRESIDENT** (in Cantonese): Presentation of petition. In accordance with Rule 20 of the Rules of Procedure, Mr Michael MAK informed me yesterday that he would present a petition to this Council. Under Rule 20(5) of the Rules of Procedure, Mr Michael MAK may not make a speech beyond a summary statement of the number and description of the petitioners and the substance of the petition.

**MR MICHAEL MAK** (in Cantonese): Madam President, thank you very much for granting me permission to present a petition today. This petition is jointly presented by me, four other Members of this Council, 44 health care workers and members of the community.

The substance of the petition can be summarized as follows: We urge the Government to take decisive initiatives to provide promptly comprehensive and sound preventive measures against infection, including the provision of individual protective gear, so as to ensure that co-workers exposed to the risk in their working environment are given effective protection.

Thank you, Madam President.

## **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>
Antiquities and Monuments (Declaration of Proposed Monument) Notice 2003.....	100/2003
Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 4) Notice 2003 .....	101/2003

Massage Establishments (Amendment) Ordinance 2001 (28 of 2001) (Commencement) Notice 2003 .....	102/2003
Massage Establishments (Amendment) Regulation 2003 (L.N. 51 of 2003) (Commencement) Notice 2003.....	103/2003
Fugitive Offenders (Sri Lanka) Order (L.N. 28 of 2003) (Commencement) Notice 2003 .....	104/2003
Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003 .....	107/2003
Frontier Closed Area (Permission to Enter) (Amendment) Notice 2003.....	108/2003
Juvenile Offenders (Amendment) Ordinance 2003 (6 of 2003) (Commencement) Notice 2003 .....	109/2003

## Other Papers

- No. 77 — Report No. 40 of the Director of Audit on the results of value for money audits - March 2003
- No. 78 — Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2002-03 (Public Finance Ordinance : Section 8)
- No. 79 — Annual Report 2002  
Kowloon-Canton Railway Corporation

## ORAL ANSWERS TO QUESTIONS

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

## Measures to Combat Atypical Pneumonia

1. **MR MICHAEL MAK** (in Cantonese): *Madam President, on 12th of this month, the Chief Executive met the President of the State in Shenzhen. During the meeting, the Chief Executive reported on the development of atypical pneumonia in Hong Kong and the series of measures taken by the Hong Kong Special Administrative Region (SAR) Government to combat the disease, and said that the SAR Government would strengthen the co-operation and exchanges with Guangdong Province in this respect. The President pledged full support of the Central Government should the SAR require the help of the Mainland, for example, in acquiring medical supplies and protective gears. In this connection, will the Government inform this Council:*

- (a) *whether the issue of setting up a notification mechanism on serious diseases between the Governments of SAR and Guangdong Province was raised during the meeting; if so, of the details and progress of the notification mechanism; of the consensus reached between the two Governments on the prevention and treatment of atypical pneumonia, and whether they will consider formulating common preventive and treatment measures to combat the disease;*
- (b) *whether, in consideration of the facilities and equipment of the SAR Government at present, it has assessed the need to receive material assistance from the Central Government; if it has, of the assessment results; if it has not, of the measures taken and the additional facilities or equipment provided to reduce the risks of infection on front-line health care personnel; and*
- (c) *whether it is aware of the amount of money spent by the Hospital Authority (HA) since the outbreak of atypical pneumonia on purchasing supplies and equipment and employing additional staff to combat the disease; whether the HA has assessed the time and the amount of money required to combat the disease, and whether the Government's creation of a commitment of \$200 million for the HA, the Department of Health (DH), the Information Services Department and other bureaux/departments to combat the disease, is sufficient for providing the HA with the amount of money it requires; if it has, of the assessment results; if the HA considers the commitment to be insufficient for providing the amount of money the*



*HA requires, whether the HA has plans to seek additional financial support from the Government?*

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

- (a) On 12 April 2003, the President of the Central People's Government met the Chief Executive of the SAR. Further strengthening of co-operation between Guangdong Province and Hong Kong in the prevention and treatment of infectious atypical pneumonia was discussed at the meeting.

The first meeting of the Guangdong Province - Hong Kong Expert Group on Prevention and Treatment of Infectious Atypical Pneumonia was held on 17 and 18 April in Guangzhou. The two sides agreed to further improve the notification mechanism for infectious atypical pneumonia and will pass to each other regularly the latest information on the disease which would include relevant statistics as well as clinical treatment, epidemiological investigations, and progress on pathological study. Both sides agreed to set up a point-to-point exchange mechanism between counterpart organizations to enhance communication and to draw on each other's experience in disease control. The two sides also agreed to expand the existing scope of information exchange on infectious diseases by including cholera, dengue fever, malaria, influenza and tuberculosis to facilitate control and prevention.

The experts had in-depth discussions on the clinical treatment, epidemiology and pathology and co-operation in scientific research in the prevention and treatment of atypical pneumonia. Experts from Hong Kong visited medical institutions in Guangzhou and exchanged views with local experts and medical staff. These visits had enhanced our understanding of the work of Guangdong Province on the prevention and treatment of atypical pneumonia.

- (b) The HA is responsible for the provision of facilities and equipment for use by public hospitals in the fight against the Severe Acute Respiratory Syndrome (SARS). Procurement of protective gears,

such as goggles, masks, jackets and trousers, gowns, disposable caps and gloves, is centrally co-ordinated to ensure continuous supply and to meet demand in accordance with assessed priorities. The HA keeps a stock of 14 days of these gears, and there are weekly supplies locally, from the Mainland and overseas. As at 22 April 2003, the items that the HA has bought and received include 18.9 million surgical masks, 3.5 million N95 masks, 137 000 linen gowns and 2.4 million disposable gowns, 1.7 million disposable caps, 17.2 million pairs of disposable gloves, 272 000 eye shields and 68 000 face shields. Current supply of standard items is steady and adequate. The HA also keeps stock of higher level protective gears, such as "Barrier Man" (coveralls for use in areas which require greater protection), which are sourced from the United States and the Mainland. In this connection, the use of Barrier Man is being piloted in SARS wards in the Prince of Wales Hospital and Alice Ho Miu Ling Nethersole Hospital. About 790 sets of ventilators are available for use by all patients (including SARS patients) requiring ventilator support. As at 24 April, about 100 of the 120 SARS patients in the intensive care units (ICU) of public hospitals were on ventilators. The number of ventilators available is thus adequate to meet service demand.

The Government provides protective gears, including face masks, gowns, caps, gloves, goggles and shoe covers, to staff of the DH involved in infection control activities relating to SARS, such as the investigation into the spread of the disease, contact-tracing activities and quarantine programmes. The Government Supplies Department has been assisting in the bulk purchase of the necessary protective gears and continuous supply is maintained.

The Central Government has pledged full support to the SAR Government in the fight against SARS. In this connection, the Central Government has already agreed to provide the SAR Government with 400 000 protective gowns, 200 000 goggles and 1 million mouth masks. The SAR Government will closely monitor the supply of facilities and equipment in the fight against SARS, and will seek assistance from the Central Government when and where necessary.

- (c) Since the outbreak of SARS, the HA has spent around \$120 million for purchasing supplies and equipment and employing additional staff to combat the disease, of which about 40% of the amount spent was for the procurement of protective gears. SARS is a new respiratory illness caused by a coronavirus never before seen in humans. At this stage, much still remains unknown about SARS and there is insufficient basis to predict its future pattern which would impact on the extent and duration of the spread of SARS, and in turn the amount of resources required to combat the disease. Taking into account the approved expenditure and the indicative funding requirements of the HA, the DH, Government Supplies Department and Information Services Department, indications are that the Government will need to seek the Finance Committee's approval to allocate additional funds on top of the \$200 million already approved by the Committee to support the fight against SARS. We are carefully monitoring the funding requirements, and shall seek the approval of the Finance Committee for additional funding in the near future.

**MR MICHAEL MAK** (in Cantonese): *Madam President, when Premier WEN Jiabo met with the Chief Executive in Thailand yesterday, he said that the State would provide health care personnel to support the SAR Government whenever necessary. To a certain extent, the Central Government can provide material assistance to Hong Kong. But for the supply of health care personnel, does the SAR Government have any contingency measures in place? Will the Secretary inform us of the arrangement that the SAR Government will make with the Central Government should the need arise?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, during our discussion with the Central Government on the assistance we need, supplies and manpower assistance were both included. Our contingency plan is to request the Central Government for support and assistance. The Premier has agreed to offer support, which includes the provision of health care personnel by the Central Government when we are in need.

**DR DAVID CHU** (in Cantonese): *Madam President, will the Secretary inform us if the notification mechanism between Guangdong Province and Hong Kong covers the report of specific places in Guangdong where pneumonia cases are found? If that is the case, the people of Hong Kong will know the specific places in Guangdong where they should avoid visiting.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the notification mechanism between Hong Kong and Guangdong Province includes certainly information on infectious diseases which may affect Guangdong Province or Hong Kong. We certainly will look at the situation in Guangdong Province and other areas. If necessary, we will also request the supply of information on the development in other areas that has a bearing on Guangdong Province.

**DR DAVID CHU** (in Cantonese): *Madam President, can we request for the names of places in Guangdong where pneumonia cases have been found? Given the vast area of Guangdong Province .....*

**PRESIDENT** (in Cantonese): Dr CHU, this part is already included in your supplementary question. Secretary, do you have anything to add?

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we are talking about information of the entire Guangdong Province. The authorities of Guangdong Province will provide us with information on infectious diseases in the entire province.

**MR ALBERT CHAN** (in Cantonese): *Madam President, in the main reply, the Secretary stated that the Central Government had pledged full support to the SAR Government in the fight against SARS. This is the Central Government's position. However, many provinces and municipalities in the Mainland have recently taken discriminatory actions against the people of Hong Kong. The people of Hong Kong have not only been quarantined on arrival at the Mainland, or politely requested to leave the municipalities or the places concerned in some*

*cases. This morning, there is a report saying that some Hong Kong people have been invited to leave Hainandao. The Government said that the Central Government had pledged full support to us. Why are there such problems? Given the support of the Central Government, how will the Government ensure that Hong Kong people will not be treated unfairly, especially being banished from certain places, during their visits to the Mainland?*

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

Madam President, I think the Premier has already stated his full support to the work of the SAR Government. I believe we have to look into the situation if every place has adopted the relevant measures. Moreover, the Premier has told the media that he would take care of the issue, to prevent inconsistent practices in administration.

**MR TAM YIU-CHUNG** (in Cantonese): *Madam President, though the present supply of protection gear is quite adequate, there is still a chance of individual failure in protection against infection. Will the Secretary inform us if the Government will consider the use of Chinese medicine in the prevention of pneumonia? If preventive measures against the disease are complimented by robust health, the personnel involved may enjoy much greater protection. Has the Government discussed this?*

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

Madam President, during the study on the treatment of the disease, our expert team has discussed this with the experts of Guangdong Province. At present, the HA also wishes to invite experts of Guangdong Province or to ask the Guangdong Province to send experts to Hong Kong and work with our experts. They will together explore how Chinese medicine can work with the Western treatment protocol. We hope that a combined protocol of Western and Chinese medicine may be applied in future.

**MR TAM YIU-CHUNG** (in Cantonese): *Madam President, mainland health care personnel are provided with some Chinese medicine drinks that can help to prevent pneumonia, and this is the thrust of my question.*

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

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, our future study will include the preparation of Chinese medicine as a prescription for pneumonia prevention.

**MR ANDREW CHENG** (in Cantonese): *Madam President, I hope you will allow me to raise three related questions that are simple and short.*

**PRESIDENT** (in Cantonese): Mr CHENG, please state your questions first.

**MR ANDREW CHENG** (in Cantonese): *Madam President, firstly, will the HA stop purchasing protective gowns that allow easy leakage? Secondly, regarding the stock level of protective gear, since hospital staff of middle to junior level consider that a fortnight is quite a short period, will the HA raise the current stock level from 14 days to at least one month to relieve their psychological burden? Thirdly, despite the lack of intensive care equipment, the number of SARS patients admitted to the Tai Po Hospital is increasing. Will the Government promise, in the context of part (c) of the main reply, that more intensive care equipment will be procured as soon as possible for installation in the Tai Po Hospital?*

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, I think the first and second part of your question can be regarded as directly related to the main reply, but the third part involves a more specific topic that seems to be .....

**MR ANDREW CHENG** (in Cantonese): *Madam President, this is not the case. I do not want to take up too much time. Part (c) of the main reply is about the amount spent on the procurement of various supplies and equipment, but the Tai Po Hospital which is apparently admitting SARS patients lacks the equipment for intensive care services.*

**PRESIDENT** (in Cantonese): Fine. Mr CHENG, I allow you to ask this question.

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the supply of standard protective gear provided by the HA is sufficient at the time. Of course, as I have just said, if any hospital wants to increase the stock level of protective gear, the HA will try to meet its request. The protective gowns mentioned earlier are a type of clothing included as standard supplies. In respect of increasing the stock level of protective gear from two weeks to four weeks, the HA will try to identify suppliers to meet the demand. I think there will not be any problem. I will try to source the protective gear required.

The third part of Mr Andrew CHENG's supplementary question is about the Tai Po Hospital. In fact, the setting up of SARS wards at the Tai Po Hospital is still under discussion. At present, the HA Headquarter still finds the arrangement not desirable. Thus, the installation of intensive care equipment and instruments at the Tai Po Hospital may not be necessary.

**PRESIDENT** (in Cantonese): This Council has spent more than 18 minutes on this question. Though there are still many Members waiting to ask their questions, I will allow one last supplementary question from Members.

**MS EMILY LAU** (in Cantonese): *Madam President, given the close tie between Hong Kong and Guangdong, many people think that Hong Kong can hardly get away from the disease if the Guangdong authorities fail to deal with it effectively. The Secretary stated in his main reply that "both sides agreed to set up a point-to-point exchange mechanism between counterpart organizations to enhance communication and to draw on each other's experience in disease control." May I ask the Secretary if it implies that discussions between Hong Kong and Guangdong may be carried out conveniently? What will be the extent of the discussions? Moreover, according to the analysis, do the authorities agree that we in Hong Kong cannot feel relieved until Guangdong Province has effectively controlled the epidemic?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the point-to-point exchange mechanism mentioned in the main reply refers to the exchange of information at the level of the DH and the Health, Welfare and Food Bureau. This is a convenient arrangement. Communication is now made easier, for we can contact each other over the telephone and by fax. We have conducted in-depth studies on the preventive measures now taken by Guangdong Province at different levels. Last week, the Chief Executive and I visited Guangdong Province to understand more about the local measures. We have confidence in Guangdong Province, because they have done a good job in combating atypical pneumonia, and the epidemic is already under control.

**MS EMILY LAU** (in Cantonese): *Madam President, the Secretary has not answered the last part of my supplementary question. That is, according to the analysis of the authorities, does it mean that we cannot feel relieved until Guangdong Province has effectively controlled the epidemic?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I believe Guangdong Province and Hong Kong know that both sides have to commit to disease prevention to put the epidemic at both sides under control. As far as we know, the disease has already been under control in Guangdong Province.

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

### **Dissemination of Information Relating to Atypical Pneumonia**

2. **MR MA FUNG-KWOK** (in Cantonese): *Madam President, regarding the dissemination of information relating to atypical pneumonia (or known as Severe Acute Respiratory Syndrome), will the Government inform this Council whether:*

- (a) *it has adopted the same methods and standards as those of the World Health Organization (WHO) in defining and classifying the figures of such cases;*



- (b) *it will review the existing mechanism for disseminating information and consider putting in place a spokesman system; and*
- (c) *apart from holding briefings on an irregular basis for consuls of various countries in Hong Kong, will other measures be adopted to keep overseas regions informed of the latest position of the disease in the territory?*

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

- (a) In formulating the case definition for Severe Acute Respiratory Syndrome (SARS) in Hong Kong, the Department of Health (DH) and Hospital Authority (HA) have followed closely the definition adopted by the WHO, taking into account the local situation. Like the WHO, we will take into consideration chest x-ray changes, fever over 38 degrees Celsius and development of compatible symptoms in determining cases of SARS. However, we have slightly modified the symptoms criteria, in the light of symptoms observed in local cases reported earlier on. We also have to adapt the criteria for history of exposure, in view of the fact that all the local patients are residing in an affected area. The exclusion criteria adopted in Hong Kong are the same as those of the WHO (that is, a case should be excluded if an alternative diagnosis can fully explain the illness).
- (b) Situation reports on SARS, including the number of patients confirmed to be infected, the number of death cases and the daily discharge figures, as well as precautionary measures to be taken to prevent the spread of the disease, are disseminated to the public through daily briefing sessions for the media. Information disseminated by the spokesperson at the briefing sessions is supplemented by daily press releases, and the website of the DH. We will regularly review the information dissemination system.
- (c) Apart from holding regular sessions to brief the consular corps on the latest developments of SARS in Hong Kong and the measures taken by the Hong Kong Special Administrative Region (SAR)

Government, we have also organized similar briefing session for the International Business Committee, which consists of representatives from 25 foreign chambers of commerce in Hong Kong, the Hong Kong General Chamber of Commerce, and the Hong Kong Trade Development Council. Moreover, latest information on the disease, in the form of daily bulletins, is sent to these organizations to keep them abreast of developments. Our 11 Economic and Trade Offices also play a key role in disseminating information on the latest developments through meetings and briefings for interlocutors in their host economies, including the health authorities and the local media.

Given that relevant information has been posted on the DH's dedicated website, we believe that information on the latest development of SARS in Hong Kong is readily accessible to overseas communities.

**MR MA FUNG-KWOK** (in Cantonese): *Madam President, I noted that the definition and name of the disease adopted by the Secretary today are different from those adopted by the DH or the Government earlier. At the early stage, the Government used the term "atypical pneumonia" but today it uses Severe Acute Respiratory Syndrome, a term more commonly used by the WHO. I do not quite understand why the Government did not adopt the standard of the WHO from the very beginning.*

*The second question is, the WHO has always categorized SARS-related cases as probable cases and suspected cases, while Hong Kong has handled all cases as confirmed cases. The official websites, such as the websites of the DH and the HA have adopted this approach. Why have different approaches been used? As from 25th of this month, I noted that the Government has started to use the term "suspected case" while the term "confirmed case" is still retained. Different terms have obviously been used. Why is there this difference?*

*I also noted that, thirdly .....*

**PRESIDENT** (in Cantonese): Mr MA Fung-kwok, could you be more concise?

**MR MA FUNG-KWOK** (in Cantonese): *Madam President, as regards confirmed cases, some of the probable cases announced by the WHO were subsequently confirmed to be unrelated to this disease. May I ask the Government, of the confirmed cases, if any non-SARS-related cases were subsequently excluded from the figures of infected cases?*

**PRESIDENT** (in Cantonese): Mr MA Fung-kwok, though you have asked three questions but they are actually related to the same subject and that is: What are the differences between the method adopted by the Hong Kong Government and that by the WHO and what is the impact of those differences?

Secretary, please reply.

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the formal term of this disease should be "Severe Acute Respiratory Syndrome". When the epidemic first broke out in Guangdong, people generally used the term "atypical pneumonia", therefore, the general public would find this term more readily understood. In Hong Kong, people sometimes use the term "atypical pneumonia" and sometimes "Severe Acute Respiratory Syndrome", so both terms are used, but the accurate name of this disease should be the term adopted by the WHO — "Severe Acute Respiratory Syndrome". Generally speaking, the Government has used both terms, but "atypical pneumonia" is actually not very accurate and we should use "Severe Acute Respiratory Syndrome". So far, the Government has not revised the definitions and the WHO definition of SARS is generally applied. However, as I explained earlier, when the WHO refers to suspected cases, it usually means that the presence of infected persons will have an impact on the region where they live. But it is virtually impossible for Hong Kong to adopt this definition because all infected persons live in Hong Kong. All Hong Kong people are actually residents of an infected region. The definition now adopted by the Government is that the patient has been exposed to patients of atypical pneumonia or SARS, or people whose family members had visited other places and contracted this disease at the early stage of the epidemic.

As regards probable and suspected cases, there is actually also a need for the WHO to look into the relevant definitions. We all know that this is a new

disease. When the WHO first named the syndrome, it did not indicate that it was a disease but rather the patient showed certain symptoms and had been exposed to other people. On the basis of the relevant symptoms, we could look at two aspects, one of which is the symptoms, including X-rays that show features of pneumonia or the patient has symptoms of cough or fever; the other aspect is that someone has been exposed to a SARS patient or is suspected to have been infected because he has visited an infected area. The scope of this definition is very wide, and in general, cases of atypical pneumonia appear every day, every year and everywhere, and all of these fall within the scope of this definition. This is also what the WHO meant by "suspected" and "probable" at the early stage. Now, everyone knows that SARS is caused by a kind of virus and the WHO will also revise the relevant definition in the future to reflect that SARS patients are confirmed to be affected by coronavirus but the WHO has not yet taken this step.

In Hong Kong, we have not categorized probable and suspected cases. The SAR Government regards all such cases as confirmed cases. The hospitals will normally submit such reports to the DH, which will then assess whether the relevant clinical observations are compatible with the symptoms of this disease, but the DH needs to know whether the patient is related to other SARS cases before a judgement can be made. Since the work of investigation and follow-up generally takes a long time, all cases are temporarily listed as confirmed cases, and adjustments will be made after investigations, and later on, we should gradually be able to learn about the background and the viral characteristics of this syndrome. In the future, if the patient has not been exposed to other SARS patients, we will also treat such cases as suspected cases. Furthermore, at present, by conducting a blood test, the laboratory will be able to determine whether a patient has been infected in 21 days. The relevant party is now gradually conducting tests on these 1 500-odd cases and the relevant definition may have to be revised in the future. Does Mr MA have another question?

**MR MA FUNG-KWOK** (in Cantonese): *Madam President, what I want to say is .....*

**PRESIDENT** (in Cantonese): Mr MA, please do not go into a detailed explanation. You only need to come straight to your supplementary question.

**MR MA FUNG-KWOK** (in Cantonese): *Madam President, the Government has only changed the name of the relevant disease after 25 April. May I ask the Secretary why he has failed to follow the standard of the WHO before the 25th of this month?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we have never changed the name of the relevant disease. As regards the definition of "suspected cases", we have discussed this matter with the doctors concerned. At present, we treated all suspected cases in hospitals as confirmed cases, so we also adopt precautionary and home confinement measures. Those doctors are very concerned whether a suspected patient who has not been exposed to SARS patients will spread the virus to others. We do not have the answer yet for the test cannot show whether a patient is infected by coronavirus. Since the doctors are very worried, we have also treated certain suspected cases as confirmed cases. At the present stage, we do not have an effective test method that can identify the disease within a short time, that is, before the patient is discharged from the hospital, and confirm that he will not spread the virus to other people. For this reason, we have taken full measures to confine the patient, in the hope that he will not become "the first case", that means, the patient has not been exposed to other people and may spread the virus to others. We will now adopt all necessary measures and in 21 days after the test, we would be able to confirm whether the patient is infected.

**MR YEUNG YIU-CHUNG** (in Cantonese): *Madam President, an expert — Prof David HO, recently said that people all over the world have overreacted to this disease and have been caught in anxiety. In the light of such overreactions, will the SAR Government take measures to pacify the public at large through the dissemination of information?*

**PRESIDENT** (in Cantonese): Mr YEUNG, you have raised a very good supplementary question but it seems that it is not related to the main question. Could you establish relevance between them?

**MR YEUNG YIU-CHUNG** (in Cantonese): *Madam President, my supplementary question is on the dissemination of information. The Secretary said in his reply that the existing information dissemination mechanism would be reviewed and I think there may be some problems with the existing mechanism.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): *Madam President, I think that for the past one and a half month, the Government has been providing the public with the most accurate information. I believe the public, in general, are very worried for this is a very new virus and they also do not have much confidence in the message that the disease is only transmitted through respiratory droplets. Therefore, I find many people wearing masks on the streets. Today, fewer Members are wearing masks and I have always stressed that it is not necessary to do so. But at that time, I was criticized by many people of setting a very bad example.*

The Government has always disseminated accurate information. As for precautionary measures to be taken by the people, it is their decision, but I think the Government has been disseminating accurate information. This is a brand new virus, so we can all appreciate why people have such worries and fears. We cannot stop people from taking precautionary measures which they consider as most appropriate to protect themselves. The Government could only provide people with the latest and most accurate information for their own decisions.

**MR HUI CHEUNG-CHING** (in Cantonese): *Madam President, as regards keeping overseas regions informed of the latest position of the epidemic in Hong Kong, the Trade and Industry Department recently disseminated some information, showing that more than 20 countries have adopted preventive immigration measures against visitors from Hong Kong. Among these countries, Bahrain, Marshall Islands, Saudi Arabia and Qatar even ban Hong Kong visitors from entry. I am afraid the policy of banning entry by Hong Kong visitors is too stringent. May I ask the Secretary what kind of follow-up and lobbying activities could be carried out in relation to countries that have overreacted? Or could the government officials of such countries be invited to visit Hong Kong, so that they could see the actual situation for themselves? (Laughter)*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I think our most important task is to control the epidemic. And, by the time when the number of new cases gradually decreases and when Hong Kong people rationally adopt appropriate precautionary measures, I believe visitors from other places will feel at ease to visit Hong Kong. If every Hong Kong resident wears a mask when he walks on the streets, how could we persuade other people to visit Hong Kong?

**MR SIN CHUNG-KAI** (in Cantonese): *Madam President, I have compared the DH website with the WHO website and discovered that the website of the DH has much room for improvement. First of all, unlike the WHO website, our website has not provided any statistics other than the latest daily figure, while the WHO provides tables and charts. Moreover, the English version of our website still uses "atypical pneumonia" instead of "SARS". I believe the international .....*

**PRESIDENT** (in Cantonese): Mr SIN, since many Members are still waiting for their turn to ask supplementary questions, please come straight to your supplementary question.

**MR SIN CHUNG-KAI** (in Cantonese): *May I ask the Government if part of the \$2.2 billion fund will be earmarked for improving the DH website?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, if there is a need, we would allocate fund to the DH to carry out any work that is related to the epidemic. I will review our website with the DH and make further improvements. I would like to thank Mr SIN for his suggestion.

**DR LO WING-LOK** (in Cantonese): *Madam President, as regards the dissemination of information, apart from doing so through electronic means, e-mails, words and publications, pictures are also sometimes very important. The Secretary talked about briefing sessions in part (b) of his main reply, and we are aware of a special phenomenon at those sessions, and that is, the representatives*

*of the DH often do not wear masks at the briefing sessions while those of the HA often do so. May I ask the Secretary what kind of message will be conveyed to the public? Why is it that the former often do not wear masks while the latter often do so?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, it is because the DH and the HA undertake work of a different nature. Since the staff of the HA work at the hospitals every day, they have taken full precautionary measures, in the hope that other people will not be infected. The Director of Health does not work in hospitals and comes into contact with SARS patients relatively less. This is similar to my case for I also think it is unnecessary for me to wear a mask. However, in general, the staff of the HA work in hospitals, so they need to take full precautionary measures and all the staff of the HA, irrespective of their ranks, wear masks. I think this is appropriate at this point of time. As regards the Director of Health, there is no need for her to wear a mask for the time being.

**PRESIDENT** (in Cantonese): This Council has already spent more than 19 minutes on this question. This is the last supplementary question.

**MR NG LEUNG-SING** (in Cantonese): *Madam President, according to part (b) of the main reply, the Secretary said that the Government would regularly review the information dissemination system. I note that the public has recently expressed dissatisfaction over the way in which some radio staff reported or handled the coverage of the epidemic. As such, could the question and answer session of certain personal opinion programme be centrally handled by a spokesman so that news of the epidemic can be positively reported and to prevent certain people from being irritated by the reports and considering leaving their posts or handing in resignations?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I think certain questions can be appropriately dealt with by a spokesman at his meeting with the media every day, but certain questions require immediate answers. Questions that require immediate answers will be



distinguished from those that can be answered at the briefing sessions after we make an analysis.

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

### **Procedure for Resignation of Principal Officials**

3. **MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, regarding the Financial Secretary's tendering his resignation to the Chief Executive and his being asked by the latter to stay, will the Government inform this Council:*

- (a) *of the procedures for a principal official under the accountability system to resign and for the Chief Executive to accept the resignation or to ask the official concerned to stay;*
- (b) *of the procedure of the Chief Executive's Office for recording the resignation, acceptance of resignation and the asking of the official concerned to stay, mentioned in (a); and*
- (c) *whether the procedures mentioned in (b) include recording the dates and times of receipt of the resignation letter from a principal official under the accountability system and the Chief Executive's asking the relevant official to stay; if so, of the dates and times of the receipt of the Financial Secretary's resignation and the Chief Executive's asking the official concerned to stay?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President,

- (a) According to the contract signed between the Government and principal official under the accountability system, a principal official may, subject to the relevant provisions of the Basic Law, resign by giving one month's prior notice or by paying the Government one month's salary in lieu of such notice. Subject to the relevant

provisions of the Basic Law, the Government may terminate the employment of a principal official at any time by giving one month's prior notice or by paying the principal official one month's salary in lieu of such notice. Moreover, subject to the relevant provisions of the Basic Law, the Government and the principal official may resolve the employment contract at any time by mutual agreement.

If the resignation of a principal official is accepted by the Chief Executive, the Chief Executive would need to recommend to the Central People's Government the removal of the principal official in accordance with Article 48(5) of the Basic Law.

- (b) As resignation of a principal official is a serious and sensitive matter, the Chief Executive would pass relevant documents to Director of the Chief Executive's Office who would assist in handling the matter in accordance with the contract and the Basic Law. Suitable arrangements would be made for keeping the relevant records.
- (c) The Chief Executive's Office confirmed that the Chief Executive had received the Financial Secretary's resignation letter on 12 March 2003. On 15 March, the Chief Executive issued a formal criticism in respect of the Financial Secretary's mistake but was of the view that there was no need for him to resign.

**MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, according to part (b) of the main reply, if there is record in the Chief Executive's Office confirming the date and time of receipt of a letter, that means solid evidence is available, then how could Antony LEUNG mislead the public and the Legislative Council on two occasions, saying that he handed the resignation letter to the Chief Executive in person on 11 March and then changed his story, saying that he submitted the resignation letter in person only on 12 March? How could the answers given on the same day be so contradictory? There is only one record, so how can there be two dates of receipt of the letter? This is contradictory, and also a glaring error. For the sake of public interest, can the Government publish the record of the mail received by the Chief Executive to clarify at what date, time and place Financial Secretary Antony LEUNG handed the resignation letter to the Chief Executive in person?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, according to the information provided to us by the Director of the Chief Executive's Office, it is indeed the case that the Chief Executive received the Financial Secretary's resignation letter on 12 March. It was originally stated in a paper provided to the Constitutional Affairs Panel earlier on by the Financial Secretary's Office that the resignation letter had been submitted on 11 March. However, the Financial Secretary gave the Panel Chairman a letter through the Legislative Council Secretariat on the same day immediately after the meeting. According to the Code for Principal Officials under the Accountability System, principal officials shall give accurate and truthful information to the Legislative Council and correct any error at the earliest opportunity. Therefore, as far as the Financial Secretary's provision of incorrect information to the Legislative Council and his subsequent clarification with the Legislative Council at the earliest opportunity are concerned, the Code has been complied with.

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

**MR CHEUNG MAN-KWONG** (in Cantonese): *No. Madam President, I ask you to rule on this. What I am asking in my supplementary is that, since there is only one record, how could the Financial Secretary gave two different dates to the Legislative Council and the public as the date on which he submitted his resignation letter? In view of this and in public interest, will the relevant records be disclosed to clarify at what time, date and place the Financial Secretary handed his resignation letter to the Chief Executive in person?*

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

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the only thing I can add is that the information provided to us by the Director of the Chief Executive's Office confirms that the Financial Secretary handed the resignation letter in person to the Chief Executive in the Chief Executive's Office on 12 March. Apart from this piece of information, I have no other information to clarify or to add.

**MR KENNETH TING** (in Cantonese): *Madam President, regarding the resignation of principal accountability officials, it is said that the Director of the Chief Executive's Office would assist in handling such matters. What kind of assistance is actually provided? Does that mean getting in touch with the Central People's Government or what?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the Director of the Chief Executive's Office will assist the Chief Executive in processing the resignation letter according to the Basic Law and the contracts signed with principal officials. By that we mean we have to follow this set of principles in handling the resignation. However, Article 48(5) of the Basic Law stipulates that the Chief Executive can nominate and report to the Central People's Government for appointment of principal officials or recommend to the Central People's Government the removal of principal officials. The power of removal or appointment rests with the Central People's Government and the SAR Government can terminate its employment contract with a principal official according to the terms of contract. Therefore, if a principal official tenders his resignation, it has to be recommended by the Chief Executive to the Central People's Government and the latter's approval has to be obtained before the principal official can formally resign. However, on this occasion, the Chief Executive, after careful consideration, believed that it was unnecessary for the Financial Secretary to resign. Therefore, no communication with the Central People's Government was involved.

**MR LEUNG FU-WAH** (in Cantonese): *Madam President, the Secretary mentioned the phrase "subject to the relevant provisions of the Basic Law" three times in part (a) of the main reply. I hope the Secretary can explain in detail what that means.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in fact, I have cited Article 48(5) of the Basic Law to explain that the power to appoint and remove principal officials rests with the Central Authorities and the Chief Executive can recommend the appointment to or removal from the office concerned to the Central Authorities. As far as this case is concerned, since the Chief Executive considered that it was not necessary for the Financial Secretary to resign, no report to the Central People's Government had to be

made. The Chief Executive can make a decision on his own according to the terms of the contract.

**MR MARTIN LEE** (in Cantonese): *Madam President, since I am fast approaching 65, I have to wear a mask when I speak. Can the Government tell this Council in very clear terms that before the Chief Executive received the letter submitted in person by the Financial Secretary on 12 March 2003, there was no written evidence in the Government, including the Chief Executive's Office, to prove that two days before, that is, on 10 March 2003, the Financial Secretary had on two occasions verbally offered to the Chief Executive his resignation?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, according to the information provided to me by the Chief Executive's Office, the resignation letter was handed to the Chief Executive on 12 March. As regards verbally expressing the possibility of resignation as mentioned earlier or the Financial Secretary's expression to the Chief Executive of his willingness to resign, according to my understanding, they were all verbally expressed.

**MR MARTIN LEE** (in Cantonese): *Madam President, the Secretary has in fact not answered my supplementary. I want him to confirm that there is no written evidence.*

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

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, all that I can add is that, according to my understanding, the only document concerning the resignation was the resignation letter handed by the Financial Secretary to the Chief Executive.

**MR WONG YUNG-KAN** (in Cantonese): *Madam President, before deciding not to accept the Financial Secretary's resignation, did the Chief Executive consult the Central People's Government on this matter?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in this case, since the Chief Executive, after careful consideration, decided that it was not necessary for the Financial Secretary to resign, the Central People's Government was not consulted.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, in his reply to the main question, the Secretary mentioned a number of times the phrase "subject to the relevant provisions of the Basic Law". According to my understanding, there is indeed such a notion in the Basic Law, but the Secretary may have fabricated some of the specific requirements. Although the Secretary said that the Chief Executive had asked the Financial Secretary to stay and believed that it was not necessary for him to resign, may I know if, according to the specific requirements, when a principal official tenders his resignation to the Chief Executive, in terms of procedure, the Central Authorities should be informed of the receipt of the resignation letter first before someone is asked to stay? Should this be done or is such a step required? Or is it the case that there is no requirement at all in this regard?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, according to Article 48(5) of the Basic Law, if the Chief Executive recommends the removal of a principal official, he has to make a formal recommendation to the Central People's Government. However, in this case, he considered that it was not necessary for the Financial Secretary to resign, therefore it was unnecessary to communicate with the Central People's Government in accordance with Article 48 of the Basic Law.

**MR CHAN KWOK-KEUNG** (in Cantonese): *Madam President, part (a) of the main reply mentioned that "a principal official may..... resign by giving one month's prior notice or by paying the Government one month's salary in lieu of such notice". If civil servants commit the same kind of negligence, what period of notice are they required to give and will their pension be affected?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the contracts signed between the Government and principal officials are different from those of civil servants in general. If I remember it correctly,

the contracts of civil servants in general specify that if they are on pensionable terms, the period of notice that has to be given will be much longer and that will be in terms of months rather than just one month. If a civil servant is employed on pensionable terms, his pension should not be affected after he has given the relevant notice. However, I believe my colleagues in the Civil Service Bureau will be able to give a more accurate reply concerning the specific rules. I can confirm that since we aimed at allowing the greatest flexibility in designing the accountability system, the period of notice in the arrangements for the resignation of principal officials is rather short and it is only one month. Without one month's notice, one month of salary can be paid in lieu of such notice.

**MR IP KWOK-HIM** (in Cantonese): *Madam President, may I know how civil servants will be dealt with if they make the same mistake made by the Financial Secretary?*

**PRESIDENT** (in Cantonese): Mr IP Kwok-him, the subject of this question is on principal officials under the accountability system. In fact, the supplementary asked by Mr CHAN Kwok-keung just now was already not so relevant to the main question and your supplementary has raised an issue which is even more obviously related to civil servants. Can you bring your supplementary back to the scope of the main question?

**MR IP KWOK-HIM** (in Cantonese): *Madam President, my point is that the Financial Secretary has made a mistake under the accountability system. Since the Financial Secretary is a public officer and so are civil servants, if civil servants find themselves in the same situation, what will the difference be?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, in the Civil Service, if civil servants make similar mistakes, we will of course handle them under the disciplinary mechanism for civil servants. However, generally speaking, the disciplinary system for civil servants is totally different from that designed for the accountability system. This is because the Civil Service is a system of permanent appointment and it emphasizes objectivity, integrity and stability, but when we designed the accountability system, we

emphasized flexibility and allowance for the Chief Executive to make swift and appropriate responses to unexpected events or the demands and situations in society. Therefore, principal officials have to be constantly vigilant and face the demands of the public and pressure from society. In dealing with and designing this system, our considerations were entirely different.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, the Secretary mentioned in part (a) of the main reply that according to the relevant provisions of the Basic Law, a principal official may resign from the Government and the Government and the principal official may resolve the employment contract by mutual agreement. Regarding the one month's prior notice or one month's salary in lieu of such notice, since the offices held by principal officials are very important, why is it that only one month's prior notice or one month's salary in lieu of such notice is required? In fact, for some ordinary posts or staff members on low salaries in the commercial sector, it is also the case that normally only one month's prior notice is required. If principal officials have to give only one month's notice or one month's salary in lieu of such notice when they resign, is the period not too short or the amount too little?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): *Madam President, when we formulated the terms and conditions, the major consideration was swift responses and flexibility in handling matters. Therefore, we believe one month's notice is basically the shortest period possible that we can come up with. One month is probably still too long when dealing with political incidents or political situations. Western politicians say that when it comes to politics, one week is already a very long time. In spite of this, when we designed the accountability system, we kept some room for manoeuvre — if it is not possible to give one month's notice, then one month's salary can be paid in lieu. Therefore, Madam President, the design of the system can cater to unusual circumstances.*

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, I wish to raise a follow-up. How could one month's notice be sufficient for handover and transitional arrangements? Although in term of politics, one month may be a long time, principal officials are in charge of substantive work.*



**PRESIDENT** (in Cantonese): Mr CHEUNG, please be seated first. Since this does not relate to any part of the supplementary raised by you, you have to wait for your next turn to ask it.

**MR JASPER TSANG** (in Cantonese): *Madam President, the Secretary mentioned in part (b) of the main reply that the Chief Executive's Office would make "suitable arrangements" for keeping the relevant records. Can the Secretary explain what "suitable arrangements" means? For example, will the records be disclosed? Will they be provided to anyone for inspection?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, as far as this case is concerned, the most important record and document are the Financial Secretary's resignation letter handed to the Chief Executive on 12 March and the formal reply by the Chief Executive on 15 March. We have disclosed these two documents as well as the dates and times of receipt or issue of these two documents today. As to the suitable arrangements for keeping the records, the most important point is that, since these documents are very important, the Chief Executive has given them to the Director of the Chief Executive's Office to handle personally.

**MR JASPER TSANG** (in Cantonese): *Madam President, the Secretary has not answered my supplementary. I asked about the general practice, so the Secretary should give a reply on the general practice, for example, on whether records such as those on the procedures of appointing or removing principal officials will be disclosed.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, since we are implementing a new system, we are still at the stage of exploration and development. However, the most important principle is that principle officials are public figures and they assist the Chief Executive in serving the public of Hong Kong and society is also very concerned about these public offices. Therefore, I believe that should similar incidents occur in future, generally speaking, the most important principle is to face the public, make known the relevant information as well as our decision.

**DR YEUNG SUM** (in Cantonese): *Madam President, if there are staff members specifically in charge of recording the date and time of receipt of mail in the Office of the Chief Executive, then why did the Financial Secretary said in the document in reply to the Panel on Constitutional Affairs on 4 April and in the meeting of the Panel on Constitutional Affairs on 8 April that he had handed the resignation letter to the Chief Executive on 11 March, but subsequently issued a statement on 8 April to set the record straight, saying that the resignation letter was submitted only on 12 March? In the Financial Secretary's document dated 4 April .....*

**PRESIDENT** (in Cantonese): Dr YEUNG, please come to your supplementary direct.

**DR YEUNG SUM** (in Cantonese): *Madam President, may I know on what record the Financial Secretary provided the document on 4 April and the reply in the morning of 8 April?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, according to my understanding, the document issued by the Financial Secretary's Office to the Constitutional Affairs Panel on 4 April was prepared and drafted by the Financial Secretary's Office. After the conclusion of the meeting on 8 April, they found an error in the information, so the Financial Secretary immediately submitted a letter to the Panel Chairman through the Legislative Council Secretariat on the same day. As I have said earlier, we are aware that we have to provide accurate and truthful information to the Legislative Council, therefore, we made the correction immediately according to the requirements of the accountability system.

**PRESIDENT** (in Cantonese): This Council has spent over 22 minutes on this question. This is the last supplementary.

**MR ANDREW WONG** (in Cantonese): *Madam President, I am intrigued by part (a) of the main question because resignations and asking someone to stay are very important matters. However, I am somehow puzzled by the reply to*

*part (a) of the main question. I only wish to ask the Secretary for Constitutional Affairs if he is willing to discuss this in detail in the next meeting of the Constitutional Affairs Panel. This is because the main reply seems somewhat strange. According to Article 48(5) of the Basic Law and the Government's understanding of it, appointments have to be decided by the Central Authorities and this is also the case with removal of officials. However, under certain circumstances, if the Central Authorities think an official has to be removed, the matter does not have to go through the Chief Executive, but one month's salary still has to be paid. This is a very strange arrangement and I am puzzled by the Government's understanding. Therefore .....*

**PRESIDENT** (in Cantonese): Mr WONG, please come straight to your supplementary.

**MR ANDREW WONG** (in Cantonese): *Madam President, is the Secretary for Constitutional Affairs willing to discuss the relevant arrangements in the next meeting? This is a constitutional issue.*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Cantonese): Madam President, the Chairman of the Panel on Constitutional Affairs often has some rather unexpected requests, but I will try to explain it here first. In fact, the appointment and removal of principal officials as mentioned in part (a) are handled according to Article 48(5) of the Basic Law and the contracts signed between the SAR Government and all principal officials. These are two different sets of legal requirements and approaches. According to the contracts, should any principal official tender his resignation to the Chief Executive and the Chief Executive is prepared to accept it, he has to consider making a recommendation to the Central People's Government to remove an official before formally making a decision and notifying the official concerned. Therefore, these two sets of legal requirements and arrangements are related. However, the Basic Law also has its own requirements. The Chief Executive has to make recommendations to the Central People's Government according to the Basic Law. According to the contracts which the Government signed with principal officials, in the case of resignation or dissolution of contract, one month's notice has to be given or one month's salary should be paid in lieu of such notice. This is a course of action required by the contract and there is no

contradiction between the two sets of legal arrangements. If the Chairman of the Constitutional Affairs Panel is still interested, we can communicate further after the meeting.

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

**Allowing Residents in Guangdong Province to Visit Hong Kong Individually**

4. **MR NG LEUNG-SING** (in Cantonese): *Madam President, the 2003 policy address states that in response to a proposal by the Government of the Hong Kong Special Administrative Region (SAR), the Central Government agreed to study further relaxation of current restrictions to facilitate mainland residents' visits to Hong Kong, including allowing Guangdong Province residents to visit individually. In this connection, will the Government inform this Council whether it has:*

- (a) *proposed to impose requirements on the financial capacity of Guangdong Province residents seeking to visit Hong Kong individually; if it has, of the proposed requirements; if not, the reasons for that; and*
- (b) *formulated any measures to strengthen the efforts against illegal residence and black market labour, to tie in with allowing individual Guangdong Province residents to visit Hong Kong; if it has, of the details of such measures; if not, the reasons for that?*

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

- (a) The Chief Executive has earlier indicated that the Central People's Government had agreed in principle to allow residents in Guangdong Province to come to Hong Kong for sightseeing in their personal capacity. However, the implementation timetable and specific details, for example, eligibility criteria, number of visits permitted within a certain period of time, duration of stay on each visit, and so on, have yet to be worked out between Hong Kong and the mainland authorities.

- (b) The SAR Government always attaches great importance to fighting illegal stay and illegal employment and has put in place a series of enforcement measures to address such problems. If the proposal to allow residents in Guangdong Province to come to Hong Kong for sightseeing in their personal capacity is implemented, we will review and adjust the measures as and when necessary with a view to curbing any problems of illegal stay and black market labour which may arise.

At present, major enforcement measures include stringent controls exercised by the Immigration Department (ImmD) at immigration control points so as to identify and prevent any suspect visitors intending to seek illegal employment in Hong Kong from gaining entry. The Immigration Task Force also inspects factories, restaurants, commercial enterprises and black spots of illegal workers from time to time, and frequently carries out joint operations with departments such as the police and the Labour Department to conduct surprise checks on black spots of illegal workers. In 2002, the ImmD mounted a total of 3 580 operations against illegal employment, resulting in the arrest of 9 857 illegal workers from the Mainland.

To further co-ordinate the efforts of various departments for more effective actions against mainland visitors engaging in illegal activities in Hong Kong, the law enforcement departments formed an Inter-departmental Task Force in April this year. Comprising members from the police, ImmD, Hong Kong Customs and Excise, Correctional Services Department, Labour Department, Food and Environmental Hygiene Department (FEHD), and Lands Department, the Inter-departmental Task Force facilitates regular exchange of information as well as reviews and co-ordinates the enforcement work of member departments. In addition, visitors found to be engaged in illegal employment are prosecuted and, on conviction, are liable to a fine up to \$50,000 and imprisonment up to two years. The employers concerned are also prosecuted and, on conviction, are liable to a fine up to \$350,000 and imprisonment up to three years.

The Administration has also been proactively making publicity against illegal employment. Specific measures include the launching of radio and television announcements of public interest (APIs) to warn employers against employing illegal workers, with a new API being broadcast since January this year. The ImmD and the Labour Department have also been distributing leaflets to stress to employers that they must check the identity of job seekers and to remind them that employers of illegal workers are liable to imprisonment on conviction.

In addition, the ImmD maintains close contact with mainland authorities to discuss with them measures to prevent mainlanders from seeking illegal employment in Hong Kong. Specific measures include the establishment of a liaison mechanism between the law enforcement departments of the two sides to exchange intelligence. The ImmD also provides information on illegal workers from the Mainland to authorities regulating entry and exit in the Mainland from time to time so that the latter can take necessary follow-up actions and carefully examine future applications to visit Hong Kong by them.

**MR NG LEUNG-SING** (in Cantonese): *Madam President, the Government now says that this arrangement can be implemented subject to further discussions between Hong Kong and the mainland authorities. While I agree that a lot of work must be handled carefully, may I know when the relevant discussions started and when decisions in relation to the implementation of this arrangement would be made?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, discussions on this issue have actually been going on informally for some time, that is, the relevant departments including the Security Bureau, the Economic Development and Labour Bureau, the Hong Kong Tourism Board, the ImmD of Hong Kong and the China National Tourism Administration, the Public Security Ministry and the Exit-Entry Administration Bureau of the Mainland have been in constant contact during recent months. Meetings should be arranged for discussions on how detailed vetting criteria can be laid down. For the time being, work in this

area is affected by our combat against atypical pneumonia and everyone knows that the prime task at the moment is to do a proper job of imposing quarantine measures at immigration control points. At present, exchanges between people of the two places have also decreased due to the outbreak of atypical pneumonia in Hong Kong. Having said that, however, we have planned to follow up this issue to set up meetings with the mainland authorities to discuss how detailed vetting criteria can be laid down.

**MR NG LEUNG-SING** (in Cantonese): *Madam President, the Secretary has not yet answered when the relevant work is expected to complete.*

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

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, our target is to complete our work in three to six months.

**MR CHAN KAM-LAM** (in Cantonese): *Madam President, we very much welcome an expeditious arrangement to be made between the Government and the mainland authorities. However, a lot of our records show that in the past quite a substantial number of mainland visitors were engaged in illegal activities or illegal employment in Hong Kong. Will the Government consider formulating policies together with the Mainland against mainlanders who have been engaged in illegal activities or illegal employment in Hong Kong, for example, by banning them from visiting Hong Kong for two to three years? If the mainland authorities think there is no need to do so, then can a list be drawn up on our own to ban such people from visiting Hong Kong again?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the answer is in the affirmative. In fact, we have already set up a mechanism with the Mainland, for example, the ImmD will forward a list on mainland visitors who were suspected of violating the law and convicted for the same to the relevant departments of the mainland authorities and ask them to turn down the

applications of such persons for visits to Hong Kong for two to five years. To refuse the entry of such mainlanders to Hong Kong is certainly only a short-term measure because people on the Mainland do have human rights and mainlanders are entitled to coming to Hong Kong for all sorts of legal activities. Furthermore, the ImmD has also made such suspects on the list as targets of surveillance. If it were found that people who intend to enter Hong Kong have been prosecuted, or have criminal or poor records, the ImmD would refuse to grant them entry. Such measures have been regularly enforced.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary just referred to measures on dealing with overstayers and illegal workers. I would like to ask the Secretary about situations in which pregnant women come to Hong Kong to give birth to babies. They applied for tourist visas to visit Hong Kong and overstayed to give birth to babies but they have not engaged in illegal activities. Has the Government set up a mechanism with Guangdong Province to stop people from using the opportunity to give birth to babies in Hong Kong?*

**PRESIDENT** (in Cantonese): Miss CHOY So-yuk, as regards your supplementary question, do you mean pregnant women who are residents of Guangdong Province?

**MISS CHOY SO-YUK** (in Cantonese): *Yes.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, situations in which mainland women come to Hong Kong to give birth to babies under the pretext of sightseeing or visiting relatives are very common. We have often brought such situations to the attention of relevant mainland departments and ask them to try their best not to approve their visits to Hong Kong and the mainland authorities have also tried their best to help us. However, some women will come to Hong Kong and go into hiding for a period of time until their babies are due soon. Since it will not be appropriate to repatriate them by then, they will have a chance to stay in Hong Kong to give birth to their babies before being repatriated to the Mainland. If they are intercepted by the authorities before their expected date of delivery, we will repatriate them to the Mainland.



**MISS CHOY SO-YUK** (in Cantonese): *Madam President, my supplementary question is: Though these women overstayed in Hong Kong, they were not engaged in illegal activities, so has the Secretary set up any mechanism to prevent them from coming to Hong Kong to give birth again?*

**PRESIDENT** (in Cantonese): Miss CHOY, is your question on overstaying?

**MISS CHOY SO-YUK** (in Cantonese): *Yes.*

**PRESIDENT** (in Cantonese): The Secretary has already given a reply on overstaying.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary said earlier in her reply that if overstaying pregnant women were intercepted before their expected date of delivery, they would be repatriated to the Mainland, but if they were intercepted around their expected date of delivery, they would definitely be allowed to stay and give birth in Hong Kong. However, in the future, will there be any measures to prevent more people from coming to Hong Kong through the same channel?*

**PRESIDENT** (in Cantonese): Miss CHOY, this is another supplementary question.

**MISS CHOY SO-YUK** (in Cantonese): *No, Madam President, this was what I meant in my earlier supplementary question.*

**PRESIDENT** (in Cantonese): Miss CHOY, please repeat your first supplementary question. You only need to point out which part of your first supplementary question has not yet been answered by the Secretary.

**MISS CHOY SO-YUK** (in Cantonese): *I asked what measures were in place to curb such incidents.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, it is also against the law for pregnant women to overstay and give birth in Hong Kong. We will initiate prosecutions against them in accordance with the Immigration Ordinance. If visitors have a poor track record in Hong Kong, apart from providing mainland security departments with a list of such visitors, they would also be refused entry. According to figures for the past three years on hand, 11 455 mainland visitors were refused entry in 2000, 9 407 people were refused entry in 2001 and 10 952 people were refused entry last year.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, the tourism industry is also one of the sectors that have been hard hit by atypical pneumonia. As Guangdong Province is the largest market for mainland visitors to Hong Kong, will the Secretary consider speeding up the negotiation process a bit? The Secretary said earlier that the negotiations would take three to six months, but in three months, it will be just after the summer holidays, and in six months, it will also be after the "golden holiday week" in October. If the authorities could shorten the negotiation period a little to two to five months, then it can more effectively attract more visitors to Hong Kong.*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, in fact, after the relevant announcement was made by the Chief Executive, the Security Bureau, Economic Development and Labour Bureau, the Commissioner for Tourism, the China National Tourism Administration and the Public Security Ministry of China have kept in touch with each other to discuss how vetting criteria can be formulated. Contact between both parties is still maintained and we are all working hard to arrange meetings. As regards the timetable for negotiations, I said earlier that it would be three to six months, but we have definitely set our target at three months and hope that the relevant issues can be resolved as soon as possible within three months. I also hope that Hong Kong and Guangdong Province will have already resolved the problem of atypical pneumonia by then. If so, we can introduce a new individual tour plan at the same time to stimulate and bring more mainland tourists to spend money in Hong Kong. This is the target of our work.

**MR TAM YIU-CHUNG** (in Cantonese): *Madam President, earlier on, the Secretary talked about the number of illegal workers prosecuted, in particular,*

*the number of employers prosecuted. May I ask whether the Secretary has such information on hand, such as how many people have been successfully prosecuted over the past three years, the average level of fine and any cases of imprisonment?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I have got figures on the number of employers arrested and prosecuted for employing illegal workers over the past three years. In 2000, 712 employers were arrested and 305 were prosecuted. In 2001, 968 employers were arrested and 310 were prosecuted. Last year, 918 employers were arrested and 383 were prosecuted. During the first three months of this year, 249 employers were arrested and 110 were prosecuted.

Perhaps Mr TAM may also be aware that since the Immigration Ordinance was amended in February 1999, if employers were convicted for employing people who could not be legally employed, they may be subject to a maximum fine of \$350,000 and imprisonment of three years. In recent years, I feel that the Court has been rather stringent in meting out such sentences. Some employers were given immediate imprisonment sentence, or even sentenced to imprisonment for as long as more than half year. I do not have the detailed figures on employers sentenced to imprisonment on hand, but currently, the Court has often meted out imprisonment sentence on employers who have violated the law.

As regards the figures on illegal workers for the past three years: 5 715 people were arrested and 4 335 were prosecuted in 2000. 7 841 were arrested and 5 514 were prosecuted in 2001. Last year, 11 990 people were arrested and 8 609 people were prosecuted. In the first three months of this year, 3 888 people were arrested and 2 205 were prosecuted. We will continue to crack down on illegal workers.

**DR RAYMOND HO** (in Cantonese): *Madam President, I believe the condition of the atypical pneumonia epidemic will soon be stabilized and the problem will be resolved. Will the Secretary inform this Council whether the Government and the mainland Government have embarked on any innovative plans to revive the tourist activities of the two places as soon as possible?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, as I said in my earlier reply, during recent months, negotiations have been continuously held over the plan for mainland residents to visit Hong Kong in their personal capacity. Issues under discussion include what is meant by visiting Hong Kong in personal capacity and how it is different from Hong Kong Tours. What travel documents do those individuals need for visiting Hong Kong and do Guangdong residents travel on resident cards? In what capacity are they visiting Hong Kong, that is, in the capacity of temporary or regular residents? How many times can they come to Hong Kong each year? What financial criteria should be imposed and is it true that, like Mr NG Leung-sing said, their financial position and track records should be assessed? We certainly hope to attract some real consumers and people who will contribute towards the economy of Hong Kong, instead of illegal workers and law-breakers to Hong Kong. Negotiations over this arrangement have been ongoing between Hong Kong and the Mainland and as I said earlier in reply to Mr Howard YOUNG's supplementary question, in order to tie in with the fact that the atypical pneumonia epidemic is under control, we hope to complete the negotiations and launch this new scheme in three months.

**MR NG LEUNG-SING** (in Cantonese): *Madam President, I would like to ask a simple supplementary in relation to the third paragraph of part (b) of the main reply on the "Inter-departmental Task Force". As regards this Task Force, is there a mechanism for meetings? Since it is mentioned in the main reply that the Task Force only facilitates regular exchange of information, may I ask if there is a formal mechanism for meetings and if the details of the meeting will be made public in the future?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, this is a Task Force and as its name implies, it will call together the department heads of all departments that have participated in combating illegal employment, and the departments involved include the police, ImmD, Labour Department, Hong Kong Customs and Excise, Correctional Services Department, FEHD and the Lands Department. Perhaps, the help of the Home Affairs Department may be enlisted and meetings will be conducted when necessary. These are internal meetings and combat plans or actions that have been made at the meetings are usually not made public. However, if the need arises, we will report to the relevant panel of the Legislative Council.

**PRESIDENT** (in Cantonese): This Council has spent more than 18 minutes on this question. This is the last supplementary question.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, since the Secretary said negotiations over the vetting criteria would be held with the mainland authorities, could we strive to recommend vetting criteria that are considered as most explicit by the tourism sector? Hong Kong people usually have to apply for visas when they visit other places and the three criteria generally laid down by the relevant authorities are: firstly, a stable job; secondly, financial proof; and thirdly, a good entry and exit record. Only these three criteria will suffice. Can the Secretary recommend these simple and clear vetting criteria to the Mainland?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I can definitely do so. In fact, we have been considering similar criteria: financial capability and no bad track record. We hope to issue a kind of travel document that will allow mainland residents to make multiple trips between Hong Kong and the Mainland. We have also considered launching a pilot scheme in the more affluent cities of the Pearl River Delta and places where residents have a better record of law compliance.

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

### **Foundation Strengthening and Remedial Works for Public Housing in Tin Shui Wai**

5. **DR TANG SIU-TONG** (in Cantonese): *Madam President, regarding the foundation strengthening and remedial works for Tin Chung Court and the remedial works for Tin Yuet Estate in Tin Shui Wai, will the Government inform this Council:*

- (a) *of the latest estimated expenditure of the foundation strengthening works for Blocks K and L of Tin Chung Court, and whether the works for Block L will be completed by the end of this month, as this Council was advised earlier;*

- (b) *of the causes of the cracks and seepage recently found in a number of flats in Tin Yuet Estate, including Yuet Fu House and Yuet Kwai House where remedial works have just been completed, as well as the follow-up measures taken in this regard; and*
- (c) *whether, when the prospective tenants were allocated flats in Yuet Fu House and Yuet Kwai House, they were informed that major remedial works had been carried out in these two housing blocks; if not, of the reasons, and whether it will approve their applications for transfer on grounds of concern about the structural safety of the blocks?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese):  
Madam President, my reply to the three-part question is as follows:

- (a) The foundation strengthening works for Block K of Tin Chung Court were completed in April last year. The foundation remedial works for Block L were basically completed in late April this year, with the construction of pile-cap being the last outstanding item. The total expenditure will be within the original budget of \$163 million.
- (b) The Housing Department (HD) has completed the investigations on the cracks and water seepage found in some flats in Tin Yuet Estate. These problems are caused by unsatisfactory workmanship at individual flats, resulting in minor non-structural cracks and water seepage at joints when the jointing materials between precast partition walls shrink. These problems are unrelated to building structure and the previous remedial works in Yuet Fu House and Yuet Kwai House. Repairs of cracks and water seepage for the majority of the flats have already been completed. The HD is liaising with tenants of the remaining flats on the timing of repair work.
- (c) The HD had inspected Yuet Fu House and Yuet Kwai House before resident intake to ensure the effectiveness of remedial works and structural safety. Hence, the HD does not draw prospective tenants' attention to the remedial works and in general does not

accept applications for transfer because of anxiety about structural safety.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, the Secretary mentioned in part (a) of the main reply that the foundation strengthening works for Block K of Tin Chung Court had been completed in April last year, while the works for Block L would be completed within this year. The works for Block K have been completed for one year, why prospective tenants have not moved in yet? When can tenants move in? Will they be informed of the structural problem found in these two housing blocks before moving in?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, Block K and Block L of Tin Chung Court are in fact very close, they share a common passage. For that reason, although the foundation strengthening works for Block K were completed last year, the passage would be obstructed throughout the period when the foundation remedial works for Block L are carried out. We therefore decided to wait for the completion of the foundation remedial works for Block L before considering what to do with them together. Honourable Members may remember that the two housing blocks are Home Ownership Scheme (HOS) flats, therefore they would not be used for rental purposes. The Government has explained on various occasions about ways to dispose of HOS flats. We should handle the issue with care, and several options are under consideration.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, the Secretary has not answered when prospective tenants can move in.*

**PRESIDENT** (in Cantonese): Secretary, Dr TANG asked when prospective tenants could move into Block K.

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, we estimate that they could move in by the end of this year, probably around November.

**MR AMBROSE LAU** (in Cantonese): *Madam President, part (b) of the main question asked about the follow-up measures taken by the authorities to deal with problems found in flats in Tin Yuet Estate. The main reply stated that some repair works had been carried out. May I ask the Government, besides follow-up measures such as remedial works, if it will take some other follow-up actions to find out who should be held responsible for that and devise any measure to prevent the recurrence of similar incidents?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, Honourable Members know that the repair works have to be carried out as a result of the uneven settlement of these housing blocks. A Select Committee was set up by the Legislative Council to follow this matter up. Honourable Members should also know that we are currently taking legal actions against the relevant contractor. Moreover, some of our staff should be held responsible for this and we have taken subsequent actions. We have done all the necessary work. However, as the relevant proceedings are in progress, we are unable to fully dispose of some problems. We will follow them up pending the conclusion of the proceedings.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary mentioned in part (c) of the main reply that applications for transfer because of anxiety about structural safety in general would not be accepted. May I ask the Secretary if the authorities have received any applications for transfer from tenants of Yuet Fu House and Yuet Kwai House on structural safety grounds? If yes, how many applications have been received?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, the relevant works were completed last year. With regards to these two housing blocks, we started to receive applications from new tenants in November 2002. The first batch of tenants moved in at the end of last year. So far, many flats have already been rented out. In fact, 85% of these two housing blocks have been rented. Since the two housing blocks are quite new, tenants therefore do not have to deal with the problem of surrendering tenancy. As far as I know, tenants are satisfied with the living environment and the conditions of the blocks.



**DR RAYMOND HO** (in Cantonese): *Madam President, if a tilting problem emerges in a high-rise building due to foundation problem, although remedial works could be carried out to rectify the problem, it will cause problems such as pipe seepage, in particular seepage at the joints of sewage pipes and waste water pipes, and joints of pipes. May I ask whether the HD has thoroughly inspected all the pipes after remedial works were carried out in Blocks K and L?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, the simple answer is yes. Perhaps Honourable Members may remember that I gave the same reply on various occasions when I was asked similar questions in the past. In order to monitor the settlement of the foundation, the Government has installed real-time monitoring systems in Tin Chung Court and other HOS courts. This will enable us to collect settlement data and thereby monitor the settlement situation instantaneously. With regard to the influence on pipes and other facilities, they have already been covered as far as the design is concerned. I remember during the question time in November last year, I assured Honourable Members that the works should not affect piping and other facilities.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Secretary has not answered my supplementary. My supplementary was whether the HD had thoroughly inspected all the joints of pipes for seepage and cracks after the completion of the foundation strengthening and remedial works. I did not mention the design, instead, I just wish to ask whether detailed inspection was carried out thoroughly after the completion the remedial works.*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, yes we have.

**MR HUI CHEUNG-CHING** (in Cantonese): *Madam President, it is very troublesome if seepage occurs in a building, in particular the rainy season is approaching. If the fixtures in a premises are damaged due to seepage, do the tenants have the right to claim the HD for damages?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese):

Madam President, of course it depends on the extent of the damages. In order to gain a better understanding of the seepage problem, I have enquired my colleagues about that and they gave me some photographs. The photographs at hand show that the seepage was rather simple and common, and the condition was not very serious. If Honourable Members are interested in that, I can provide them with these photographs for reference. With regard to complaint cases, I have also enquired my colleagues about that. The percentage of complaints about seepage was within the normal range, just like other buildings without such problem. Therefore, the number is not great at all.

**MR AMBROSE LAU** (in Cantonese): *Madam President, part (c) of the main reply mentioned that the HD in general would not accept prospective tenants' applications for transfer because of anxiety about structural safety. It means that applications would not be accepted in general, but applications under special circumstances would be accepted. Under what circumstances would the applications be accepted? At present, the HD does not draw prospective tenants' attention to the remedial works for these two housing blocks. May I ask the Secretary if applications under this particular circumstance would be accepted.*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese):

Madam President, I think the circumstance mentioned by Mr LAU hardly exists. If we have any doubts about the structural safety of our housing blocks, we would not rent them out. The relevant housing blocks have undergone numerous tests in the engineering aspect, and we have utilized enormous resources to ensure their structural safety. After a lot of work has been done, we consider that these housing blocks are safe and sound and they could be disposed of just like other housing blocks. The fact that these housing blocks are rented out shows that safety is guaranteed. Honourable Members may perhaps remember that when we discussed this specific case in the past, I mentioned the usual 10-year structural warranty period. But as this is an exceptional case, maybe tenants will worry that the structural problem may arise only after 10 years, therefore I have assured Honourable Members that the warranty period would be extended from 10 years to 20 years.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, just now the Secretary said that the authorities had installed real-time monitoring systems in the two tilting blocks of Tin Chung Court, that is, Blocks K and L, and works for Block K had been completed for one year. What is the result of the monitoring work? Will the Government appoint professionals to re-examine the condition after the works of these two blocks have completed?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, I am not sure whether re-examination is necessary in this respect. It is because after the real-time monitoring system is installed, we will receive numerical values regularly, on a daily basis or at any time. Therefore, we can compare the values of this year to those of last year to tell any changes. I know very little about the detail of that, but I consider that the extent of changes can be reflected by an inspection of these values.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, can the Secretary provide a written reply on that?*

**PRESIDENT** (in Cantonese): Secretary for Housing, Planning and Lands, do you have anything to add?

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, I have nothing to add, unless.....

**DR TANG SIU-TONG** (in Cantonese): *Madam President, can the Secretary provide the relevant data regarding the tilt and whether there are changes?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, with regards to the issue of numerical values, they may be used as evidence in court since the proceedings are in progress. In the interest of prudence, it is perhaps inappropriate to disclose them at this stage. We do keep a record of these values, and they are not confidential at all. If Honourable Members are interested, we will disclose them after the proceedings are completed.

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

### **Use of Precast Paving Slabs for Pavement Surfaces**

6. **MISS CHOY SO-YUK** (in Cantonese): *Madam President, with regard to the use of precast paving slabs for pavement surfaces, will the Government inform this Council:*

- (a) *of the total area of pavement surfaces paved with precast paving slabs over the past two years and the amount of public expenditure involved, as well as the corresponding figures anticipated for the current and the coming year;*
- (b) *of the methods employed by the relevant authorities to remove the weeds growing along the slits between the paving slabs and, if such methods include the use of herbicide, the measures in place to prevent the natural environment from being damaged; and*
- (c) *as I have witnessed workers of utility companies leaving work vehicles and heavy machinery on the slab-paved pavements during repair works on underground facilities, how the authorities ensure that the utility companies concerned will properly carry out repairs to the pavement surfaces damaged as a result?*

### **SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President,

- (a) The total area of pavement surfaces paved with precast paving slabs over the past two years was about 370 000 sq m and the amount of expenditure involved was about \$190 million. The corresponding figures for the current and the coming years are estimated to be about 150 000 sq m and \$77 million respectively each year.
- (b) At present, the weeds growing along the slits between paving slabs are removed manually. No herbicide has been used during the process.

- (c) Any utility companies that need to carry out road opening works to repair underground utilities must apply to the Highways Department (HyD) for an Excavation Permit, in which a number of conditions are stipulated for compliance by the utility companies and their contractors. One of the conditions requires the permit holder to reinstate the road surface damaged as a result of the excavation works in accordance with the standard specified by the HyD and to be responsible for the maintenance and repair of the reinstated road surface within the 12 months after the completion of the reinstatement works.

In addition, the HyD conducts regular inspections on the road opening works carried out by utility companies. Whenever work vehicles and heavy machinery are found on pavements, the HyD will immediately ask the company concerned to remove them. If any pavement surface is damaged as a result, the HyD will also ask the company to reinstate it in accordance with the standard.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary stated in part (b) of the main reply that no herbicide had been used to remove the weeds. This is a good practice. At present, the Government uses precast paving slabs instead of concrete for pavement surfaces; however, weeds are growing along the slits between such slabs. Since additional workers have to be employed to remove the weeds, will the Secretary inform us of the rationale for using such paving slabs? If workers have to be employed to remove the weeds between such slabs, why does the Government have to use such paving slabs for pavement surfaces?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, after I have read Miss CHOY So-yuk's question, I think that such weeds are indeed quite beautiful sometimes. Do we really need to step up our weeding work? I have seen rows of weeds growing tidily along the slits of paving slabs in many countries. Such a scene may be quite pleasant. If those weeds are not causing any obstruction to road users, I will not require the mandatory removal of all those weeds.

Miss CHOY So-yuk just asked that why precast paving slabs were preferred at present. Firstly, those slabs are more beautiful and can blend more naturally with the surrounding environment. The HyD has already done several studies on this topic. Moreover, precast paving slabs come in a wide variety of choices and are thus easier to blend with different surroundings. Slab-paved pavements are much more pleasant than those concrete-paved.

Secondly, unlike repair works undertaken at concrete-paved pavements, works at slab-paved pavements do not require the use of heavy machinery to break the concrete surfaces because paving slabs can be removed easily. Therefore, the nuisance caused to the environment during repair works can be reduced significantly. We all know that, in Hong Kong, lots of excavation works have to be carried out. The use of slab-paved pavements may thus obviate the use of large-scale concrete drilling machines producing loud noises. Moreover, slabs removed in repair works can be reused. They will reduce the production of construction waste and they are more valuable because of reuse. Slab-paved pavements are particularly suitable for Hong Kong, because they can be put into use right after surfacing works are completed. Comparing to concrete-paved surfaces that take time to cure, precast paving slabs are less time-consuming and thus have an edge on the former one in terms of efficiency.

**MR HENRY WU** (in Cantonese): *Madam President, in part (a) of the main reply, the Secretary mentioned the total area of pavement surfaces paved with precast paving slabs was about 370 000 sq m and the amount of expenditure involved was about \$190 million, that is, \$513 per sq m, about \$50 per sq ft. Will the Secretary inform us if it is just the cost of materials or whether the costs of works are also included? What is the breakdown for the costs of works and materials? What is the highest and lowest price for materials? I have heard that some precast paving slabs are very expensive. Does the Secretary have the relevant figures?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, the figures I quoted by me just now include both the costs of works and materials. The cost of paving slabs represents 9% of the overall expenditure on road repair works. I consider this a reasonable level.

Regarding Mr Henry WU's question on the price levels of paving slabs, there are actually wide variations, ranging from cheap to very expensive ones. For ordinary paving slabs made of concrete, the price ranges from \$100 to \$150. But for those made from granite, the price ranges from as high as \$580 to \$800. In selecting paving slabs, we will consider the usage of the road. For instance, at major tourist spots, slabs that are more expensive will be used to blend in with the surrounding architectures and add commercial value to such places. For other places in general, the aesthetic appeal of paving slabs is only a secondary concern. We will not deliberately select the most expensive materials, and suitability of slabs remains our major concern. In a word, we consider the cost-effectiveness of precast paving slabs higher than that of concrete.

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

**MR HENRY WU** (in Cantonese): *Madam President, are the prices mentioned by the Secretary just now calculated in terms of per sq m? The Secretary said that prices for precast paving slabs range from \$100 to \$150 to \$580 to \$800. Will the Secretary clarify this?*

**PRESIDENT** (in Cantonese): Mr WU, you are asking the Secretary to clarify the prices.

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, the prices quoted by me are calculated per sq m.

**MS CYD HO** (in Cantonese): *Madam President, it is worthwhile to use paving slabs for road surfaces if construction waste can be reduced.*

*Madam President, I do not know if the Secretary is aware that the sand under the slabs will be washed away by rain. We often find paving slabs jutting out, and the uneven surfaces may prevent wheelchair users from having obstruction-free access and may make the elderly stumble. Will the Secretary*

*inform us, other than allowing weeds to grow to hold the sand between slabs, are there other methods that can help to prevent the sand from being washed away by rain? If resurfacing works have to be carried out every now and then because of this, what are the costs so incurred? Has the Government conducted any studies to identify ways to avoid the need for frequent resurfacing works not arising from repair works?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, the problem mentioned by Ms HO is really a problem we have to deal with. When those paving slab were first put into use, the paving skills of workers varied. If road surfaces are properly paved, they will be highly durable. Moreover, another factor affecting the durability of road surfaces is whether sufficient time is allowed for stabilization upon the completion of paving works before the road surface is washed with water of intense strength. We know where the problems lie; we will try to minimize the inconvenience caused to pedestrians. With more experience, we now know that road surfaces properly paved right at the outset will be more durable. We thus put emphasis on the method adopted in road paving, that means only "master" workers will be assigned for slab paving work.

Moreover, we will pay more attention to the execution aspect. In my reply to Miss CHOY's main question on the issue of road surfaces being crushed by vehicles, I mentioned the Excavation Permit. However, there are cases where no road works are involved, such as damages caused by private vehicles when they run onto the pavements. In such cases, owners of the vehicles may first be charged for illegal parking under the Road Traffic Ordinance, and may be liable to damages claim through civil proceedings initiated by the Government. We will pay more attention to various aspects of implementation.

**PRESIDENT** (in Cantonese): Ms HO, has your supplementary question not been answered?

**MS CYD HO** (in Cantonese): *Not yet, Madam President. Though the Secretary has given a detailed explanation, she has not yet answered my supplementary question. Does the Government have any information indicating the number of cases where resurfacing works for slab-paved pavements have to*



*be done because of uneven surface but not for the need of repair works? How frequent do those works have to be carried out? What is the expenditure involved? The Secretary said that "master" workers have now become more skilled at slab-paving and improved their techniques, and the need for resurfacing has been reduced. However, will some expenditure still be incurred?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam, I know Ms HO would like to have the figures on resurfacing works. However, we do not have those statistics now, and we can only provide a reply after we have collected the relevant information.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Secretary mentioned the Excavation Permit in part (c) of the reply. In fact, the Bills Committee on Land (Miscellaneous Provisions) Bill has just finished its work, but the Bill will be submitted to the Legislative Council only in May. Regarding the parking of heavy machinery or vehicles on slab-paved pavements, contractors of road works do sometimes leave heavy vehicles on pavements during the night. In what ways will the Government find out which road works under which contracts will probably have such problems? If such cases do occur, what are the punishments for the contractors concerned?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, I have mentioned in the main reply that one of the requirements under the Excavation Permit is that permit holders have to be responsible for the maintenance of the road surfaces after road works are completed. Therefore, if any heavy machinery or vehicles have caused damages to road surfaces as a result of parking on the pavements, permit holders have to reinstate the road surface. This is particularly true for works under road works contracts, as we can require the contractor to enforce the requirement stipulated in the contract. Moreover, the HyD will conduct regular inspection to check whether contractors have committed any illegal act.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Secretary has mistaken my point. What I mean is that contracts on repairs or resurfacing*

*works may not necessarily include the resurfacing of pavements. However, paving slabs and underground facilities may be damaged by vehicles parked on the pavements by the contractors. How will such problems be handled? I am not referring to the repairs of pavements in general, but the reinstatement of pavements which are not included in road works.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, in case contractors have damaged the surrounding pavements during road works, we can, in accordance with the Ordinance mentioned above, institute prosecutions against them and claim compensations for all the damages. If pavements are included in the relevant works, the works contract concerned will certainly require the contractors to be responsible for the repairs and maintenance of the pavements.

**MRS SOPHIE LEUNG** (in Cantonese): *Madam President, the Secretary said that slabs are used because it is convenient and economical. Will the Secretary inform us of the average intervals that such slab-paved pavements are resurfaced if no major damages have been caused? Besides, as we have received many complaints from the public that resurfacing works of such slab-paved pavements have been carried out over and over again, will the Secretary provide the relevant figures after the meeting and give the reasons for this? Will the Secretary provide figures to show cases where the service life of slab-paved pavements turn out to be shorter than the estimation made by the authorities such that re-paving is required within a shorter period? What are the locations of such pavements? I would like to have such information.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, the service life of such paving slabs usually ranges from 10 to 13 years, while concrete surface has to be resurfaced every few years. If no excavation works have to be carried out, the service life of precast paving slabs can be very long. Though Members often find there are excavation works in progress, those may only be works related to the repairs of underground facilities but not repairs of the pavement itself. Members know that this is a common phenomenon in Hong Kong. I believe the maintenance cost of slab-paved pavements will not be greater than that of concrete pavements used previously, in particular the use of paving slabs has made excavation works more convenient.

**PRESIDENT** (in Cantonese): Mrs Sophie LEUNG, has your supplementary question not been answered?

**MRS SOPHIE LEUNG** (in Cantonese): *Not yet, Madam President. We know that those paving slabs have a service life of about 15 years. However, as some Members have already pointed out, slab-paved pavements, if used by pedestrians, or washed by heavy rain and water of intense strength right after completion, will become uneven and have to be resurfaced. Many people have complained to me that resurfacing works were not necessarily carried out because of public utilities works. Does the Government have the statistics indicating how often resurfacing works have to be done on average under normal conditions? Under what particular circumstances or in which particular districts are resurfacing works quite often carried out within the said period? We understand that paving slabs have a very long service life, but if resurfacing works have to be carried out frequently for slab-paved pavements, the manpower involved will still cost public funds.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, in an earlier reply, I have stated that we have not collected any statistics on the maintenance costs of slab-paved pavements for every district. We have to start collecting such figures before a reply can be provided to Members. (Appendix)

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

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary said in her reply that contractors who have damaged paving slabs have to make compensation and be responsible for the resurfacing works. However, how can they get the same kind of paving slabs? What is the mechanism in place? Will the HyD undertake the resurfacing works and charge the contractors afterwards, or will the contractors have to find the suitable paving slabs and undertake the resurfacing works on their own?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): Madam President, Miss CHOY may think that it will be difficult for the contractors to purchase those paving slabs, but such slabs are in fact readily available in the market. Therefore, contractors are responsible for the entire works project.

**PRESIDENT** (in Cantonese): Oral question time ends here.

**WRITTEN ANSWERS TO QUESTIONS****Fair Handling in Selection of Contractor for Tamar Development Project**

7. **MR LAU PING-CHEUNG** (in Chinese): *Madam President, in the prequalification exercise completed at the end of last year, the Special Selection Board (SSB) for the Tamar Development Project selected five applicants for participation in the tendering. In this connection, will the Government inform this Council whether, in order to maintain the impartiality of the Board in its assessment of tenders, guidelines have been issued to Board members and the public officers concerned to specify that, outside the meetings for tender assessment, no comments should be given in private to any prequalified applicants or architect partners on their submitted designs or design concepts, nor should there be any unofficial contacts with these applicants or architects and, where contacts with the prequalified applicants are unavoidable, the details and the course of such contacts should be made public; if such guidelines have been issued, of the details; if not, the reasons for that, and whether any guidelines will be compiled prior to the commencement of the tendering?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Chinese): Madam President, as a signatory to the World Trade Organization Agreement on Government Procurement, the Government is firmly committed to full compliance with the requirements of the Agreement in pursuing the Tamar development project. To ensure the fairness and integrity of the procurement or tender exercise pertaining to the Tamar project, members of the SSB, being the party directly involved in the tender evaluation and selection processes, are required:

- (i) to treat and hold in strict confidence all information relating to the applications for prequalification, assessment and selection of prequalified applicants, tenders of the design-and-build contract, assessment of such tenders and the subsequent award of the tender for the contract;
- (ii) not to disclose or permit to be disclosed any information referred to in (i), except when such disclosure is agreed by the Government, or take advantage of any information whether or not for personal gain;
- (iii) to declare to the Board any actual or perceived conflict of interests immediately when the party concerned becomes aware of any such conflict; and
- (iv) to take steps to avoid any actual or perceived conflict of interests with any prospective candidates/tenderers or candidates/tenderers by putting the party concerned in a position of obligation towards any of them.

Members of the SSB have signed an undertaking that sets out the above requirements in full. These requirements follow the guidelines issued under the Stores and Procurement Regulations (SPRs) that govern conflict of interests by public officers, including those who provide technical support for the work of the SSB.

Furthermore, as a prescribed condition in the prequalification document published in August 2002, the following groups of persons would not be eligible to participate in the prequalification or tender exercise of the Tamar project to avoid potential conflict of interests:

- (i) members of the SSB or the team of public officers that provides technical support to the Board and their immediate family members;
- (ii) an employee or person having an employment contract or is at continuous and close professional association or partnership with a person in (i) above; and
- (iii) a company of which a person in (i) above is a director or a major shareholder.

With the comprehensive and effective mechanism in place to control conflict of interests, we do not consider it necessary or practical to prohibit contacts between the SSB members or public officers concerned and the prequalified applicants or their associate consultants. After all, the sheer size or scale of the Tamar project implies that the prequalified applicants are each supported by a large group of individuals and companies from the field of architecture, structural engineering, building services engineering, and so on. It would not be fair or proper to forbid or require full disclosure of liaison between the parties, bearing in mind that such contacts may have nothing to do with the Tamar project.

On the Tamar project itself, there may be circumstances where communication and contacts are necessary to facilitate the gathering of information or conduct of tender assessment. In this case, it would not be appropriate to make public details of the communication as it would involve confidential information pertaining to the tender exercise. That being the case, as the ultimate but effective safeguard, any discussion or exchange of information that may involve a conflict of interests, whether actual or perceived, would be caught by the undertakings that members of the SSB have entered into or the SPRs that govern all public officers.

### **Outsourcing of Cleaning and Security Services**

8. **MR LEE CHEUK-YAN** (in Chinese): *Madam President, regarding the contracts awarded by the Food and Environmental Hygiene Department (FEHD), Government Property Agency (GPA), Housing Department (HD) and Leisure and Cultural Services Department (LCSD) for outsourcing cleaning, security guard and property management services, will the Government inform this Council of:*

- (a) *the respective numbers of such contracts awarded in the previous and current financial years; and*
- (b) *the criteria for awarding such contracts, the effective dates of the respective contracts, the service locations, the respective numbers of cleaning workers, security guards and property attendants recruited*

*to provide the services concerned, as well as the amount of wages the contractors undertook to pay these staff in the previous financial year?*

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

- (a) Based on the information provided by the FEHD, GPA, HD and LCSD, a total of 308 cleaning, security guard and property management service contracts were awarded by the four departments during 2002-03 and up to 22 April in the current financial year. A breakdown is provided as follows:

<i>Department</i>	<i>Number of cleaning contracts awarded</i>		<i>Number of security guard and property management contracts awarded</i>	
	<i>2002-03</i>	<i>2003-04</i>	<i>2002-03</i>	<i>2003-04</i>
		<i>(up to 22 April)</i>		<i>(up to 22 April)</i>
FEHD	76	5	12	1
GPA	0	0	1	0
LCSD	15	0	7	0
HD	4	0	187	0
Total	95	5	207	1

- (b) Details of the effective dates and service locations of the above contracts, number of workers employed in these contracts, the amount of wages the contractors undertook to pay the concerned workers and the evaluation criteria for these contracts are set out in Annex 1 to Annex 4 for the four departments concerned.

Information on Outsourced Cleaning/Security/Property Management Services Contracts Awarded in 2002-03  
(FEHD)

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>	<i>Maximum marks</i>	<i>Passing marks</i>
Street Cleansing	14 contracts covering the following districts/areas:	1-5-2002	151	\$5,300	Price : Quality Weighting : 70% : 30%		
		1-7-2002	87	\$5,438	Criteria for quality assessment :		
	Wan Chai; Hung Shui Kiu, Lau	1-7-2002	157	\$5,200			
	Fau Shan and other rural areas in	1-9-2002	73	\$5,100			
	Yuen Long; rural areas in North	1-9-2002	147	\$5,200	1. Provision of additional	25	NA
	District; Cheung Chau, Chi Ma	1-9-2002	30	\$5,200	resources (staffing and		
	Wan areas in Islands; Tai Kok	1-11-2002	214	\$5,100	vehicle) :		
	Tsui, West Kowloon Reclamation	1-11-2002	87	\$5,438	2. Quality of management	8	25
	Area, areas in Mong Kok; rural	1-11-2002	238	\$5,000	plan :		
	areas in Sai Kung; Tsuen Wan;	1-11-2002	256	\$5,100	3. Quality of work plan :	14	
	Township, Tong Yan Sun Tsuen,	1-1-2003	217	\$5,269	4. Proposed monthly wages	20	
	industrial areas and connected	1-3-2003	64	\$5,067	for workers :		
	rural areas in Yuen Long; Kwai	1-4-2003	166	\$4,900	5. Proposed allowable daily	8	
	Tsing; Tai Po; Township in	1-4-2003	121	\$5,000	maximum working hours		
	Mong Kok; Tung Chung Areas in				for workers :		
	Islands; Western; Ma Tau Kok,				6. Experience and record of	25	NA
	Ma Tau Wai and Ho Man Tin				past performance,		
	Areas in Kowloon City				including compliance with		
					the Employment		
					Ordinance, and so on.		
					Total marks :	100	



<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Waste Collection	Five contracts covering the following district/areas: Mong Kok; Wan Chai; Kowloon City; Lamma Island; remote areas in Kwai Tsing, Sai Kung, Sha Tin, Tai Po and Tuen Mun	1-6-2002	5	\$6,000	Price : Quality Weighting : 70% : 30%		
		1-7-2002	6	\$5,325	Criteria for quality assessment :		
		1-11-2002	8	\$5,500		<i>Maximum marks</i>	<i>Passing marks</i>
		1-11-2002	7	\$7,000			
		1-3-2003	2	\$5,350	1. Quality of management plan :	12	
Cooked Food Markets/Bazaars Cleansing	Two contracts covering the following district/areas: Eastern, Southern, Western, Kwun Tong, Sham Shui Po, Yau Tsim, Mong Kok; Kwai Tsing, Tsuen Wan, Yuen Long, Tuen Mun and Sha Tin	1-4-2003	25	\$5,067	2. Quality of work plan :	20	
		1-4-2003	25	\$5,069	3. Proposed monthly wage for workers :	28	35
					4. Proposed allowable daily maximum working hours :	10	
					5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	30	NA
					Total marks :	100	

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff Employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Other cleaning services including Hong Kong, Kowloon and New Territories removal of illegal bills/posters; intensive street washing and gum removal; cleansing and waste removal for special sites; animal carcase collection; desludging for public toilets; desludging; mechanical gully cleansing; mechanical street sweeping; recyclables collection	18 contracts covering districts in	1-5-2002	351	\$5,438	Price : Quality Weighting : 70% : 30%		
		1-8-2002	469	\$5,438	Criteria for quality assessment :		
		1-8-2002	237	\$5,438		<i>Maximum marks</i>	<i>Passing marks</i>
		1-3-2003	15	\$5,300			
		1-3-2003	15	\$5,067	1. Quality of management plan :	12	35
		1-3-2003	12	\$5,067	2. Quality of work plan :	20	
		1-3-2003	20	\$5,100	3. Proposed monthly wage for workers :	28	
		1-3-2003	20	\$5,067	4. Proposed allowable daily maximum working hours :	10	
		1-3-2003	38	\$5,100			
		1-3-2003	22	\$5,067			
		1-3-2003	8	\$5,067			
		1-7-2002	6	\$5,438			
		1-7-2002	2	\$7,000			
		1-1-2003	1	\$5,269	5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	30	NA
		1-9-2002	13	\$6,000			
		1-11-2002	2	\$5,500			
		1-4-2003	3	\$5,067			
		1-4-2003	2	\$5,200			
					Total marks :	100	

Type of Contract (cleaning/security/ property management)	Service Location	Date of Commencement	No. of staff Employed	Wages Offered by Contractor (Monthly)	Evaluation Criteria			
Market Cleansing	18 contracts covering the following district/areas: Wan Chai (2); Sham Shui Po (2); Luen Wo Hui, North; Wong Tai Sin; Mong Kok; Yuen Long; Cheung Chau, Islands; Sai Kung; Kwai Chung, Kwai Tsing; Tuen Mun; Peng Chau, Islands; Tai Po; Sha Tin; Tsing Yi, Kwai Tsing; Shek Wu Hui, Kwu Tung and Sha Tau Kok, North; Tsuen Wan	1-4-2002	20	\$5,325	Price : Quality Weighting : 70% : 30%			
		1-4-2002	38	\$5,325	Criteria for quality assessment :			
		1-5-2002	44	\$5,200		Maximum marks	Passing marks	
		1-5-2002	48	\$5,500				
		1-7-2002	43	\$5,438	1.	Provision of additional resources (staffing and equipment) :	25	NA
		1-8-2002	132	\$5,013				
		1-8-2002	44	\$5,013				
		1-10-2002	58	\$5,000				
		1-2-2003	21	\$5,100	2.	Quality of management plan :	8	25
		1-2-2003	26	\$5,269	3.	Quality of work plan :	14	
		1-2-2003	24	\$5,000	4.	Proposed monthly wages for workers :	20	
		1-2-2003	36	\$5,100	5.	Proposed allowable daily maximum working hours for workers :	8	
		1-3-2003	21	\$5,100				
		1-3-2003	7	\$5,069				
		1-3-2003	23	\$5,067				
		1-3-2003	9	\$5,000				
		1-3-2003	49	\$5,100				
		1-3-2003	93	\$5,070	6.	Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	25	NA
Total marks :					100			

Type of Contract (cleaning/security/ property management)	Service Location	Date of Commencement	No. of staff Employed	Wages Offered by Contractor (Monthly)	Evaluation Criteria		
Other specific cleaning services including roving team cleansing to refuse collection points, aqua privies and villages; roving team cleansing to canopies, hygiene black spots and elimination of mosquito breeding places; washing for footbridges, pedestrian subways and public transport interchanges; mid-night conservancy	Four contracts covering districts in Hong Kong, Kowloon and New Territories	1-5-2002	95	\$5,438	Price : Quality Weighting : 70% : 30%		
		1-6-2002	260	\$5,438	Criteria for quality assessment :		
		1-6-2002	160	\$5,438		Maximum marks	Passing marks
		1-4-2002	2	\$7,300			
					1. Quality of management plan :	14	} 35
					2. Quality of work plan :	21	
					3. Proposed monthly wage for workers :	35	
					4. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	30	NA
					(Restriction was set in the tender for workers to work less than 10 hours daily)		
					Total marks :	100	

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff Employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Cleaning by Static Street Cleaners	Three districts in Hong Kong and Kowloon	1-7-2002	60	\$5,438	Price : Quality Weighting : 70% : 30% Criteria for quality assessment :	<i>Maximum marks</i>	<i>Passing marks</i>
					1. Quality of management plan :	20	}
					2. Proposed monthly wages for workers :	30	
					3. Proposed allowable daily maximum working hours for workers :	10	
					4. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	40	NA
					Total marks :	100	
Cleansing for Cemeteries and Gardens of Remembrance	Two contracts covering two cemeteries and Gardens of Remembrance in New Territories	1-6-2002 1-1-2003	16 32	\$6,000 \$5,067	Price : Quality Weighting : 70% : 30% Criteria for quality assessment :	<i>Maximum marks</i>	<i>Passing marks</i>
					1. Provision of additional resources (staffing) :	25	}
					2. Quality of management plan :	10	
					3. Quality of work plan :	15	
					4. Proposed monthly wages for workers :	25	
					5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	25	NA
					(Restriction was set in the tender for workers to work less than 10 hours daily)		
					Total marks :	100	

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff Employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Building Cleansing	11 contracts covering the following buildings and offices:	1-6-2002	1	\$5,438	Price : Quality Weighting : 70% : 30%		
		18-8-2002	2	\$5,200	Criteria for quality assessment :		
	No. 3 Edinburgh Place; Smithfield Complex; Wong Tai Sin District Office (EH) in Tai Shing Street Market Building; Sheung Wan Complex; Lockhart Road Complex; Hung Hom Municipal Services Building; Sai Yee Street Depot; Chai Wan Municipal Services Building; Whitfield Depot; Man Kam To Food Control Office; Kwai Chung Depot	8-12-2002	3	\$5,200		<i>Maximum marks</i>	<i>Passing marks</i>
		1-12-2002	30	\$5,270			
		1-12-2002	18	\$5,920	1. Provision of additional resources (staffing and equipment) :	25	NA
		1-1-2003	10	\$5,300			
		1-4-2003	1	\$5,085			
		9-4-2003	3	\$5,067			
		1-4-2003	2 (Part Time)	\$2,600	2. Quality of management plan :	8	} 25
		1-4-2003	5	\$5,035	3. Quality of work plan :	14	
		1-4-2003	2	\$5,067	4. Proposed monthly wages for workers :	20	
					5. Proposed allowable daily maximum working hours for workers :	8	
					6. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	25	NA
					Total marks :	100	

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Security Services	Guard 12 contracts covering the following buildings: Po On Road Municipal Services Building; Hung Hom Municipal Services Building; Pei Ho Street Municipal Services Building; Kwun Chung Municipal Services Building; Ngau Tau Kok Municipal Services Building (Market Portion); Cha Kwo Ling Depot; Cemeteries and Crematoria Section; Smithfield Municipal Services Building; Sheung Wan Municipal Services Building; Venues of Kowloon Region; Java Road Municipal Services Building; Chai Wan Municipal Services Building	1-2-2003	9	\$4,700	Price : Quality Weighting : 60% : 40%		
		1-2-2003	12	\$4,700	Criteria for quality assessment :		
		1-2-2003	16	\$4,700		<i>Maximum marks</i>	<i>Passing marks</i>
		1-2-2003	9	\$4,700	1. Quality of management plan :	16	38
		1-2-2003	4	\$4,700	2. Quality of work plan :	19	
		1-2-2003	6	\$4,500	3. Proposed monthly wages for workers :	35	
		1-2-2003	45	\$4,680	4. Contingency plan :	6	
		16-2-2003	17	\$4,472	5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	24	NA
		16-2-2003	16	\$4,800	Total marks : 100		
		1-4-2003	8	\$4,680	Price : Quality Weighting : 70% : 30%		
		1-4-2003	5	\$4,800	Criteria for quality assessment :		
		31-3-2003	12	\$5,498		<i>Maximum marks</i>	<i>Passing marks</i>
Sludge Tanker-away	Kowloon City	1-9-2002	1	\$5,500	1. Quality of management plan :	14	35
					2. Quality of work plan :	21	
					3. Proposed monthly wages for workers :	35	
					4. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	30	NA
					Total marks : 100		

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement (Awarded in April 2003)</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>			
Building Cleansing	Two contracts covering two government offices in New Territories and Kowloon respectively	16-5-2003 1-7-2003	1 6	\$5,138	Price : Quality Weighting : 70% : 30%			
				\$3,500	Criteria for quality assessment :			
				(Contractor, being a rehabilitation Non-Government Organization, indicated that it will deliberately employ more than the required workforce for the job so as to provide more training opportunity for the less privileged people. This factor has been reflected in the contractor's wage offer.)	1. Provision of additional resources (staffing and equipment) :	of	Maximum marks 25	25
					2. Quality of management plan :		8	
					3. Quality of work plan :		14	
					4. Proposed monthly wages for workers :		20	
					5. Proposed allowable daily maximum working hours for workers :		8	
					6. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :		25	NA
					Total marks :		100	



<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement (Awarded in April 2003)</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Security Services	Guard A municipal services building in Hong Kong	1-5-2003	9	\$5,768	Price : Quality Weighting : 60% : 40% Criteria for quality assessment :	<i>Maximum marks</i>	<i>Passing marks</i>
					1. Quality of management plan :	16	}
					2. Quality of work plan :	19	
					3. Proposed monthly wages for workers :	35	
					4. Contingency plan :	6	}
					5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	24	
					Total marks :	100	
Cleansing and Mosquito Control	and 2 contracts covering districts in Hong Kong, Kowloon and New Territories	1-5-2003 1-5-2003	96 64	\$5,138 \$5,138	Price : Quality Weighting : 70% : 30% Criteria for quality assessment :	<i>Maximum marks</i>	<i>Passing marks</i>
					1. Quality of management plan :	26	}
					2. Proposed monthly wages for workers :	34	
					3. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	40	
					(Restriction was set in the tender for workers to work less than 10 hours daily)	100	
					Total marks :		

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement (Awarded in April 2003)</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Waste Collection	A district in New Territories	1-5-2003	6	\$5,200	Price : Quality Weighting : 70% : 30% Criteria for quality assessment :		
						<i>Maximum marks</i>	<i>Passing marks</i>
					1. Quality of management plan :	12	35
					2. Quality of work plan :	20	
					3. Proposed monthly wages for workers :	28	
					4. Proposed allowable daily maximum working hours :	10	
					5. Experience and record of past performance, including compliance with the Employment Ordinance, and so on :	30	NA
					Total marks :	100	

Information on Outsourced Cleaning/Security/Property Management Services Contracts Awarded in 2002-03  
(GPA)

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor</i>	<i>Evaluation Criteria</i>		
Property Management	Covering five joint-user buildings and 18 quarters in Hong Kong	1-5-2002	Security Guards : 243	Average \$6,350 per month	Price : Quality Weighting : 30% : 70%		
			Cleaners :		Criteria for quality assessment :		
			Full-time : 120	\$5,500 per month		<i>Maximum marks</i>	<i>Passing marks</i>
			Part-time : 30	\$2,750 per month	1. Corporate capability :	18	9
					2. Service delivery method :	32	16
					3. Service delivery improvement :	9	4.5
					4. Tenderer experience :	18	9
					5. Helpdesk :	9	4.5
					6. Transition and Implementation :	4	2
					7. Working condition of cleaners :	5	2.5
					8. Working condition of security guards :	5	2.5
					Total marks :	100	75

Annex 2

Information on Outsourced Cleaning/Security/Property Management Services Contracts Awarded in 2002-03  
(LCSD)

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly) *</i>	<i>Evaluation Criteria</i>
Cleansing Services	15 contracts covering the following venues :	1-5-2002	Cleaners : Full-time : 55	\$4,600	Price : Quality Weighting : 60% : 40%
	Hong Kong Park, Visual Arts Centre,	1-6-2002	Cleaners : Full-time : 14	\$4,200	Overall passing mark is 20 after applying the 40% weighting for the quality scorers.
	Flagstaff House, Museum of Teaware and KS Lo Gallery; Hong Kong Coliseum; Shatin Town Hall, Tai Po Civic Centre and North District Town Hall; Tuen Mun Town Hall, Yuen Long Theatre, Kwai Tsing Theatre and Tseun Wan Town Hall;	1-6-2002	Cleaners : Full-time : 23 Part-time : 11	\$4,830	Criteria for quality assessment :
	Shatin Public Library, Tuen Mun Public Library and Mobile Libraries; Tin Shui Wai Public Library; Queen Elizabeth Stadium; Hong Kong Central Library; Museum of Coastal Defence, HK Science Museum and HK Museum of History; Hong Kong Film Archive; Kowloon Public Library; Tsimshatsui Public Library; Tsz Wan Shan Public Library; Sham Shui Po District; Yau Tsim Mong District	1-6-2002	Cleaners : Full-time : 9 Part-time : 8	\$4,000	
		1-6-2002	Cleaners : Full-time : 1 Part-time : 1	\$5,060	
		1-6-2002	Cleaners : Full-time : 9 Part-time : 12	\$5,325	
		1-7-2002	Cleaners : Full-time : 43 Part-time : 23	\$5,166	
		1-8-2002	Cleaners : Full-time : 65 Part-time : 11	\$4,830	
		1-8-2002	Cleaners : Full-time : 5 Part-time : 1	\$5,003	
					1. Accredited to relevant ISO standards : 3
					2. Relevant experience : 3
					3. Record of past performance : 7
					4. Cleansing equipment : 3
					5. Provision of management, work, and contingency plans : 7
					6. Minimum number of staff proposed : 4
					7. Capable to mobilize labour in wake of typhoons or other emergency situations : 3
					8. Proposed monthly wage level: 3
					9. Proposed allowable maximum working hours : 2
					10. Proposed percentage of employment of persons with disabilities as cleaners/workers : 2
					11. Conviction under the Employment Ordinance: 3
					Total marks: 40

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly) *</i>	<i>Evaluation Criteria</i>
		16-10-2002	Cleaners : Full-time : 2 Part-time : 2	\$5,166	
		16-10-2002	Cleaners : Full-time : 1 Part-time : 4	\$5,000	
		16-10-2002	Cleaner : Full-time : 1	\$4,000	
		1-12-2002	Cleaners : Full-time : 198 Part-time : 20	\$4,576	
		1-12-2002	Cleaners : Full-time : 138 Part-time : 6	\$4,940	

Type of Contract (cleaning/security/ property management)	Service Location	Date of Commencement	No. of staff employed	Wages Offered by Contractor (Monthly) *	Evaluation Criteria		
Security Services	Six contracts covering the following venues : Hong Kong Central Library; Hong Kong Park, Visual Arts Centre, Flagstaff House, Museum of Teaware and KS Lo Gallery; Tseung Kwan O Public Library; Tin Shui Wai Public Library; HK Flower Show (Victoria Park); Ap Lei Chau Municipal Services Building	1-5-2002	Security Guards : Full-time : 44 Part-time : 7	\$6,000	Price : Quality Weighting : 60% : 40% Overall passing mark is 20 after applying the 40% weighting for the quality scorers.		
		1-5-2002	Security Guards : Full-time : 31	\$6,900	Criteria for quality assessment :		
		1-7-2002	Security Guards : Part-time : 8	\$6,292	1. Accredited to relevant ISO standards:	Maximum marks 2	Passing marks NA
		1-11-2002	Security Guards : Full-time : 2 Part-time : 2	\$6,240	2. Relevant experience:	3	NA
		17-2-2003	Security Guards : Part-time : 120	\$7,800	3. Record of past performance:	5	1
		1-4-2003	Security Guards : Full-time : 4 Part-time : 2	\$6,408	4. Attractiveness of uniform:	3	1
					5. Provision of management and work plans:	5	1
					6. Provision of contingency plan:	4	1
					7. Professional qualification of manager and supervisory staff:	5	NA
					8. Experience in crowd control:	3	NA
					9. Proposed monthly wage level:	5	
					10. Proposed allowable maximum working hours:	2	
					11. Conviction under the Employment Ordinance:	3	
					Total marks:	40	5

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly) *</i>	<i>Evaluation Criteria</i>		
Security Services	A park in Hong Kong	1-5-2003	Security Guards : Full-time : 10	\$5,800	Price : Quality Weighting : 60% : 40% Overall passing mark is 20 after applying the 40% weighting for the quality scorers. Criteria for quality assessment :		
						<i>Maximum marks</i>	<i>Passing marks</i>
					1. Accredited to relevant ISO standards:	2	NA
					2. Relevant experience:	3	NA
					3. Record of past performance:	5	1
					4. Attractiveness of uniform:	3	1
					5. Provision of management and work plans:	7	1
					6. Provision of contingency plan:	5	1
					7. Professional qualification of manager and supervisory staff:	5	NA
					8. Proposed monthly wage level:	5	} 5
					9. Proposed allowable maximum working hours :	2	
					10. Conviction under the Employment Ordinance:	3	
					Total marks:	40	

\* Wages for Part-time staff will be paid on pro-rata basis, depending on the number of hours they have worked.

## Information on Outsourced Cleaning/Security/Property Management Services Contracts Awarded in 2002-03

(HD)

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Property Contracts	Service 13 contracts covering the following 26 estates: Fu Shin, Choi Yuen, Long Ping, Cheung Fat, Nam Cheong, Tsui Lam, Kwong Tin, Tse Man, Tsz Hong, Fu Shan, Tsz Lok, Tsz On Phase 3, Kin Ming, Choi Ming Shopping Centre, Kwong Fuk, Mei Lam, Lung Tin, Kam Peng, Ngan Wan, Siu Sai Wan, Ma Hang, Sai Wan, Wan Tau Tong, Choi Fai, Tin Yiu (I), Tin Yiu (II)	Between 1-9-2002 and 1-4-2003	Security Supervisor: 170 Special Guard: 526 Security Guard: 529 Cleaving Foreman: 48 Cleaner: 658  Total: 1 931	\$5,800 – \$12,500 \$5,500 – \$7,160 \$4,800 – \$6,800  \$6,350 – \$14,000 \$3,700 – \$5,600	Price : Quality Weighting : 50% : 50% Criteria for quality assessment:		
						<i>Highest marks</i>	<i>Passing marks</i>
					1. Management proposal:	50	} 75
					2. Past performance:	100	
					3. Intake of HD staff:	75	NA
					Total marks:	225	75
Estate Contracts	Cleansing Four contracts covering the following four estates: Ma Hang , Tung Tau (I), Lei Muk Shue (II), Model Housing	Between 1-8-2002 and 1-3-2003	Foreman:4 Cleaner: 23  Total 27	\$5,000 – \$7,000 \$3,642 – \$4,137	Price : Quality Weighting : 50% : 50% Criteria for quality assessment :		
						<i>Highest marks</i>	<i>Passing marks</i>
					1. Past performance:	30	
					2. Work plan (including salary):	20	
					Total marks:	50	25

Annex 4



<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>		
Security Contracts	Guard 79 contracts covering the following 79 estates under the direct management of HD: Choi Fai, Shun Tin, Ping Shek, Fu Shan, Kai Yip, Shun Lee, Tsz Lok, Lower Ngau Tau Kok (II), Oi Man, Tsz Ching, Tsz Man, Ko Yee, Wo Lok, Choi Hung, Sau Mau Ping (I), Lok Wah (North), Lok Wah (South), Model Housing, Wong Chuk Hang, Ap Lei Chau, Ma Hang, Wah Fu (I), Wah Fu (II), Sai Wan, Hing Man, Hing Wah (II), Siu Sai Wan, Yiu Tung, Wan Tsui, Yue Wan, Kwai Shing (W), Kam Peng, Chak On, Tin Shui (II), Tung Tau (I), Wang Tau Hom, Tin Yiu (II), Tin Shui (I), So Uk, Mei Tung, Shek Lei (I), Pak Tin, Nam Shan, Lai On, Lai Kok, Tin Yiu (I), Shek Kip Mei, Choi Wan (I), Lower Wong Tai Sin (II), Lok Fu, Lei Muk Shue, Shek Yam (E), Tai Hing, Butterfly, Yau Oi, Kwai Fong, On Ting, On Yam, Kwai Chung, Sam Shing, Cheung Hong, Tai Wo Hau, Lai King, Shek Wai Kok, Wu King, Lai Yiu, Long Bin Interim Housing, Fuk Loi, Wo Che, Sha Kok, Sai Kung Interim Housing, Lek Yuen, Lung Hang, Sun Tin Wai, Chun Shek, Sun Chui, Mei Lam, Lee On, Kwong Fuk	Between 1-4-2002 and 1-3-2003	Supervisor: 717 Special Guard: 2 341 Guard: 790  Total: 3 848	\$5,720 – \$6,305  \$5,070 – \$5,577 \$4,212 – \$5,720	Price : Quality Weighting : 50% : 50% Criteria for quality assessment :		
						<i>Highest marks</i>	<i>Passing marks</i>
					1. Past performance:	30	
					2. Work plan (including salary):	20	
					Total marks:	50	25

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed</i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>
Management Contracts Shopping Centres	18 contracts covering 18 shopping centres under the HD's management: Tsz Ching, Choi Wan, Fung Tak, Hang On, Lai Yiu, Sha Kok, Wong Tai Sin and Lung Cheung Mall, Shek Yam, Lai Kok, Shek Wai Kok, Wah Fu (II), Lung Hang, Yiu Tung, Siu Sai Wan, Wan Tsui, Tai Hing, Kwai Fong, Ho Man Tin	Between 1-6-2002 and 1-11-2002	Security Guard: 360 Cleaner: 277  Total : 637	\$4,800 – \$6,350 \$3,546 – \$5,233 (full-time) \$1,800 – \$2,640 (part-time)	Price : Quality Weighting : 50% : 50% Criteria for quality assessment:  Highest marks 1. Past performance: 30 2. Management: 20 Total marks: 50
Car Management Contracts	park Seven contracts covering the following 33 car parks in public housing estates: Cheung Ching, Cheung Hong, Cheung Hang, Tsing Yi, Cheung Fat, Cheung On, Ching Lai Court, Ching Wang Court, Lei Yue Mun, Chun Man Court, Cheung Wo Court, Kam Tai Court, Kin Ming, Shun Lee, Shun On, Shun Tin, Shun Chi Court, Fu Tung, Choi Ha, Kai Tin, Ping Tin, Kai Yip, Kai Tai Court, Ko Yee, Wan Hon, Kwai Chung, Kwai Shing East, Tin Tze, Ho Man Tin Plaza, Hung Hom, Sheung Lok, Shek Lei (II), Sheung Tak	Between 1-6-2002 and 1-6-2003	Supervisor: 117 Security Guard: 572  Total : 689	\$6,050 – \$8,500  \$5,000 – \$5,350	Price : Quality Weighting : 70% : 30% Criteria for quality assessment:  Highest marks 1. Past performance 20 2. Capacity and experience 2 3. Value-added service 5 4. Proposed salary 3 Total marks: 30

<i>Type of Contract (cleaning/security/ property management)</i>	<i>Service Location</i>	<i>Date of Commencement</i>	<i>No. of staff employed<sup>(1)</sup></i>	<i>Wages Offered by Contractor (Monthly)</i>	<i>Evaluation Criteria</i>
Property Management Agency Contracts	45 contracts for the following 45 Home Ownership Scheme (HOS) Courts 25 contracts for the following 28 public rental housing (PRH) estates  HOS Courts :  Ching Nga, Hong Nga, Mei Chung, Tsz Oi, Yan Ming, Yu Ming, Yuk Ming, Tsz On, Ching Lai, Chun Man, Kam On, Lung Tak, Yue Tin, Po Hei, Yuet Lai, Hong Tin, Kam Tai, Siu Hei, Tsui Yiu, Kam Fung, Hong Ying, Tak Nga, Tin Yau, Tong Ming, Yee Ching, King Tsui, Tin Fu, Tin Wang, King Shing, On Shing, Siu Kwai, Siu On, Tung Yuk, Ying Fuk, Fu Keung, Hin Ming, Po Ming, Kam Ying, Kwun Fai, Hiu Lai, Kwun Hei, Siu Hong, On Kay, Fung Shing, Sui Wo  PRH Estates :  Tin Wan, Sheung Tak, Hing Wah, Tsui Lok, Ming Tak, Hing Tung, Kai Tin, Ho Man Tin, Fortune, Tin Tsz, Fu Tung, Upper Wong Tai Sin, Hung Hom, Shek Yam, Ping Tin, Yau Tong, Fu Tai, Lei Muk Shue, Yat Tung, Hong Tung, Sheung Lok, Wah Kwai, Wan Tsui, Pak Tin, Wan Hon, Tin Wah, Un Chau, Po Tin Interim Housing	Between 1-4-2002 and 1-3-2003	Security Supervisor and Guard: about 1 766  Cleansing Foreman and Operatives: about 634  Total: about 2 400	Security Supervisors : \$19,941  Security Guard: \$6,946  Cleansing Foreman: \$11,781  Cleansing Operatives: \$7,308	For HOS:  Price : Quality Weighting : 70% : 30% Criteria for quality assessment:  <i>Highest marks</i> 1. Company's portfolio: 9 2. Past performance: 12 3. Company's human resource (on-site deployment): 17 4. Security service: 6 5. Cleansing service: 6 6. Maintenance works: 20 Total marks: 70  For PRH:  assessment criteria include staff cost as well as management practices, financial situation and past performance of the company

- (1) As most contractors have sub-contracted their services, we do not have exact figures on the number and wages of staff. Figures in the table are estimates only. Moreover, the wage figures reflect employees' salaries and other fringe benefits.

**Shortage of Parking Spaces for Coaches and Goods Vehicles**

9. **MS MIRIAM LAU** (in Chinese): *Madam President, according to "The Second Parking Demand Study — Final Report" (the Report) published by the Transport Department in November last year, there were shortfalls of 3 300 and 9 000 parking spaces for coaches and goods vehicles (GVs) respectively in Hong Kong in 2000. In this connection, will the Government inform this Council:*

- (a) *of the number of sites granted for coaches and GV parking in each of the past three years, as well as the locations and sizes of the sites, and the estimated numbers of parking spaces provided;*
- (b) *as the Report recommends that where parking shortage is justified and the maximum plot ratio requirements under the Buildings Ordinance are met, the Government may make use of the opportunity afforded by redevelopment proposals to require developers to provide more parking spaces and, under such initiatives, consideration should particularly be given to requiring developers to provide more GV parking spaces in areas where severe shortages of GV parking spaces are anticipated, whether the Government has considered implementing the recommendation with a view to increasing the supply of coaches and GV parking spaces; if so, of the outcome of its consideration; if not, the reasons for that; and*
- (c) *as the Report also recommends that short-term tenancy sites and vacant private development sites may be temporarily used for coaches or GV parking, whether the Government has considered the recommendation; if so, of the outcome of its consideration; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): *Madam President, in order to meet the shortfalls of parking spaces for coaches and GV, we have been providing vacant government land and private development sites for coaches or GV parking before they are developed. For the former, we grant short-term tenancies (STT) and the latter by means of temporary conversion of land use.*

As at December 2002, there were a total of 140 STT sites providing 714 and 10 378 parking spaces for coaches and GVs respectively. The total area of the STT sites for coach and GV parking had been maintained at around 1.2 million sq m per annum over the past three years. The details of STT parking sites for coaches and GVs from 2000 to 2002 are set out in the Annex.

As recommended in the "Second Parking Demand Study", the Government would make use of the opportunities afforded by redevelopment proposals to negotiate with and encourage developers to provide additional parking spaces for coaches and GVs to meet the demand in the areas concerned as well as the additional demand generated by the redevelopment. In addition, through the inclusion of parking provisions as conditions in land sale programmes, private developers have been required to develop and operate public parking areas for coaches and GVs in areas of demand and where surrounding road networks are capable of handling the additional traffic generated.

The Government will continue to make efforts to meet the demand for parking spaces for coaches and GVs with reference to the recommendations of the "Second Parking Demand Study".

## Annex

### STT Sites for Coach and GV Parking in 2000

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Central and Western	Sai Ning Street	1 030	0	17
Central and Western	Sai See Street	2 610	1	45
Central and Western	Fung Mat Road, West Reclamation	4 792	7	62
Central and Western	Belcher Bay Reclamation	7 110	0	119
Eastern	Wharf Road	1 580	0	15
Eastern	Hing Man Street	1 090	0	10
Eastern	Siu Sai Wan Road	2 560	0	24
Eastern	Java Road	877	0	8
Eastern	Shing Tai Road	11 000	4	72
Eastern	Heng Fa Chuen	4 170	0	55
Eastern	Wing Tai Road, Chai Wan	1 913	0	34
Eastern	Fung Yip Street	1 230	0	16
Eastern	J/O Tin Chiu Street/Java Road	1 620	0	21
Eastern	Lei King Road	2 775	1	18
Eastern	Ka Yip Street	1 964	0	26
Eastern	Off Hoi Tai Street	2 040	2	45
Eastern	Holy Cross Path	1 035	0	10
Southern	Nam Long Shan Road	1 990	0	26
Southern	Tin Wan Praya Road	4 700	1	50
Southern	Wah Lok Path	1 910	7	15
Southern	Off Cape Road	1 270	3	0
Sub Total - Hong Kong Island		59 266	26	689

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Kowloon City	Bailey Street	2 900	3	56
Kowloon City	Chi Kiang Street	10 300	12	197
Kowloon City	To Kwa Wan Reclamation Area	9 880	11	189
Kowloon City	J/O Ko Shan Road/Shan Si Street	3 030	3	58
Kowloon City	Kai Tak	23 900	27	458
Kwun Tong	Fuk Tong Road	2 580	0	31
Kwun Tong	Anderson Road	300	1	3
Kwun Tong	Hong Tak Road	4 900	9	56
Kwun Tong	Sam Ka Tsuen	3 640	0	13
Kwun Tong	Wang Chiu Road	8 270	15	94
Kwun Tong	Cha Kwo Ling Road	4 878	9	56
Kwun Tong	Kai Cheung Road/Wang Kwong Road	9 510	17	108
Kwun Tong	Lei Yue Mun Path, Sam Ka Tsuen	2 920	9	0
Kwun Tong	King Yip Street	6 130	6	36
Kwun Tong	Tung Yuen Street	2 100	2	12
Kwun Tong	Yan Yue Wai	1 760	2	10
Kwun Tong	Former Kai Tak Airport	12 000	21	137
Sham Shui Po	Cheung Shun Street	3 975	0	42
Sham Shui Po	Hing Wah Street	7 490	14	94
Sham Shui Po	Tung Chau Street	6 070	0	64
Sham Shui Po	Yen Chow St West	10 500	20	132
Sham Shui Po	Mei Lai Road	3 260	30	20
Sham Shui Po	Tung Chau Street	9 980	2	63
Sham Shui Po	Hing Wah Street West Kowloon Reclamation	18 100	0	135
Sham Shui Po	Yuet Lun Street	20 100	0	247
Sham Shui Po	J/O Cheung Sha Wan Road and Hing Wah Street	8 180	2	52
Sham Shui Po	J/O Lai Chi Kok Road and Cheung Shun Street	3 975	1	25
Wong Tai Sin	Sheung Fung Street	1 120	0	16
Wong Tai Sin	Lok Wah Street	5 860	2	16
Wong Tai Sin	Fung Shing Street	6 270	11	71
Wong Tai Sin	J/O Fung Tak Road/Sheung Yuen Street	2 160	36	0
Wong Tai Sin	J/O Sa Po Road/Lok Sin Road	3 040	0	7
Yau Tsim Mong	West Kowloon Reclamation	3 830	0	10
Yau Tsim Mong	J/O Ferry St/Man Cheong Street	4 660	0	12
Yau Tsim Mong	J/O Hoi Wang Road/Hoi Ting Road	9 310	0	24
Yau Tsim Mong	Hoi Ting Road	4 210	0	11
Yau Tsim Mong	J/O Tai Kok Tsui Road/Anchor Street	1 120	0	3
Yau Tsim Mong	Luen Wan Street	1 800	0	5
Sub total - Kowloon		244 008	264	2561
Kwai Tsing	Wing Kei Road	1 480	0	25
Kwai Tsing	Tsing King Road	4 550	0	75
Kwai Tsing	Tsing Yi Road	1 950	0	20
Kwai Tsing	Container Port Road South	31 900	0	385
Kwai Tsing	Container Port Road South	8 890	0	99
Kwai Tsing	Fung Shue Wo Road, Area 8	2 710	2	12
Kwai Tsing	Reclamation Area Stonecutters Island	33 600	0	405
Kwai Tsing	Sai Tso Wan Road, Area 14	28 800	6	348
Kwai Tsing	Kin Chuen Street, Area 10c	2 130	0	35
Kwai Tsing	Container Port Road South	60 300	12	728
Kwai Tsing	J/O Container Port Road/Kwai Tai Road	3 190	0	38
Kwai Tsing	Tam Kon Shan Road, Area 9	398	0	2
Kwai Tsing	Container Port Road South	17 200	0	191
Kwai Tsing	Container Port Road South	16 700	0	201
Kwai Tsing	Container Port Road South	45 000	0	543

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Kwai Tsing	J/O Kwai Chung Road/Tai Lin Pai Road	3 120	2	14
Kwai Tsing	Area 16,Sai Tso Wan Road	1 694	1	8
Kwai Tsing	Area 16,Sai Tso Wan Road	23 400	0	260
Kwai Tsing	Area 10, Liu To Road	2 180	0	36
Kwai Tsing	Container Port Road South	21 100	4	255
Kwai Tsing	Tsing Mui Street, Area 6	13 500	3	163
Kwai Tsing	Area 37, Kwai Wo Street	23 600	0	285
Kwai Tsing	Area 29b, Wing Yip Street	3 280	0	46
Kwai Tsing	Area 2, Tsing King Road	2 610	2	12
Kwai Tsing	Area 26C, Kwai Chung	35 500	0	436
Kwai Tsing	Area 38 Kwai Fuk Road	4 550	1	55
Kwai Tsing	J/O Hing Fong Road/Tsuen Wan Road	3 380	1	41
Kwai Tsing	Kwai Hei Road	7 200	1	87
Kwai Tsing	Container Port Road South	3 860	1	47
Kwai Tsing	Kwai Tsing Road Kwai Chung	15 400	3	186
Kwai Tsing	Area 16 Sai Tso Wan Road	5 680	1	69
North	Sha Tau Kok Road, Area 19	9 350	0	94
North	Area 27D, Sheung Shui	5 890	0	1
North	Area 21, Luen Wo Hui	2 510	0	9
North	Area 4B	11 400	0	110
North	Park Wo Road	15 000	0	144
North	Area 28, Sheung Shui	7 500	1	27
North	Area 25, On Lok Tsuen	2 204	0	22
North	Area 4B, Sheung Shui	776	0	8
North	Area 4A, Sheung Shui	2 860	0	10
North	Area 18, Fan Ling	7 100	0	72
North	Area 30A, Choi Yuen Road	6 230	0	60
North	Area 34, Po Ping Road	1 910	0	13
North	Area 44, Wo Hop Shek	1 909	0	13
North	Fung Nam Road	2 034	0	14
North Lantau	Tat Tung Road	8 820	147	0
Sai Kung	Po Lam Road South	2 870	2	29
Sai Kung	Po Lam Road North	2 280	0	38
Sai Kung	Po Lam Road	1 380	1	14
Sai Kung	Pui Shing Road	5 830	5	58
Sai Kung	Po Hong Road	2 190	2	22
Sai Kung	Yuk Nga Lane	2 570	2	26
Sai Kung	Area 109, J/O Hang Hau Road/Po Ning Road (Tseung Kwan O)	2 850	2	29
Sai Kung	DD 215, Hong Kin Road	1 650	0	4
Sai Kung	Area 4	3 586	3	36
Sha Tin	Mei Tin Road and Pak Tin Street	2 870	2	32
Sha Tin	Area 11, J/O On Ping Street and On Sum Street	7 850	0	1
Sha Tin	Area 73, Ma On Shan Road	9 240	7	102
Sha Tin	Area 73, Ma On Shan Road	15 500	11	171
Sha Tin	Ngan Shing Street and Sha Tin Wai Road	8 940	0	1
Sha Tin	Ma On Shan Road, Area 73	5 080	2	0
Sha Tin	Area 25, Man Lam Road	3 290	32	7
Sha Tin	Shing Wan Road	5 650	0	23
Sha Tin	Area 27 Lion Rock Tunnel Road	11 000	0	1
Sha Tin	Area 11, J/O On Yiu Street/On Lai Street	7 890	0	1
Sha Tin	Tai Chung Kiu Road	7 260	0	1

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Sha Tin	Proposed Sttl 487 near Po Tai Street	14 300	0	1
Sha Tin	J/O Between Hang Fai Street and Hang Ming Street Ma On Shan	10 200	0	1
Sha Tin	On Muk Street Area 11	8 920	0	1
Sha Tin	Area 16B Fo Tan	9 170	7	101
Sha Tin	Shan Mei Street	1 360	0	10
Sha Tin	Au Pui Wan Street	5 381	0	40
Sha Tin	Hin Keng Street	865	0	11
Sha Tin	Ma On Shan Road	6 500	3	86
Sha Tin	Kong Pui Street	1 810	0	13
Tai Po	Area 1, Plover Cove Road	7 500	10	20
Tai Po	Tat Wan Road	10 500	0	126
Tai Po	Ma Wo Road	6 680	0	84
Tai Po	Plover Cove Road	3 250	0	41
Tai Po	Area 5, Kwong Fuk Road	28 335	0	80
Tai Po	Area 5, Kwong Fuk Road	1 900	0	24
Tai Po	Dai Shing Street, Area 26 (Private car park but open to public)	4 650	0	56
Tai Po	Dai Wah Street, Area 33	8 400	0	70
Tsuen Wan	Yeung Uk Road	2 760	4	35
Tsuen Wan	Wo Tik Street	3 679	5	47
Tsuen Wan	Sham Tseng	470	0	6
Tsuen Wan	Tai Ho Road	1 729	2	22
Tuen Mun	Area 31, Yeung Tsing Road	2 210	2	19
Tuen Mun	Area 41	7 250	6	63
Tuen Mun	Area 16	3 270	3	28
Tuen Mun	San On Street	2 538	0	32
Tuen Mun	Wu Shan Road	7 750	12	74
Tuen Mun	Wong Chu Road	3 175	0	40
Tuen Mun	Area 40	2 890	5	28
Tuen Mun	Leung Tak Street	2 850	0	36
Tuen Mun	Leung Tak Street	3 075	0	20
Tuen Mun	Siu Hing Lane	1 470	1	13
Tuen Mun	Wu Hong Street	2 260	2	20
Tuen Mun	Tseng Choi Street	1 805	1	16
Tuen Mun	Yip Wong Road	2 890	5	28
Tuen Mun	Area 2A	3 200	3	28
Tuen Mun	Area 44, Wu Shan Road	4 680	4	40
Tuen Mun	Area 10A	3 346	0	42
Tuen Mun	Sam Shing Street, Area 27	1 010	0	7
Tuen Mun	Tuen Yee Street, Area 16	18 500	0	87
Tuen Mun	Area 17	6 750	0	32
Yuen Long	Ma Fung Ling Road	1 510	4	9
Yuen Long	Kam Tin Road	860	2	5
Yuen Long	Tin Fuk Road	5 435	7	22
Yuen Long	Tin Hei Street	5 060	0	19
Yuen Long	Tin Yiu Road	3 540	9	20
Yuen Long	Tin Tan Street	3 500	9	20
Yuen Long	Tin Lung Road	10 950	28	63
Yuen Long	Ma Tin Road	1 792	0	7
Yuen Long	Tin Tan Street	6 110	16	35
Yuen Long	Ma Tin Road	4 665	0	78
Sub total - New Territories		886 821	409	8 100
Total		1 190 095	699	11 351



## STT Sites for Coach and GV Parking in 2001

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Central and Western	Sai Ning Street	1 030	0	11
Central and Western	Sai See Street	2 610	7	47
Central and Western	Fung Mat Road, West Reclamation	4 792	0	147
Central and Western	Belcher Bay Reclamation	7 110	0	169
Eastern	Wharf Road	1 580	0	7
Eastern	Wing Tai Road, Chai Wan	1 913	0	53
Eastern	J/O Tin Chiu Street/Java Road	1 620	0	51
Eastern	Lei King Road	2 775	0	42
Eastern	Off Hoi Tai Street (Dangerous Goods Vehicle)	2 040	0	62
Eastern	Shing Tai Road	9 730	46	97
Eastern	Hing Man Street Shau Kei Wan	2 740	0	12
Eastern	Ka Yip Street Chai Wan	1 960	0	54
Eastern	Oi Shu Road Aldrich Bay/Shau Kei Wan	3 030	2	22
Southern	Tin Wan Praya Road Aberdeen	3 970	0	85
Southern	Nam Long Shan Road	1 990	0	36
Southern	Wah Lok Path	1 910	7	15
Sub total - Hong Kong		50 800	62	910
Kowloon City	Bailey Street	2 900	0	56
Kowloon City	Chi Kiang Street	10 300	53	111
Kowloon City	To Kwa Wan Reclamation Area	9 880	71	43
Kowloon City	J/O Ko Shan Road/Shan Si Street	3 030	0	14
Kowloon City	Kai Tak	23 900	15	315
Kowloon City	Former Kai Tak Airport	12 800	36	82
Kwun Tong	Fuk Tong Road	2 580	0	60
Kwun Tong	Anderson Road	300	1	3
Kwun Tong	J/O Hong Tak Road/Tai Yip Street	4 900	0	96
Kwun Tong	Wang Chiu Road	8 270	0	73
Kwun Tong	Cha Kwo Ling Road	4 878	0	74
Kwun Tong	Tai Yip Street	2 010	2	11
Kwun Tong	Cha Kwo Ling Road	318	0	3
Kwun Tong	King Yip Street	6 130	0	76
Kwun Tong	Tung Yuen Street	2 100	0	22
Kwun Tong	Yan Yue Wai	1 760	0	20
Kwun Tong	J/O Sheung Yuet Road and Wang Chiu Road	5 010	0	95
Kwun Tong	J/O Sheung Yuet Road and Wang Tai Road and Wang Yuen Street	3 900	0	75
Kwun Tong	J/O Shun Yip Street and Hoi Bun Road	7 080	0	66
Sham Shui Po	Tung Chau Street	9 980	36	137
Sham Shui Po	Hing Wah Street West Kowloon Reclamation	18 100	0	135
Sham Shui Po	Lai Hong Street West Kowloon Reclamation	6 070	0	95
Sham Shui Po	Yuet Lun Street	20 100	0	240
Sham Shui Po	Mei Lai Road	3 260	9	0
Sham Shui Po	J/O Cheung Sha Wan Road and Hing Wah Street	8 180	10	65
Sham Shui Po	Lai Po Road West Kowloon Reclamation	5 270	0	94
Sham Shui Po	J/O Lai Chi Kok Road and Cheung Shun Street	3 975	5	20
Sham Shui Po	Kwai Chung Road/Ching Cheung Road Slip Road (Dangerous Goods Vehicle)	7 240	0	121
Wong Tai Sin	Fung Shing Street	6 270	0	16
Wong Tai Sin	J/O Fung Tak Road/Sheung Yuen Street	2 160	35	0
Wong Tai Sin	J/O Sa Po Road/Lok Sin Road	3 040	0	31
Yau Tsim Mong	West Kowloon Reclamation	3 830	0	35

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Yau Tsim Mong	J/O Hoi Ting Road/Hoi Wang Road	9 310	0	46
Yau Tsim Mong	Hoi Ting Road	4 210	0	79
Yau Tsim Mong	Yen Chow Street West	10 500	20	131
Yau Tsim Mong	Hoi Wang Road West Kowloon Reclamation	21 500	64	112
Yau Tsim Mong	Yan Cheung Road West Kowloon Reclamation	4 450	0	16
Yau Tsim Mong	Strip of Pier at Tsim Sha Tsui	2 780	10	0
Sub total - Kowloon		262 271	367	2 668
Kwai Tsing	Wing Kei Road	1 480	0	38
Kwai Tsing	Tsing King Road	4 550	0	20
Kwai Tsing	Chung Mei Road (Villager Only)	1 870	0	9
Kwai Tsing	Container Port Road South	31 900	0	103
Kwai Tsing	Fung Shue Wo Village Area 1 (Villager Only)	1 420	0	6
Kwai Tsing	Kin Chuen Street, Area 10C	2 130	0	36
Kwai Tsing	J/O Container Port Road/Kwai Tai Road	3 190	0	40
Kwai Tsing	Container Port Road South	17 200	0	287
Kwai Tsing	Container Port Road South	16 700	0	202
Kwai Tsing	Container Port Road South	45 000	0	490
Kwai Tsing	J/O Kwai Chung Road/Tai Lin Pai Road	3 120	0	56
Kwai Tsing	Area 16, Sai Tso Wan Road	1 720	5	6
Kwai Tsing	Sai Tso Wan Road, Area 16	23 400	0	217
Kwai Tsing	Area 10, Liu To Road	2 180	0	49
Kwai Tsing	Tsing Mui Street Area 6	13 500	0	141
Kwai Tsing	Kwai Wo Street, Area 37	23 600	0	393
Kwai Tsing	Area 29B, Wing Yip Street	3 280	0	56
Kwai Tsing	Area 2, Tsing King Road	2 610	0	27
Kwai Tsing	Area 38 Kwai Fuk Road	4 550	0	54
Kwai Tsing	J/O Hing Fong Road/Tsuen Wan Road	3 380	0	39
Kwai Tsing	Kwai Tsing Road Kwai Chung	15 400	3	185
Kwai Tsing	Container Port Road South	3 860	0	32
Kwai Tsing	Kwai Hei Road	7 200	0	93
Kwai Tsing	Kwai Hei Road	3 450	0	23
Kwai Tsing	Lai King Hill Road	1 590	2	0
Kwai Tsing	Container Port Road	7 710	6	43
Kwai Tsing	Area 16 Sai Tso Wan Road	5 680	0	35
Kwai Tsing	Sai Tso Wan Road, Area 16	6 770	0	101
Kwai Tsing	Container Port Road South	15 400	0	122
Kwai Tsing	Tsing Yi Road Near Tsing Keung Street, Area 17	1 970	0	20
Kwai Tsing	Tsing Yi Road Area 18	5 068	0	50
Kwai Tsing	Container Port Road South	9 150	0	102
Kwai Tsing	Sai Tso Wan Road Area 16	32 100	1	321
Kwai Tsing	Reclamation Area, Stonecutters Island	33 800	0	310
Kwai Tsing	Container Port Road South	58 300	0	777
Kwai Tsing	Container Port Road South	18 300	0	209
Kwai Tsing	Container Port Road South	17 900	0	204
Kwai Tsing	Area 26C, Kwai Chung	35 500	0	302
North	Area 19, Sha Tau Kok Road	9 350	0	52
North	Area 48, Fan Ling	2 230	0	13
North	Area 21, Luen Wo Hui	2 510	0	15
North	Area 4B	11 400	0	97
North	Park Wo Road	16 100	0	50
North	Area 28, Sheung Shui	7 500	0	84
North	Area 11, Fan Ling	7 200	0	41
North	Area 25, On Lok Tsuen	2 204	0	15

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
North	Area 18, Fan Ling	7 100	0	33
North	Area 30A, Choi Yuen Road	6 230	0	48
North	Area 34 Po Ping Road	1 910	0	3
North	Luen Wo Hui, Fan Ling	1 120	0	15
North	Area 44 Wo Hop Shek	1 909	0	29
North	Area 6B, Fung Nam Road	2 034	0	27
North Lantau	Tat Tung Road	8 820	0	74
Sai Kung	Po Lam Road North	2 280	19	39
Sai Kung	Pui Shing Road	5 830	0	42
Sai Kung	Po Hong Road	2 190	0	49
Sai Kung	J/O Hang Hau Road/Po Ning Street	2 850	0	44
Sai Kung	Area 7 (Tseung Kwan O) Wing Lai Road	1 060	0	8
Sha Tin	Area 11, J/O On Ping Street/On Sum Street	7 850	0	59
Sha Tin	Area 73, Ma On Shan Road	15 500	0	236
Sha Tin	J/O Ngan Shing Street/Chap Wai Kon Street	5 950	0	49
Sha Tin	Kwei Tei Street	2 420	0	30
Sha Tin	On Muk Street Area 11	12 400	0	267
Sha Tin	Area 25, Man Lam Road	3 290	5	39
Sha Tin	Shing Wan Road	5 650	0	51
Sha Tin	Area 27 Lion Rock Tunnel Road	11 000	5	94
Sha Tin	Area 11 On Yiu Street/On Lai Street	7 890	30	60
Sha Tin	Ngau Pei Sha Street	1 260	0	10
Sha Tin	On Chun Street Ma On Shan	4 360	0	3
Sha Tin	On Ping Street Area 11	3 130	0	35
Sha Tin	Hang Fai Street Area 77	5 270	0	66
Sha Tin	Area 86B Ma On Shan	22 400	0	165
Sha Tin	J/O Between Hang Fai Street and Hang Ming Street Ma On Shan	10 200	0	91
Sha Tin	On Muk Street Area 11	8 920	0	278
Sha Tin	Tsung Tau Ha Road Fo Tan Area 16B	9 170	0	63
Sha Tin	Po Tai Street Ma On Shan Area 77	10 100	0	67
Sha Tin	Heung Fan Liu Street Area 4C 38A Sha Tin	16 100	0	200
Sha Tin	Tai Chung Kiu Road	7 260	0	22
Sha Tin	Shan Mei Street	1 360	0	5
Sha Tin	Au Pui Wan Street	5 381	0	43
Sha Tin	Hin Keng Street	865	0	40
Sha Tin	Area 11 Shek Mun	1 300	0	8
Sha Tin	Ma On Shan Road	6 500	0	33
Sha Tin	Kong Pui Street	1 810	0	13
Tai Po	Area 5 Yuen Chau Tsai	28 335	0	333
Tai Po	Area 1, Plove Cove Road	7 370	0	74
Tai Po	Area 9 Tung Leung Road	3 100	0	63
Tai Po	Dai Shing Street Area 26 (Private car park but open to public)	4 650	0	56
Tai Po	Dai King Street, G.L. Adjoining TPTL 1332	1 996	0	25
Tai Po	Area 6, Tat Wan Road	10 500	0	95
Tai Po	Dai Wah Street, Area 33	8 400	52	0
Tai Po	Area 6, Ma Wo Road	6 680	0	29
Tsuen Wan	Yeung Uk Road	2 760	0	30
Tsuen Wan	Yau Ma Hom Road	4 950	0	49
Tsuen Wan	Wing Shun Street	6 600	0	98
Tsuen Wan	Tai Ho Road (Adjacent to Tsuen Wan Town Hall)	1 729	0	10
Tuen Mun	Area 41	6 050	0	21
Tuen Mun	Area 16	3 270	0	80
Tuen Mun	San On Street Area 12	2 530	0	46

<i>District</i>	<i>Location</i>	<i>Size (sq m)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Tuen Mun	Wong Chu Road	3 175	0	29
Tuen Mun	Lung Mun Road, Tuen Mun	2 890	5	27
Tuen Mun	Area 17 (Concord Oil Limited)	2 600	0	43
Tuen Mun	Leung Tak Street	3 075	0	70
Tuen Mun	Tseng Choi Street	1 805	0	18
Tuen Mun	Yip Wong Road	2 890	0	57
Tuen Mun	Area 44, Wu Shan Road	4 680	0	60
Tuen Mun	Tuen Yee Street, Area 16	18 500	46	190
Tuen Mun	Area 17	6 750	0	82
Yuen Long	Kam Tin Road Sheung Tsuen D.D. 114	860	0	4
Yuen Long	Tin Fuk Road	5 435	0	43
Yuen Long	Tin Hei Street	5 060	0	40
Yuen Long	Tin Yiu Road	3 540	0	39
Yuen Long	Tin Tan Street	3 500	0	29
Yuen Long	San Tin Yuen Long	9 000	1	40
Yuen Long	G.L. Adjoining Lot No. 1415 in D.D. 114	462	0	2
Yuen Long	Ma Tin Road	4 665	0	76
Sub total - New Territories		952 898	180	9 861
Total		1 265 969	609	13 439

## STT Sites for Coach and GV Parking in 2002

<i>District</i>	<i>Location</i>	<i>Size (m<sup>2</sup>)</i>	<i>Coach spaces</i>	<i>GV spaces</i>
Central and Western	Sai See Street	2 610	4	61
Central and Western	Belcher Bay Reclamation	7 110	0	149
Central and Western	Fung Mat Road, West Reclamation	4 792	0	53
Eastern	Wharf Road	1 580	0	9
Eastern	J/O Tin Chiu Street/Java Road	1 620	0	56
Eastern	J/O Lei King Road/Tai On Street	2 775	0	14
Eastern	Off Hoi Tai Street (Dangerous Goods Vehicle)	2 040	0	62
Eastern	Chong Fu Road, Chai Wan Reclamation	9 730	57	88
Eastern	Hing Man Street Shau Kei Wan	2 740	0	12
Eastern	Ka Yip Street Chai Wan	1 960	0	54
Eastern	Heng Fa Chuen	4 170	0	10
Eastern	Wing Tai Road, Chai Wan	1 913	0	47
Southern	Off Cape Road Ma Hong, Stanley	1 150	0	2
Southern	Tin Wan Praya Road Aberdeen	3 970	29	44
Southern	Wah Lok Path, Po Fu Lam	1 770	7	15
Southern	J/O Nam Long Shan Road/Police School Road Wong Chuk Hang	1 990	0	20
Sub total - Hong Kong		51 920	97	696
Kowloon City	Bailey Street	2 900	0	78
Kowloon City	Chi Kiang Street	10 300	57	82
Kowloon City	To Kwa Wan Reclamation Area	9 880	69	42
Kowloon City	J/O Ko Shan Road/Shan Si Street	3 030	0	14
Kowloon City	Kai Tak	23 900	14	272
Kowloon City	Former Kai Tak Airport	12 800	56	72
Kwun Tong	Fuk Tong Road	2580	0	53
Kwun Tong	Anderson Road	300	1	3
Kwun Tong	Wang Chiu Road	8 270	0	42

District	Location	Size (m <sup>2</sup> )	Coach spaces	GV spaces
Kwun Tong	Cha Kwo Ling Road	4 878	0	62
Kwun Tong	Tai Yip Street (Hong Kong Society For Rehabilitation)	2 010	2	11
Kwun Tong	King Yip Street	6 130	0	66
Kwun Tong	Tung Yuen Street	2 100	0	22
Kwun Tong	Yan Yue Wai	1 760	0	27
Kwun Tong	J/O Shun Yip Street and Hoi Bun Road	7 080	0	44
Kwun Tong	Kai Wah Street/Wang Kwong Road, Kowloon Bay	6 580	0	34
Sham Shui Po	Lai Hong Street West Kowloon Reclamation	6 070	0	98
Sham Shui Po	J/O Cheung Sha Wan Road and Hing Wah Street	8 180	0	83
Sham Shui Po	Lai Po Road West Kowloon Reclamation	5 270	0	94
Sham Shui Po	J/O Lai Chi Kok Road and Cheung Shun Street	3 975	0	32
Sham Shui Po	Kwai Chung Road/Ching Cheung Road Slip Road (Dangerous Goods Vehicle)	7 240	0	121
Wong Tai Sin	J/O Fung Tak Road/Sheung Yuen Street	2 160	35	0
Wong Tai Sin	J/O Sa Po Road/Lok Sin Road	3 040	0	31
Yau Tsim Mong	J/O Hoi Ting Road/Hoi Wang Road	9 310	28	39
Yau Tsim Mong	Hoi Ting Road	4 210	0	37
Yau Tsim Mong	Luen Wan Street	1 800	0	2
Yau Tsim Mong	Hoi Wang Road West Kowloon Reclamation	21 500	110	164
Yau Tsim Mong	Yan Cheung Road West Kowloon Reclamation	4 450	0	18
Yau Tsim Mong	Strip Of Pier at Tsim Sha Tsui	2 780	10	0
Yau Tsim Mong	J/O Ferry Street and Man Cheong Street West Kowloon Reclamation	4 750	0	9
Yau Tsim Mong	J/O Hoi Wang Road and Hoi Ting Road, West Kowloon Reclamation	3 940	0	23
Sub total - Kowloon		193 173	382	1675
Kwai Tsing	Wing Kei Road	1 480	0	22
Kwai Tsing	Chung Mei Road (Villager Only)	1 870	0	9
Kwai Tsing	Fung Shue Wo Village Area 1 (Villager Only)	1 420	0	6
Kwai Tsing	Kin Chuen Street, Area 10C	2 130	0	40
Kwai Tsing	Area 10, Liu To Road	2 180	0	30
Kwai Tsing	Area 29B, Wing Yip Street	3 280	0	57
Kwai Tsing	Area 38 Kwai Fuk Road	4 550	0	87
Kwai Tsing	J/O Hing Fong Road/Tsuen Wan Road	3 380	0	37
Kwai Tsing	Kwai Tsing Road Kwai Chung	15 400	3	185
Kwai Tsing	Container Port Road South	3 860	0	32
Kwai Tsing	Kwai Hei Road	7 200	0	46
Kwai Tsing	Kwai Hei Road	3 450	0	27
Kwai Tsing	Container Port Road	7 710	0	38
Kwai Tsing	Sai Tso Wan Road, Area 16	6 770	0	64
Kwai Tsing	Container Port Road South	15 400	0	190
Kwai Tsing	Tsing Yi Road Near Tsing Keung Street, Area 17	1 970	0	23
Kwai Tsing	Container Port Road South	31 900	0	103
Kwai Tsing	Tsing Yi Road Area 18	5 068	0	57
Kwai Tsing	Container Port Road South	9 150	0	68
Kwai Tsing	Sai Tso Wan Road Area 16	32 100	64	351
Kwai Tsing	Reclamation Area, Stonecutters Island	33 800	0	310
Kwai Tsing	Container Port Road South	58 300	14	653
Kwai Tsing	J/O Container Port Road/Kwai Tai Road	3 090	0	34
Kwai Tsing	Container Port Road South	18 300	0	194
Kwai Tsing	Container Port Road South	17 200	0	233
Kwai Tsing	Container Port Road South	17 900	0	349
Kwai Tsing	Area 26C, Kwai Chung	35 500	0	227
Kwai Tsing	Container Port Road South	17 200	0	287

District	Location	Size (m <sup>2</sup> )	Coach spaces	GV spaces
Kwai Tsing	Container Port Road South	45 000	0	509
Kwai Tsing	J/O Kwai Chung Road/Tai Lin Pai Road	3 120	0	56
Kwai Tsing	Container Port Road South	23 100	0	280
Kwai Tsing	Tsing Yim Street Area 16 Tsing Yi	1 720	17	0
Kwai Tsing	Sai Tso Wan Road, Area 16	23 400	0	217
Kwai Tsing	Kwai Wo Street, Area 37	23 750	0	393
North	Area 19, Sha Tau Kok Road	9 350	0	64
North	Area 48, Fan Ling	2 230	0	3
North	Area 21, Luen Wo Hui	2 510	0	14
North	Area 11, Fan Ling	7 320	0	33
North	Area 25, On Lok Tsuen	2 204	0	16
North Lantau	Tat Tung Road	8 820	0	77
Sai Kung	Pui Shing Road	5 830	0	42
Sai Kung	J/O Hang Hau Road/Po Ning Street	2 850	0	44
Sai Kung	Po Lam Road North Area 10	2 290	0	47
Sai Kung	Area 7 (Tseung Kwan O) Wing Lai Road	1 110	0	11
Sha Tin	Hin Keng Street	865	0	8
Sha Tin	Ma On Shan Road	6 500	0	32
Sha Tin	Area 11, J/O On Ping Street/On Sum Street	7 850	34	47
Sha Tin	Area 73, Ma On Shan Road	15 500	0	237
Sha Tin	On Muk Street Area 11	5 040	0	17
Sha Tin	Shing Wan Road	5 650	0	71
Sha Tin	Area 27 Lion Rock Tunnel Road	11 000	5	95
Sha Tin	Area 11 On Yiu Street/On Lai Street	7 890	30	60
Sha Tin	Area 14B Ngan Shing Street and Sha Tin Wai Road	8 950	0	107
Sha Tin	Ngau Pei Sha Street	1 260	0	9
Sha Tin	On Ping Street Area 11	3 130	4	12
Sha Tin	Hang Fai Street Area 77	5 270	0	71
Sha Tin	Area 86B Ma On Shan	22 400	0	178
Sha Tin	J/O Between Hang Fai Street and Hang Ming Street Ma On Shan	10 200	0	46
Sha Tin	Tsung Tau Ha Road Fo Tan Area 16B	9 170	0	76
Sha Tin	Po Tai Street Ma On Shan Area 77	10 100	0	67
Sha Tin	On Muk Street Area 11	4 340	0	14
Tai Po	Area 5 Yuen Chau Tsai	28 335	0	96
Tai Po	Plover Cover Road	5 690	0	45
Tai Po	Area 9 Tung Leung Road	3 100	0	63
Tai Po	Area 6, Ma Wo Road	7 680	0	18
Tai Po	Dai Shing Street Area 26 (Private car park but open to public)	4 650	0	56
Tai Po	Dai Wah Street	3 300	10	0
Tai Po	Area 6, Ma Wo Road	6 630	0	29
Tsuen Wan	Yeung Uk Road	2 760	0	30
Tsuen Wan	Yau Ma Hom Road	4 950	19	33
Tsuen Wan	Wing Shun Street	6 600	0	122
Tsuen Wan	Tai Ho Road (Adjacent to Tsuen Wan Town Hall)	1 729	0	16
Tuen Mun	STT 856, Lung Mun Road, Tuen Mun	2 890	5	27
Tuen Mun	Area 44, Wu Shan Road	4 680	0	63
Tuen Mun	Area 27, Sam Shing Street	1 010	0	12
Tuen Mun	Tuen Yee Street, Area 16	18 500	11	159
Tuen Mun	Area 31, Yeung Tsing Road	2 210	0	9
Tuen Mun	Area 41	6 050	10	29
Tuen Mun	San On Street Area 12	2 530	0	45
Tuen Mun	Area 44, Wu Shan Road	11 900	0	37
Tuen Mun	Area 30	5 350	0	82
Tuen Mun	Area 16, Hoi Chu Road	4 260	0	34

District	Location	Size (m <sup>2</sup> )	Coach spaces	GV spaces
Tuen Mun	Area 16, Fung On Street	3 140	4	17
Tuen Mun	Area 17 (Concord Oil Limited)	2 000	0	43
Tuen Mun	Area 17, Tin Hau Road	3 460	0	48
Yuen Long	Kam Tin Road Sheung Tsuen D.D. 114	860	0	6
Yuen Long	Tin Fuk Road	5 435	5	10
Yuen Long	Tin Hei Street	5 060	0	21
Yuen Long	Tin Tan Street	3 500	0	41
Yuen Long	Tin Shui Wai Area 32 Near Tin Tan Street	6 619	0	24
Yuen Long	G.L. Adjoining Lot No. 1415 in D.D. 114	462	0	4
Yuen Long	San Tin Yuen Long	8 010	0	22
Yuen Long	San Tin Yuen Long	9 000	0	54
Sub total - New Territories		843 627	235	8 007
Total		1 088 720	714	10 378

### Consultancy Studies Commissioned by Government on Formulation and Assessment of Policies

10. **MS CYD HO** (in Chinese): *Madam President, with regard to the commissioning of consultants by various Policy Bureaux to conduct studies on the formulation and assessment of policies, will the Government inform this Council:*

- (a) *of the consultancy reports completed in the past two financial years, the respective numbers of reports which have and have not been published (please list out the relevant details in the table below);*

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>

- (b) *of the number of consultancy reports expected to be completed in the 2003-04 financial year and, among them, the respective numbers of reports which will and will not be published (please list out the relevant details in the table below); and*

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>

- (c) *whether there are criteria for deciding whether or not to publish the reports on the consultancy studies on the formulation and assessment of policies commissioned by the Government; if there are, of the details of such criteria; if not, the measures it has for ensuring that the public is aware of the findings of such consultancy studies and for ascertaining whether such studies have value for money?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): Madam President, I list below the information provided by Policy Bureaux concerned on consultants commissioned by them to conduct studies on the formulation and assessment of policies:

- (a) reports completed in the past two financial years

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
Chief Secretary for Administration's Office	Mr John McDonald	Consultancy services on electronic records management	\$453,000	No	—	For internal administration of government computer network
	Hay Group Limited	Consultancy study on the remuneration packages of senior management staff of statutory and other bodies	\$2.08M	Yes	- Legislative Council brief	Not Applicable (N.A.)
	Ove Arup & Partners	Survey on monitoring of non- transport related noise pollution	\$120,000	Being arranged	- office website	N.A.
	Hong Kong Policy Research Institute Limited	Study on socio- economic-political development trends in the Mainland	\$1.28M	No	—	For internal reference
	One Country Two Systems Research Institute Limited	Study on socio- economic-political development trends in the Mainland	\$3.76M	No	—	For internal reference



<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Centre of Asian Studies, University of Hong Kong	Study on socio-economic-political development trends in South East Asia	\$4.8M	No	—	For internal reference
	PolyU Technology and Consultancy Company Limited	Study on socio-economic-political development trends in Japan and South Korea	\$2.5M	No	—	For internal reference
	Hong Kong Policy Research Institute Limited	Implications/impact of Taiwan's political and economic developments on Hong Kong	\$1.23M	No	—	For internal reference
	Goblin/Harris Forrest	The role of companies in the development of a vibrant third sector in Hong Kong	\$280,000	No	—	For internal reference
	One Country Two Systems Research Institute Limited	Study on the socio-economic impact of 24-hour operation of boundary control points	\$1.3M	No	—	For internal reference
	MDR Technology Limited	Consultancy services for conducting a household survey on 24-hour passenger clearance at land boundary control points	\$1.3M	No	—	For internal reference
	Pricewaterhouse Coopers Consultants Hong Kong Limited	Study to identify opportunities for a one-stop shop approach to trade facilitation and	\$329,000	No	—	A pathfinder project which provides some pointers for further detailed

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		assistance to small and medium enterprises				probing into the issue. For internal reference
Civil Service Bureau	Watson Wyatt HK Limited.	Civil service retirement benefits schemes – Stage I (from January 2000 to November 2001)	\$3.48M	Yes	- Consultation Document - Legislative Council Panel on Public Service	N.A.
	PwC Consulting Hong Kong Limited	An analytical study on the recent developments in civil service pay administration in five selected countries	\$1.2M	Yes	- Release to the public - distributed to interested bodies. - homepage of the Civil Service Bureau - District Offices	N.A.
	Hong Kong Institute of Asia- Pacific Studies, The Chinese University of Hong Kong	Opinion survey on 2002 civil service pay adjustment	\$208,000	No	—	general public support for a civil service pay reduction in 2002. This finding had been made known to the public on various occasions
Commerce, Industry and Technology Bureau	Pricewaterhouse Coopers Consultants Hong Kong Limited	To review the Digital 21 IT Strategy	\$784,000	Yes	- press conference - revised strategy to Legislative Council Panel on Information Technology and Broadcasting - copies of revised strategy distributed to many local and overseas public	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
					and private sector organizations, trade associations, industry bodies and members of public relevant - government websites	
	Pricewaterhouse Coopers Consultants Hong Kong Limited	IT manpower requirements in Hong Kong	\$250,000	Yes	- Legislative Council Panel on Information Technology and Broadcasting - Bureau's website	N.A.
	Pricewaterhouse Coopers Consultants Hong Kong Limited and Citigate Window Creative Limited	To attract local students studying IT overseas to return to work in Hong Kong	\$120,000	Yes	- Legislative Council Panel on Information Technology and Broadcasting	N.A.
	N M Rothschild & Sons (Hong Kong) Limited	To assist the Government in the licensing of third generation mobile services and advise on this issue	\$47M	Yes	- information memorandum on third generation mobile services licence applications	N.A.
	A consultancy study team comprising two professors from The Chinese University of Hong Kong and the Hong Kong University of Science and Technology	Consultancy study on Hong Kong Integrated Circuit Design Support Centre	\$120,000	No	—	Findings forwarded to the Hong Kong Science and Technology Parks Corporation for follow-up actions

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Arthur Anderson & Company	Techno-economic and market research study on textiles and clothing industry	\$308,000	Yes	- the industry and relevant organizations.	N.A.
	Common-wealth Scientific and Industrial Research Organization (CSIRO) and Mr John GILMOUR, former Chief Executive of the National Association of Testing Authorities, Australia	Consultancy study on the review of the role and activities of the Hong Kong Accreditation Service and the Standards and Calibration Laboratory	\$181,000	Yes	- stakeholders involved in the specialized technical services.	N.A.
	Hong Kong Productivity Council	Consultancy study on environmental technology industry in Hong Kong	\$3.39M	Yes	- Legislative Council Panel on Commerce and Industry	N.A.
	Vision in Business Consulting Limited	To review the future development of the Trade Officer Grade, including core competencies of the Grade, training and development, advancement prospects, and so on.	\$458,000	No	—	Management related issues of a civil service grade which was consulted on the study
	Accenture Company Limited	Business process re- engineering study for the Integrated Government e-Trade System	\$2.5M	Yes	- Through trade representatives	N.A.
	White and Case LLP	Consultancy services on commercial relations and non-trade issues in Europe	\$2M	Yes	- information of relevance to the trade was promulgated through notices/ circulars issued by the Trade and Industry Department	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
Constitutional Affairs Bureau	Hay Group Limited	To study and make recommendations on an appropriate remuneration package for principal officials appointed under the accountability system	\$1.66M	Yes	- Legislative Council paper on Accountability System for Principal Officials - Bureau website	N.A.
Department of Justice	Professor Paul REDMOND, Dean of the Faculty of Law at the University of New South Wales, Australia;  Christopher ROPER, Director of the College of Law Alliance, England and Australia	Preliminary review of the system of legal education and training in Hong Kong, and recommendations for improvement.	\$1M	Yes	- press conference - member organizations of the Steering Committee for further distribution - University Grants Committee - Legislative Council Panel on Administration of Justice and Legal Services - various organizations in the general community. - Law Society's website	N.A.
Economic Development and Labour Bureau	GHK (Hong Kong) Limited	Study on the Implications of South China Infrastructure Development on Cargo Flowing to and from Hong Kong	\$1.28M	Yes	- Port Development Committee	N.A.
	McClier Corporation	Consultancy Study on Strengthening Hong Kong's Role as the International and Regional Transportation and Logistics Hub	\$3.28M	Yes	- Hong Kong Port and Maritime Board	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	McCluer Corporation	Bridging Project on the Competitive Strategy and Master Plan to Strengthen Hong Kong's Role as the Preferred International and Regional Transportation and Logistics Hub	\$1.74M	Yes	- Hong Kong Port and Maritime Board	N.A.
	Accenture Company Limited	Study for the Development of a Digital Trade and Transportation Network (DTTN) System to Support the Development of Hong Kong as an International Logistics Hub	\$5M	Yes	- Hong Kong Logistics Development Council	N.A.
	IBM Consulting	Study on Enhancing the Cost Competitiveness of Small and Medium- sized Enterprises in the Transport and Logistics Sector	\$3.4M	Yes	- Hong Kong Logistics Development Council	N.A.
	Maunsell Consultants Asia Limited	Study to Strengthen Hong Kong's Role as an International Maritime Centre	\$3.4M	Yes	- Hong Kong Port and Maritime Board and Shipping Committee	N.A.
	Nexant, Inc./Global Strategies	Studies on issues in overseas markets relating to estimation of electricity load, demand trend analyses, organizational operating structures, financial analysis of utilities' capital and operating expenditures	\$1.48M	No	—	Findings integrated in the electricity review to report in due course

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Pacific Power International	Study on international practices and standards relating to electricity network operations and control mechanisms	\$398,000	No	—	To report after the completion of the report
	Pricewaterhouse Coopers Consultants Hong Kong Limited	To formulate a heritage and tourism concept for a development at the Central Police Station, Victoria Prison and the Former Central Magistracy	\$1.27M	Yes	- relevant Legislative Council Panels	N.A.
	Laservision Macro-Media Pty Limited and Associates	To develop a Harbour Lighting Plan	\$1M	Yes	- executive summary to private building owners involved	N.A.
	The Hong Kong Polytechnic University	To look into the tourism potential of the Northern New Territories, with an emphasis on green and cultural tourism	\$485,000	Yes	- executive summary to Tai Po District Council members, North District Council members, and other stakeholders including some green groups	N.A.
Education and Manpower Bureau	Policy 21 Limited, the University of Hong Kong	Opinion Survey on the Public's View on Age Discrimination in Employment 2001-02	\$350,000	Yes	- Legislative Council Panel on Manpower - all 18 Human Resource Managers' Clubs and nine Tripartite Committees	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Policy 21 Limited, the University of Hong Kong	Survey on Graduates of the Healthcare Retraining Courses organized by the Employees Retraining Board	\$189,000	Yes	- Labour Advisory Board - stakeholders	N.A.
	MDR Technology Limited	Survey on novice teachers	\$1M	No	—	For reference with other information and views obtained through consultation with various stakeholders. Pre-mature release of partial information inappropriate
	MDR Technology Limited	Survey on Opinions of Employers on Major Aspects of Performance of Local Graduates in 1999 (Continuation from 2000-01)	\$750,000	Yes	- press release	N.A.
	MDR Technology Limited	Survey on Opinions of Employers on Major Aspects of Performance of Local Graduates in 2000	\$891,000	Yes	- press release	N.A.
	PwC Consulting	To review and recommend on the organization set-up for the provision of training/retraining in Hong Kong	\$1.29M	Yes	- stakeholders	N.A.
	PwC Consulting	To recommend on the development and implementation of a qualifications framework and its associated quality assurance mechanism in Hong Kong	\$1.04M	Yes	- stakeholders - Bureau's web page	N.A.



<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	University of Hong Kong	Research on the Impact of Abolishing the Academic Aptitude Test (AAT) on Teaching and Learning in Primary Schools	\$550,000	No	—	To facilitate the Administration to keep track on progress of education reform. Some of the information published in Education Commission's "Progress Report on the Education Reform" in January 2002
	Claremont McKenna College, United States and The Chinese University of Hong Kong	Consultancy study on the way forward for the Secondary School Places Allocation (SSPA) System after the High Court Judgement on the SSPA System	\$282,000	No	—	For internal deliberation. Summary of recommendations relayed to Legislative Council Panel on Education
	The Chinese University of Hong Kong	Study on Promoting Parent Education	\$500,000	No	—	Discussed by Board of Education. Major findings disseminated to the education and social welfare sector at Parent Education Seminar
	GML Consulting Limited	Study on the Manpower Needs of the Legal Services Sector of Hong Kong (Continuation from 2000-01)	\$1.07M	Yes	- Report on Legal Education and Training in Hong Kong : Preliminary Review	N.A.
	The Hong Kong Institute of Education	Study on the multiplicity of handicaps among students of special schools, practical	\$2.76M	No	—	Major findings presented to the special schools through open forum.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		schools and skills opportunity schools				Strategies for implementation will be formulated jointly with the special education sector
	University of Hong Kong	Preliminary Study on Reviewing the Progress and Evaluating the Information Technology in Education Projects	\$1.29M	Yes	- Bureau's webpage	N.A.
	Hong Kong Policy Research Institute	Survey on Students' Attitude and Motivation in Language Learning	\$650,000	Yes	- major findings of the survey reported in the consultation document of the Standing Committee on Language Education and Research	N.A.
	ACNielsen	Survey on Quality Education Fund (QEF)	\$350,000	Yes	- Press release - QEF Website - QEF Resource Centre	N.A.
	Melbourne University	Consultancy Services on Monitoring and Dissemination for Projects Funded by the Quality Education Fund	\$918,000	Yes	- Press release - QEF Website - QEF Resource Centre	N.A.
Environment, Transport and Works Bureau	Azeus Systems Limited	Study on Electronic Services Delivery for Works Projects	\$4.28M	Yes	- Bureau's web page	N.A.
	Pricewaterhouse Coopers Consultants Hong Kong Limited	Business review of Architectural Services Department's functions	\$2.9M	Yes	- relevant Legislative Council Panels	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
Financial Services and the Treasury Bureau	KPMG	Consultancy study on the tax base in Hong Kong	\$1.4M	Yes	- Bureau's website	N.A.
	Dr David WALLS and Dr Kelly BUSCHE	Consultancy study on Hong Kong's Betting Duty Regime	\$200,000	No	—	formulation
	Merrill Lynch (Asia Pacific) Limited	Extension of financial consultancy in partial privatization of MTRCL and other infrastructural projects	\$285,000	No	—	Market sensitive and tender- related information involved
	Salomon Smith Barney Hong Kong Limited	Sha Tin to Central Link (SCL) Project	\$8.2M	No	—	Market sensitive and tender- related information involved
	Deutsche Bank AG, Hong Kong Branch	Financial advice on infrastructural development projects	\$18.3M	No	—	Market sensitive and tender- related information involved
	Pricewaterhouse Coopers	The institutional arrangements of the Insurance Authority	\$3.48M	No	—	We expect to announce the recommend- ations of the consultants in the context of our study
	City University of Hong Kong and The Chinese University of Hong Kong	Consultancy study on corporate governance in Hong Kong	\$4.41M	No	—	Pending decision of the Standing Committee on Company Law Reform. It is expected that the findings would be published

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Pricewaterhouse Coopers	Consultancy study to review the future role and functions of the Official Receiver's Office (Stage One)	\$4.5M	Yes	- A consultation paper on the outcome of the consultancy study	N.A.
Health, Welfare and Food Bureau	MDR Technology Limited	Opinion survey on financing for health care services in the public sector	\$130,000	Yes	- Legislative Council Health Services Panel	N.A.
	MDR Technology Limited	Consultancy study on fees and charges : Phase II Survey	\$400,000	Yes	- Legislative Council Health Services Panel	N.A.
	CK LO & S LAM Limited	Consultancy services for public consultation on the proposed legislative amendments to the smoking legislation	\$454,000	Yes	- Legislative Council Health Services Panel	N.A.
	University of Hong Kong	Consultancy study on the review of day care centres, multi- service centres and social centres for the elderly and development of integrated care service for the elderly	\$953,000	Yes	- Elderly Commission - Legislative Council Panel on Welfare Services - Bureau's website	N.A.
	MDR Technology Limited	Survey on older persons living in residential care homes	\$522,000	No	—	Updating the care profile of older persons in Hong Kong with no policy recommend- ations
	MDR Technology Limited	Survey on issues about financial assistance to older persons	\$260,000	No	—	Reference data for internal use only
	University of Hong Kong	Research of overseas experience in developing reverse mortgage for retirement protection	\$60,000	Yes	- Bureau's website	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Hong Kong Council of Social Service	Survey on learning needs and preference of members of multi-service centres and social centres for the elderly	\$220,000	Yes	- Bureau's website - sharing session with interested parties in the NGO sector	N.A.
	WHW Performance Management Consulting Inc.	Consultancy on implementation of a planning process for welfare services in Hong Kong	\$350,000	No	—	considering the way forward
	Open University of Hong Kong	Survey on overseas' experience in providing continuing education for older persons	\$80,000	Yes	- Bureau's website - sharing session with interested parties in the NGO sector	N.A.
	ERM-Hong Kong, Limited	A regulatory impact assessment on proposed amendments to the existing anti-smoking legislation	\$1.21M	Yes	- Legislative Council Panel - Legislative Council website	N.A.
	University of Hong Kong	Research study on the cause of elderly suicide in Hong Kong	\$980,000	Yes	- Bureau's website - Legislative Council Panel on Welfare Services	N.A.
Home Affairs Bureau	Poly U Technology and Consultant Company Limited	A study on Hong Kong People's Participation in Gambling Activities	\$676,000	Yes	- made public	N.A.
	MDR Technology Limited	Opinion Survey on "Gambling Review: A Consultation Paper"	\$285,000	Yes	- covered in the report on the outcome of the public consultation exercise on gambling review	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	MDR Technology Limited	Opinion Survey on Football Betting	\$190,000	Yes	- press statement and other documents on the Government's decision to authorize and regulate football betting	N.A.
	ACNielsen (China) Limited	Opinion Survey on Civic Education 2002	\$225,000	Yes	- Committee on the Promotion of Civic Education - press and media	N.A.
	(a) Faculty of Education, University of Hong Kong	Study on the Influence of Information Technology on Youth	\$285,000	Yes	- youth groups, NGOs and relevant Policy Bureaux	N.A.
	(b) MDR Technology Limited		\$750,000			
	Lingnan University	Statistics and Opinion Survey on Extra-Curricular Culture and Arts Education Services required	\$275,000	Yes	- press conference	N.A.
	Urbis Limited	Consultancy Study on Requirements for Major New Sports and Recreation Venues	\$2.49M	Yes	- distributed upon request	N.A.
	GHK (Hong Kong) Limited	Consultancy Study on the Provision of Regional/ District Cultural and Performance Facilities in Hong Kong	\$1.94M	Yes	- executive summary/full report of the study were distributed to parties concerned - executive summary at Bureau's and Leisure and	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
					Cultural Services Department's website	
	HK Institute of Asia-Pacific Studies, The Chinese University of Hong Kong	Survey on Public Attitude towards the 2001 Policy Address	\$320,000	Yes	- press release	N.A.
	ACNielsen (China) Limited	Opinion Survey on Accountability System for Principal Officials	\$192,000	Yes	- press release	N.A.
Security Bureau	Dr Joseph LAU (The Chinese University of Hong Kong)	The 2000 survey of drug use among students	\$600,000	Yes	- Action Committee Against Narcotics and its subcommittees - press release, a press conference, seminars organized for teachers and social workers, and so on - library of the Drug InfoCentre - executive summary to relevant government departments, local secondary schools and universities, Institutes of Vocational Education, voluntary and youth agencies, and so on - executive summary at	N.A.

<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
					Bureau's website	
	Prof LAU Tai-shing, Prof CHEN Char-nie (The Chinese University of Hong Kong)	Review of Central Registry of Drug Abuse	\$449,000	Yes	- Action Committee Against Narcotics and its subcommittees - relevant government departments and professionals - press release and seminars - library of the Drug InfoCentre	N.A.
	Dr Karen LAIDLER, Dr Jeffrey DAY, Mr David HODSON (The University of Hong Kong)	A study on the psychotropic substance abuse problem in Hong Kong	\$250,000	Yes	- Action Committee Against Narcotics and its subcommittees - relevant government departments and professionals - library of the Drug InfoCentre	N.A.
	Dr Ben CHEUNG (Kwai Chung Hospital)	A study on the motivational strategy for engaging early drug abusers	\$300,000	Yes	- Action Committee Against Narcotics and its subcommittees - Relevant government departments and professionals - Library of the Drug InfoCentre	N.A.



<i>Responsible Policy Bureau</i>	<i>Consultancy firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Has the report been published</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Dr Ben CHEUNG (Kwai Chung Hospital), Mr David CHEUNG (Caritas Wong Yiu Nam Centre), Dr LEUNG Shung-pun (Castle Peak Hospital), Dr YU Chak- man (Pamela Youde Nethersole Eastern Hospital), Dr Benjamin LAI (Private Medical Practitioner)	A study on the treatment and rehabilitation services for psychotropic substance abusers	\$47,700	Yes	- Action Committee Against Narcotics and its subcommittees - relevant government departments and professionals - press release and press conference - library of the Drug InfoCentre - executive summary at Bureau's website	N.A.

(b) consultancy reports expected to be completed in 2003-04 financial year

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
Chief Secretary for Administration's Office	Environmental Resources Management – Hong Kong Limited	Study on terrestrial habitat mapping and ranking based on conservation value	\$1.04M	Yes	- office website	N.A.
	Centre for Cultural Policy Research, University of Hong Kong	Consultancy study on a baseline study on Hong Kong's creative industries	\$1.3M	No	—	For internal reference
	Hong Kong Policy Research Institute Limited	Study on socio- economic-political trends in Taiwan, cross-straits relations and Hong Kong-Taiwan relations	\$1.07M	No	—	For internal reference

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	Centre of Asian Studies, University of Hong Kong	Study on socio- economic-political development trends in Southeast Asia on Singapore, Malaysia, Thailand	\$1.3M	No	—	For internal reference
	One Country Two Systems Research Institute Limited	Study for socio- economic-political trends in Japan and South Korea	\$1.18M	No	—	For internal reference
	One Country Two Systems Research Institute Limited	Study for socio- economic-political trends in the Mainland (with particular emphasis on Guangdong Province)	\$1.29M	No	—	For internal reference
Civil Service Bureau	Watson Wyatt HK Limited	Civil service retirement benefits schemes : Stage II (from December 2001 to Mid 2003)	\$1.09M	No	—	implementation details with no element of policy formulation or assessment. Such recommend- ations are generally reflected in the scheme arrangements on which we have consulted the staff sides
	PwC Consulting Hong Kong Limited	To study the implementation of pilot team-based performance rewards scheme in the Civil Service	\$ 3.79M	To be considered	—	—
Commerce, Industry Technology Bureau	Not and available	changes to the existing broadcasting regulatory regime to facilitate technology convergence and encourage investment and	Estimated \$1M	Yes	- Public consultation	N.A.

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		innovation in the broadcasting industry in the digital age to widen audience choices				
	Not available	studies on Hong Kong-Mainland technological collaboration	\$2M	to be considered	—	N.A.
	Not available	studies on further development of biotechnology in Hong Kong	\$880,000	to be considered	—	N.A.
	Not available	impact studies on different types of Innovation and Technology Fund projects	\$2M	to be considered	—	N.A.
	White and Case LLP	Consultancy services on commercial relation and non-trade issues in Europe	\$1M	Yes	- Information of relevance to the trade promulgated through notices/ circulars issued by the Trade and Industry Department	N.A.
	Not available	Six studies and/or regulatory impact assessments under the Helping Business Programme	\$9.5M	No plan yet	—	N.A.
Economic Development and Labour Bureau	GHK (Hong Kong) Limited	Study on Hong Kong Port – Master Plan 2020	\$7.94 M	Yes	- Hong Kong Port and Maritime Board Port Development Committee	N.A.
Education Manpower Bureau	and The Chinese University of Hong Kong	Evaluation on the Implementation of the Medium of Instruction Guidance for Secondary Schools	\$5.36M	to be considered	—	N.A.

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
	CityU Professional Services Limited	Impact of the reform of the Primary One Admission System on early childhood education (Continuation from 2002-03)	\$558,000	to be considered	—	N.A.
	The Hong Kong Polytechnic University	Overall Study on Reviewing the Progress and Evaluating the Information Technology in Education Projects	\$7.6M	Yes	- Bureau's Website	N.A.
	University of Hong Kong	Perception Survey on Impact of Reform of the Secondary School Places Allocation (SSPA) System on Teaching and Learning as well as Learning Outcomes in Primary Schools	\$447,000	to be considered	—	N.A.
	The Chinese University of Hong Kong	Perception Survey on Changes in Teaching and Learning as well Student Performance in Secondary Schools Subsequent to the Reform of the Secondary School Places Allocation (SSPA) System	\$500,000	to be considered	—	N.A.
	University of Hong Kong	Evaluation on the effectiveness of the Capacity Enhancement Grant and review of the funding arrangement (Continuation from 2002-03)	\$845,000	to be considered	—	N.A.
	Not yet available	Monitoring and evaluation of the	Not yet available	to be considered	—	N.A.

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		Native-speaking English Teacher/English Language Teaching Assistant (NET/ELTA) Scheme for Primary Schools				
	University of Hong Kong	Evaluation of the Skills Upgrading Scheme	\$597,000	No	—	Results to be discussed by the Skills Upgrading Scheme Steering Committee. We shall consult the relevant stakeholders, and where necessary, the Legislative Council on proposed changes
	University of Hong Kong	Evaluation of the Continuing Education Fund	\$480,000	No	—	To provide data to facilitate the evaluation of the Continuing Education Fund. We shall consult stakeholders, and where necessary, the Legislative Council for proposed changes
	Not known yet	Stakeholder Monitoring Survey on Education Reform and Major Education Initiatives	Not known yet	to be considered	—	N.A.
Environment, Transport and Works Bureau	Wilbur Smith and Association Limited	To collect data and conduct researches on mainland and	\$3.4M	Yes	- Legislative Council Panel on Transport	N.A.

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		overseas experience in operating and managing tunnel and toll roads with a view to exploring ways to optimize the utilization of road harbour crossings				
	Davis Langdon & Seah Hong Kong Limited	To study measures for reducing construction cost and establish performance indicators	\$1.3M	Yes	- Provisional Construction Industry Coordination Board	N.A.
	AON Hong Kong Limited	Construction related Insurance	\$98,000	Yes	- Conditions of Contract Sub- committee	N.A.
Financial Services and the Treasury Bureau	Deutsche Bank AG, Hong Kong Branch	Financial advice on infrastructural development projects	About \$3M	No	—	Market Sensitive and tender-related information
	N M Rothschild and Sons (Hong Kong) Limited	Feasibility study on the proposed merger of MTRCL and KCRC	About \$1.2M	No	—	Market Sensitive and tender-related information involved
	To be engaged	Financial advice on implementation of the asset disposal programme announced in the 2003-04 budget	To be determined	No	—	N.A.
	Pricewaterhouse Coopers	Consultancy study on the feasibility of establishing policyholders' protection funds (first stage)	\$4.8 M	Yes	- public consultation in the latter half of 2003	N.A.
	Freshfields Bruckhaus Deringer	Conducting researches and studies on the recommendations	\$3.29 M	Yes	- consultation paper to be issued	N.A.

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
		made in the report of the Standing Committee on Company Law Reform (study on the implications of adopting a system of no-par value shares in Hong Kong)				
Home Affairs Bureau	GamCare	Benchmarking study for Counselling and Treatment Services for Problem and Pathological Gamblers in Hong Kong – The study seeks to establish benchmarks and performance indicators for the purpose of assessing the effectiveness of two pilot dedicated counselling and treatment centres for problem and pathological gamblers	Around \$150,000	Yes	- to make public the major results of the study as far as appropriate	N.A.
Health, Welfare and Bureau	Hong Kong Food Productivity Council	Cost-effectiveness and future development of Skills Centres	\$400,000	No	—	For internal reference only
	University of Hong Kong	Project to update the HK Domestic Health Account	\$978,000	Yes	- updated HK Domestic Health Account will be uploaded to the Bureau website	N.A.
	University of Hong Kong	Professional actuarial services for the design of health care financing options	\$215,000	No	—	The output is technical in nature and will only be used in the development of health care financing options

<i>Responsible policy bureau</i>	<i>Consultancy Firm</i>	<i>Details of the study</i>	<i>Consultancy fee</i>	<i>Any plan to publish the report?</i>	<i>If so, the publication channel</i>	<i>If not, the reasons for that</i>
Security Bureau	Prof CHEUNG Yuet-wah, Dr James CH' IEN (The Chinese University of Hong Kong)	A longitudinal study on chronic drug abusers	\$1.13M	Yes	<ul style="list-style-type: none"> <li>- Action Committee Against Narcotics and its subcommittees</li> <li>- executive summaries, if any, will also be distributed to relevant professionals</li> <li>- press releases, press conferences and specially organized seminars</li> <li>- the library of the Drug InfoCentre</li> <li>- executive summaries at Bureau's website</li> </ul>	N.A.
	Dr Joseph LAU (The Chinese University of Hong Kong)	Cross-boundary substance abuse problem among youths in Hong Kong	\$348,000	Yes		N.A.
	Dr Karen LAIDLER Dr Jeffrey DAY, Mr David HIODSON (University of Hong Kong)	Initiation, continuation and impact of drug use among females	\$300,000	Yes		N.A.
	Dr LAM Chiu- wan, Dr BOEY Kam- weng (University of Hong Kong)	Study of substance abuse in the context of underground rave culture	\$208,000	Yes		N.A.
	Dr LEUNG Shung-pun (Castle Peak Hospital), Dr WONG Chee-wing (Kwai Chung Hospital), Ms Cherry LEE (Society for the Aid and Rehabilitation of Drug Abusers), Ms Annissa LUI (Hong Kong Lutheran Social Service)	Research on protocol for screening and assessment of poly- drug abusers	\$200,000	Yes		N.A.
	Youth Studies Net, City University of Hong Kong	Study on measures adopted by overseas countries in handling unruly children below the minimum age of criminal responsibility and mischievous juveniles above the minimum age	\$516,000	Yes	- Legislative Council Panel	N.A.



- (c) In deciding whether or not the reports should be published, whether and how the public should be informed, we consider each case on its own merits taking into account the interest of the public at large, the nature and contents, the cost of production and distribution, the extent of publicity required and the mode of delivery of the reports. Each Bureau/Office supporting a Principal Official will assess the usefulness of the reports and the value of the consultancies having regard to the original requirements and the standard of the deliveries. The Director of Audit will carry out value for money audits in respect of government activities including the commissioning of consultants.

### **Security and Public Facilities of PRH Estates**

11. **MISS CHAN YUEN-HAN** (in Chinese): *Madam President, it has been reported that the security and public facilities of public housing estates are inconvenient for use by the elderly and mobility-handicapped persons. For example, it is difficult for the elderly to memorize the password for opening the security gate whilst wheelchair-bound persons are unable to open the security gate and operate the door-telephone with keypads which are installed at heights without considering the needs of the disabled. In this connection, will the Government inform this Council whether:*

- (a) *it has assessed if the existing security facilities in public housing estates are convenient for use by the elderly and mobility-handicapped persons; if it has, of the assessment results;*
- (b) *it has considered installing smart card systems for the existing security gates in public housing estates or other security facilities for the convenience of the elderly and mobility-handicapped persons; and*
- (c) *it plans to improve the existing public facilities which are not suitable for use by the elderly and mobility-handicapped persons; and whether it will consider involving them in the design work for the construction of public housing estates in future so that the facilities thereof can meet their needs?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese):  
Madam President, my reply to the three-part question is as follows:

- (a) While no formal assessment has been conducted, the Housing Department (HD) has taken into consideration the special needs of elderly and disabled tenants in designing security facilities in public housing estates. For example, having regard to the normal heights of wheelchairs, the keypads for security doors and entrance intercoms are installed at 1.25 m to 1.3 m above ground. The exact height is determined after consultation with the Estate Management Advisory Committees of individual estates. Moreover, we will, on a need basis, provide an additional keypad at a lower position and install door bell for elderly and disabled residents to seek assistance from security guards in entering the building.
- (b) The HD launched in August 2002 a trial scheme on the use of smart cards in one housing block at Wan Hon Estate in Kwun Tong, which has a high concentration of elderly residents. However, of the 885 elderly tenants in the block, only 145 (or 16%) have joined the scheme. Access by means of smart cards is as low as 12 times a day. Another pilot project is being implemented at Yau Tong Estate in Kwun Tong. The HD will review the effectiveness of the project within this year to decide whether to extend this scheme to other public housing estates.
- (c) To facilitate elderly and disabled persons to use estate facilities, the HD will incorporate enhancement works in the maintenance and improvement programmes for existing public housing estates where practicable. Such enhancements include provision of handrails, access signage for less mobile persons, ramps for entering housing blocks, and dropped kerbs next to pedestrian paths. They are in line with the guidelines set out in the "Design Manual: Barrier Free Access 1997" issued by the Buildings Department.

As regards new public housing estates, the Housing Authority adopts "universal design" to ensure that all estate facilities are convenient to elderly and disabled residents. In drawing up the

guidelines on "universal design", in 2001 the HD had launched a five-month public consultation on the key features of the design through mock-up flats. A total of 568 elderly as well as 312 disabled persons and representatives of various organizations visited the mock-up flats and 159 submissions were received. The views expressed have been taken into account in finalizing the design.

The HD also consults the District Council on the layout and proposed facilities for new public housing estates at planning stage. From this year onward, the HD also gauges the views of Estate Management Advisory Committees of newly occupied estates on provision of estate facilities for the purpose of continuous improvement.

### **Participation of Local Construction Industry in Overseas Construction Projects**

12. **MR ABRAHAM SHEK** (in Chinese): *Madam President, regarding the local construction industry's participation in overseas construction projects, will the Government inform this Council whether:*

- (a) *it has promoted the local construction industry in overseas communities through the Hong Kong Government's overseas offices, the Trade Development Council (TDC) or other channels, with a view to facilitating the industry's entry into the overseas markets; if it has, of the details; if not, the reasons for that;*
- (b) *it has kept a watch on the local construction industry's participation in bidding for overseas construction projects, and provided market information and other kinds of assistance to the local construction industry in this regard; if so, of the details; if not, the reasons for that; and*
- (c) *it plans to assist the local construction industry in taking part in the reconstruction of Iraq when the war between the United States and Iraq is over?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President,

- (a) The Environment, Transport and Works Bureau has all along been committed to encouraging and facilitating overseas market development by enterprises and personnel (including contractors, engineering consultants and construction-related professionals) in the local construction industry. In recent years, the construction boom in the Mainland has prompted many local construction enterprises to look for business opportunities there. As such the various tasks carried out by this Bureau on promoting the local construction industry are mainly geared towards this direction. In this regard, the Environment, Transport and Works Bureau, in association with the mainland authorities concerned and trade associations and professional bodies of both places, has regularly organized large-scale seminars in, and arranged study visits to, different places in the Mainland in order to actively assist our local construction industry in entering the mainland market and in the hope of achieving the following objectives:
- To enable the local construction industry to keep in touch with the mainland counterparts, especially the top government officials in the Mainland so that it can keep abreast of the latest market information, thereby laying the foundation for co-operation.
  - To enable the local construction industry to gain a better understanding of the systems and regulations governing the construction industry in the Mainland and thereby adapt itself to the business environment there more easily.
  - To promote in the Mainland the expertise and technology of the local construction industry so that it will stand a better chance of participating in the construction projects there.
  - To enhance co-operation between professionals in the construction and construction-related fields and those in other related fields (for example, legal and banking) so as to introduce comprehensive construction services to the Mainland.

In conjunction with the Office of the Government of the Hong Kong Special Administrative Region in Beijing (BJO) and the TDC, we have also organized large-scale events to promote business opportunities in major mainland cities from time to time in order to enhance the communication between the construction industries of Hong Kong and the Mainland and explore opportunities for co-operation. Besides, we have invited mainland officials to Hong Kong to brief the local industry on the latest investment situation of the mainland construction market and newly introduced policies and regulations. In addition, the BJO has showcased Hong Kong's achievements in infrastructure and the strengths of our local construction industry in its promotion activities.

Concurrently, the Hong Kong Government and the TDC have been promoting Hong Kong's infrastructure industry in overseas countries in different ways, including the following:

- providing various promotion platforms, such as seminars, conferences and exhibitions, to promote the strengths of the local infrastructure industry;
- facilitating business partnerships between Hong Kong and their mainland/overseas counterparts through various matching and networking activities; and
- disseminating the relevant market information regularly through the TDC's trade portal "tdctrade.com".

The major promotion activities of the TDC include holding the annual Hong Kong infrastructure and real estate service expositions in major mainland cities, regularly inviting principal mainland officials to Hong Kong to brief on infrastructure projects and business opportunities related to the Beijing Olympics, co-organizing seminars on business opportunities with development aid organizations (for example, the World Bank and Asian Development Bank), organizing business missions to overseas countries and the Mainland for the infrastructure industry, and publishing the Hong Kong Infrastructure Services Directory and other promotional materials.

To further enhance the opportunities for local construction professionals to practise in the Mainland, the Environment, Transport and Works Bureau sent a delegation consisting of representatives of local professional bodies concerned to Beijing at the end of March this year to discuss the issue of mutual recognition of professional qualifications with the relevant mainland authorities and professional bodies. At the meeting, the professional bodies of both places agreed to form specific working groups to follow up the issue. While mutual recognition of professional qualifications is an internal affair of the relevant professional bodies, the Environment, Transport and Works Bureau will play a facilitating role and provide assistance where necessary.

- (b) As regards providing market information and keeping watch on overseas construction projects, we are also focusing on the mainland market. The Environment, Transport and Works Bureau has been liaising closely with the BJO to collect the latest information on mainland policies and regulations, investment and trade fairs, Beijing Olympics projects opened for tender, and so on, and release it to the industry.

The TDC has also set up a China Infrastructure Project News website (<<http://chinainfra.tdctrade.com>>) to provide the latest information on infrastructure projects in mainland cities. The TDC will review the contents and scope of the website if necessary to cater for the needs of the industry.

- (c) Owing to such factors as the unstable political climate in Iraq and geographical constraints, we have not received from the industry any request to take part in the reconstruction of Iraq when the war between the United States and Iraq is over. If the local industry expresses such request in the future, we will consider ways to co-ordinate the efforts of the government departments concerned, the TDC and other organizations in providing assistance to the industry.

**Incumbent Periods of Directorate Grade Officers in Government**

13. **MR LEUNG FU-WAH** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the title of each post remunerated at D4 or above of the Directorate Pay Scale, or equivalent, in Policy Bureaux and departments at present and, for each of these posts, the names of the present and last two officers in the post, their ages and seniority when they took up the post, their lengths of service in the post and the reasons for the outgoing officers' leaving the post;*
- (b) *of the criteria adopted in deciding on the promotion of directorate grade officers; whether the estimated period of stay in the post after an officer is promoted and the effects on the operation of the relevant departments when the officer leaves the post in future are included as part of the criteria; if not, whether it will consider setting these factors as the criteria; and*
- (c) *whether it has assessed the effects of the directorate grade officers' length of service on the continued development, operation and policy implementation of the departments they serve, if so, of the results of assessment; if not, the reasons for that?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): Madam President, my replies to the questions are as follows:

- (a) The list of posts remunerated at D4 or above, or equivalent, in bureaux and departments and the names of the present and the last two officers in the post are at Annex. The other details regarding the age of the officers, their years of service in the Government when they took up the post, their length of service in the post and the reasons for leaving the post are personal data of the officers concerned. Since we are not able to seek the prior consent of all these officers for publication of their personal data, we are not in a position to provide such data attributable to individual officers.

For members' general information, apart from certain officers who were appointed from outside the Government on agreement terms to take up the post, the average years of service of the officers when they took up relevant posts is 23 years. Their length of service in the post ranges from two weeks (for the incumbent post-holder who recently took up the post) to 13 years. Reasons for leaving the posts include posting and departure from the Civil Service, for example, retirement and expiry of agreement.

- (b) The guiding principle of a promotion exercise is to select the most suitable and meritorious candidate from among eligible civil servants to fill vacancy at a higher rank and to undertake the duties and to discharge the responsibilities of that higher rank.

Normally, a promotion board comprising senior officers of the relevant bureaux/departments/grades will be set up to consider the suitability of eligible candidates for promotion. The promotion board will assess the suitability of a candidate for promotion based on his character, ability, potential, performance as well as qualifications and experience prescribed for the promotion rank. In general, officers who have less than 12 months of active service after the effective date of the promotion will not be considered for promotion. These criteria are clearly spelt out in the Civil Service Regulations and are applicable to both directorate and non-directorate officers. In addition, the Administration has a well-established directorate succession planning mechanism to ensure smooth succession to senior posts.

- (c) Current policies are drawn up having regard to the needs and interests of society and other relevant criteria. Once the policies are set, the department concerned will proceed with the implementation regardless of the changes in holders of senior posts in the department. Review of existing policies or making of new policies follows established procedures and decisions are taken at appropriate levels. Once a decision is taken, it is the responsibility of the civil servants concerned to carry out any new policies or measures faithfully and diligently. It applies to all civil servants, whether they hold departmental management positions or work at the front line.



Directorate succession planning mechanism is in place to ensure smooth succession to the senior management of a department. The Secretary for the Civil Service reviews the directorate succession plan with Heads of Departments and the relevant Permanent Secretaries every year. The directorate succession planning mechanism ensures that there will be a ready pool of suitable directorate officers to lead the department in the short, medium and long terms.

## Annex

List of posts remunerated at D4 or above (or equivalent) in bureaux and departments  
(position as at 15 April 2003)

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Agriculture, Fisheries and Conservation Department	Director of Agriculture, Fisheries and Conservation <sup>1</sup>	D6	* CHAN Chun-yuen, Thomas Mrs WEI Chui Kit-yee Dr LEE Hay-yue, Lawrence
Architectural Services Department	Director of Architectural Services	D5	* YUE Chi-hang PAU Shiu-hung CHAN Yat-sun, Kenneth
Audit Commission	Director of Audit <sup>2</sup>	D6/D7	* CHAN Yin-tat, Dominic B G JENNEY R J HUTT
Beijing Office	Director, Beijing Office	D8	*# LEUNG Po-wing, Bowen
	Deputy Director, Beijing Office	D4	*# TAM Wing-pong
Buildings Department	Director of Buildings	D5	* WU Moon-hoi, Marco @ CHEUNG Hau-wai LEUNG Chin-man Dr CHOI Yu-leuk

## Notes:

<sup>1</sup> Post retitled from Director of Agriculture and Fisheries to Director of Agriculture, Fisheries and Conservation with effect from 1 January 2000.

<sup>2</sup> Post upgraded to D6/D7 with effect from 1 October 1989.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Census and Statistics Department	Commissioner for Census and Statistics	D5	* HO Wing-huen, Frederick MOK Ni-heng, Benjamin Richard BUTLER
Chief Executive's Office	Private Secretary to Chief Executive	D4	* IP Man-fai, Robin YUEN Ming-fai, Richard LAW Chi-kong, Joshua
Offices of the Chief Secretary for Administration and the Financial Secretary	Director of Administration	D6	* WONG Ho-yuen, Andrew Mrs YAU TSANG Ka-lai, Carrie Richard John Freer HOARE
	Deputy Head, Central Policy Unit	D4	* LAI Kwok-ying, Albert LAU Lai-chiu, Patrick TSO Man-tai
	Deputy Director of Administration(1) <sup>3</sup>	D4	* Ms CHANG King-yiu
	Head, Efficiency Unit	D4	* Colin SANKEY # Robert FOOTMAN
Civil Aviation Department	Director-General of Civil Aviation <sup>4</sup>	D6	* LAM Kwong-yu, Albert Richard Alan Frank SIEGEL LOK Kung-nam, Peter
Civil Engineering Department	Director of Civil Engineering	D5	* TSAO Tak-kiang LAU Ching-kwong LO Yiu-ching
Civil Service Bureau	Permanent Secretary for the Civil Service	D8	* Mrs LAI KO Wing-yee, Rebecca # Ms WONG Sean-yee, Anissa <sup>5</sup>

Notes:

<sup>3</sup> Post upgraded to D4 with effect from 1 April 2001.

<sup>4</sup> Post upgraded to D6 with effect from 1 October 1989.

<sup>5</sup> Doubling-up appointment.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
	Deputy Secretary for the Civil Service(1)	D4	* Miss MAK Yee-ming, Jennifer Ms WONG Sean-yee, Anissa Ms LEE Suk-yee, Sandra
Commerce, Industry and Technology Bureau	Permanent Secretary for Commerce, Industry and Technology (Commerce and Industry)	D8	*# Miss Denise YUE
	Deputy Secretary for Commerce, Industry and Technology (Commerce and Industry) <sup>16</sup>	D4	* Raymond YOUNG Miss Yvonne CHOI TAM Wing-pong
	Permanent Secretary for Commerce, Industry and Technology (Information Technology and Broadcasting)	D8	*# HO Suen-wai, Francis
	Deputy Secretary for Commerce, Industry and Technology (Information Technology and Broadcasting) <sup>17</sup>	D4	* Mrs LAI CHAN Chi-kuen, Marion Ms Eva CHENG Mrs LAU NG Wai-lan, Rita
	Commissioner for Economic and Trade Affairs, United States	D6	* Ms Jacqueline Ann WILLIS PANG Tsan-wing, Kenneth Barrie WIGGHAM <sup>8</sup>
	Director-General, London	D6	* Andrew LEUNG Ms LEE Suk-yee, Sandra John TSANG

## Notes:

<sup>6</sup> Post retitled from Deputy Secretary for Commerce and Industry (1) to Deputy Secretary for Commerce, Industry and Technology (Commerce and Industry)<sup>1</sup> with effect from 1 July 2002.

<sup>7</sup> Post retitled from Deputy Secretary for Information Technology and Broadcasting (1) to Deputy Secretary for Commerce, Industry and Technology (Information Technology and Broadcasting)<sup>1</sup> with effect from 1 July 2002.

<sup>8</sup> The rank of the post was D8 then.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
	Principal Hong Kong Economic and Trade Representative, Tokyo	D6	* Alex FONG <sup>9</sup> Miss CHEUNG Man-yee LEUNG Sai-wah, Paul
	Director-General, Hong Kong Economic and Trade Affairs, Washington	D4	* Edward YAU <sup>10</sup> Chris JACKSON <sup>11</sup> MAK Ching-hung, Clement <sup>10</sup>
	Permanent Representative of the Hong Kong Special Administrative Region of China to the World Trade Organization	D4	* LAW Chi-kong, Joshua <sup>11</sup> Stuart HARBINSON <sup>11</sup> WONG Wing-ping, Joseph <sup>11</sup>
	Special Representative for Hong Kong Economic and Trade Affairs to the European Communities	D4	* Chris JACKSON <sup>11</sup> WONG Ho-yuen, Andrew Peter LO
Companies Registry	Registrar of Companies	D4	*# Gordon JONES
Constitutional Affairs Bureau	Permanent Secretary for Constitutional Affairs	D6 <sup>12</sup>	*# MAK Ching-hung, Clement
	Deputy Secretary for Constitutional Affairs(1)	D4	* LAI Yee-tak, Joseph IP Man-fai, Robin MAK Ching-hung, Clement
Correctional Services Department	Commissioner of Correctional Services	D6 equivalent	* PANG Sung-yuen NG Ching-kwok LAI Ming-kee

## Notes:

<sup>9</sup> A supernumerary D4 post was created to accommodate the officer.<sup>10</sup> Supernumerary D3 posts were created to accommodate the officers.<sup>11</sup> Supernumerary D6 posts were created under the flexible ranking system to accommodate the officers.<sup>12</sup> Post created on a supernumerary basis by holding against a vacant D8 post, pending review in the light of experience.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Customs and Excise Department	Commissioner of Customs and Excise	D6 equivalent	* WONG Hung-chiu, Raymond TSANG Chun-wah, John LI Shu-fai, Lawrence
Department of Health	Director of Health <sup>13</sup>	D6	* Dr CHAN FUNG Fu-chun, Margaret Dr LEE Shiu-hung Dr THONG Kah-leong
Department of Justice	Director of Public Prosecutions	D6 equivalent	* I Grenville CROSS Peter V T NGUYEN John WOOD
	Law Draftsman	D6 equivalent	* YEN Yuen-ho, Tony James FINDLAY James O'GRADY
	Law Officer (Civil Law)	D6 equivalent	* LAI Ying-sie, BENEDICT Ian G M WINGFIELD Peter ALLAN
	Law Officer (International Law)	D6 equivalent	* Ian G M WINGFIELD David J LITTLE David M EDWARDS
	Solicitor General	D6 equivalent	* Robert ALLCOCK Daniel FUNG @ Anthony DUCKETT Bertrand E D DE SPEVILLE
	Director of Administration and Development	D6	* Miss Annie TAM <sup>14</sup> HO Chi-ming, Kevin @ CHEUNG Hok-kwong, Peter Mrs TAN KAM Mi-wah, Pamela
Drainage Services Department	Director of Drainage Services	D5	* CHEUNG Tat-kwing, Raymond John COLLIER NG Yee-yum

## Notes:

<sup>13</sup> Medical and Health Department was reorganized to become Department of Health and Hospital Services Department on 1 April 1989 and the post of Director of Health was created on the same date.

<sup>14</sup> A supernumerary D4 post was created to accommodate the officer.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Economic Development and Labour Bureau	Permanent Secretary for Economic Development and Labour (Labour)	D8	*# CHEUNG Kin-chung, Matthew
	Permanent Secretary for Economic Development and Labour (Economic Development)	D8	*# Ms LEE Suk-ye, Sandra
	Commissioner for Tourism <sup>15</sup>	D6	* Ms Eva CHENG Mrs LAI KO Wing-ye, Rebecca Mike J T ROWSE
	Deputy Secretary for Economic Development and Labour (Economic Development) <sup>16</sup>	D4	* Ms Miranda CHIU Ms KWAN Sik-ning, Maria Leo KWAN
Education and Manpower Bureau	Permanent Secretary for Education and Manpower	D8	*# Mrs LAW FAN Chiu-fun, Fanny
	Deputy Secretary for Education and Manpower(1)	D4	* CHOK Kin-fun, Philip CHEUNG Kin-chung, Matthew Ms Jacqueline Ann WILLIS
Electrical and Mechanical Services Department	Director of Electrical and Mechanical Services	D5	* LAI Sze-hoi LEUNG Cham-tim Hugh PHILLIPSON
Environment, Transport and Works Bureau	Permanent Secretary for the Environment, Transport and Works (Environment and Transport)	D8	*# Mrs LAU NG Wai-lan, Rita

Notes:

<sup>15</sup> Post upgraded to D6 with effect from 8 June 2001.

<sup>16</sup> Post retitled from Deputy Secretary for Economic Services (1) to Deputy Secretary for Economic Development and Labour (Economic Development)<sup>1</sup> with effect from 1 July 2002.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
	Deputy Secretary for the Environment, Transport and Works (Environment and Transport)T1 <sup>17</sup>	D4	* TANG Kwok-wai, Paul HO Chi-ming, Kevin LEUNG Sai-wah, Paul
	Permanent Secretary for the Environment, Transport and Works (Works)	D8	* LO Yiu-ching # LEE Shing-see
	Deputy Secretary for the Environment, Transport and Works (Works)1 <sup>18</sup>	D4	* KWOK Ka-keung, Keith Mrs HUNG KWOK Wai-ching, Stella KWOK Ka-keung, Keith
Environmental Protection Department	Director of Environmental Protection <sup>19</sup>	D5	* Robert John Steen LAW # Dr Stuart Bennett REED
Financial Services and the Treasury Bureau	Permanent Secretary for Financial Services and the Treasury (Financial Services)	D8	*# John Anthony MILLER
	Deputy Secretary for Financial Services and the Treasury (Financial Services)1 <sup>20</sup>	D4	* Miss AU King-chi Mrs LAI KO Wing-yee, Rebecca Mrs WEI CHUI Kit-yee, Lessie
	Government Economist	D4	*# TANG Kwong-yiu
	Commissioner of Insurance	D4	* TANG Kwok-bun, Benjamin WONG Chi-kong, Alan @ LAM Ka-tai, Ros Mrs TAN KAM Mi-wah, Pamela

## Notes:

<sup>17</sup> Post retitled from Deputy Secretary for Transport (1) to Deputy Secretary for the Environment, Transport and Works (Transport and Works)T1 on 1 July 2002, and to Deputy Secretary for the Environment, Transport and Works (Environment and Transport)T1 with effect from 1 April 2003.

<sup>18</sup> Post retitled from Deputy Secretary for Works (Programme and Resources) to Deputy Secretary for the Environment, Transport and Works (Transport and Works)W1 from 1 July 2002, and to Deputy Secretary for the Environment, Transport and Works (Works)1 from 1 April 2003.

<sup>19</sup> Post upgraded to D5 with effect from 1 October 1989.

<sup>20</sup> Post retitled from Deputy Secretary for Financial Services (1) to Deputy Secretary for Financial Services and the Treasury (Financial Services)1 with effect from 1 July 2002.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
	Permanent Secretary for Financial Services and the Treasury (Treasury)	D8	*# LAI Nin, Alan
	Deputy Secretary for Financial Services and the Treasury (Treasury)(1) <sup>21</sup>	D4	* YING Yiu-hong, Stanley Mrs LAM CHENG Yuet-ngor, Carrie HO Chi-ming, Kevin
	Deputy Secretary for Financial Services and the Treasury (Treasury)(2) <sup>22</sup>	D4	* Martin McKenzie GLASS
Fire Services Department	Director of Fire Services	D6 equivalent	* LAM Chun-man HSU King-ping TSANG Kwong-yu
Food and Environmental Hygiene Department	Director of Food and Environmental Hygiene	D6	* LEUNG Wing-lup, Gregory # Mrs LAU NG Wai-lan, Rita
Government Property Agency	Government Property Administrator <sup>23</sup>	D4	* Ms KWAN Sik-ning, Maria LAI Kwok-ying, Albert
Government Supplies Department	Director of Government Supplies	D5	* Mrs HUNG KWOK Wai-ching, Stella LEUNG Wing-lup, Gregory Nigel C L SHIPMAN
Health, Welfare and Food Bureau	Permanent Secretary for Health, Welfare and Food	D8	*# Mrs YAU TSANG Ka-lai, Carrie

## Notes:

<sup>21</sup> Post retitled from Deputy Secretary for the Treasury (1) to Deputy Secretary for Financial Services and the Treasury (Treasury) (1) with effect from 1 July 2002.

<sup>22</sup> Post upgraded to D4 for three years from 8 June 2001 to 7 June 2004, and retitled from Deputy Secretary for the Treasury (2) to Deputy Secretary for Financial Services and the Treasury (Treasury) (2) with effect from 1 July 2002.

<sup>23</sup> Post upgraded to D4 with effect from 27 February 1998.



<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
	Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) <sup>24</sup>	D4	* CHAN Yuk-tak, Eddy Mrs HUNG KWOK Wai-ching, Stella TANG Kwok-wai, Paul
	Deputy Secretary for Health, Welfare and Food (Health) <sup>25</sup>	D4	* YIU Kei-chung, Thomas LEUNG Wing-lup, Gregory Mrs HO KO Suet-yiu, Doris
Highways Department	Director of Highways <sup>26</sup>	D6	* MAK Chai-kwong LO Yiu-ching LEUNG Kwok-sun
Home Affairs Bureau	Permanent Secretary for Home Affairs	D8	*# Ms LEE Lai-kuen, Shelley
	Deputy Secretary for Home Affairs(1) <sup>27</sup>	D4	* KWAN Wing-wah, Leo LO Yat-fai Mrs HUNG KWOK Wai-ching, Stella
Home Affairs Department	Director of Home Affairs	D6	* Miss WONG Wing-chen, Janet <sup>28</sup> Ms LEE Lai-kuen, Shelley # WONG Wing-ping, Joseph
Hong Kong Observatory	Director of Hong Kong Observatory <sup>29</sup>	D5	* LAM Chiu-ying LAM Hung-kwan LAU Chi-kwan, Robert

## Notes:

<sup>24</sup> Post retitled from Deputy Secretary for the Environment and Food (A) to Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) with effect from 1 July 2002.

<sup>25</sup> Post retitled from Deputy Secretary for Health and Welfare (1) to Deputy Secretary for Health, Welfare and Food (Health) with effect from 1 July 2002.

<sup>26</sup> Post upgraded to D6 with effect from 30 October 1998.

<sup>27</sup> Post upgraded to D4 with effect from 5 June 1996.

<sup>28</sup> Double-up appointment.

<sup>29</sup> Post upgraded to D5 with effect from 1 October 1989.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Hong Kong Police Force	Commissioner of Police	D8 equivalent	* TSANG Yam-pui HUI Ki-on LI Kwan-ha
	Deputy Commissioner of Police, Operations	D4/D5 equivalent	* LEE Ming-kwai LAU Yuk-kuen WONG Tsan-kwong
	Deputy Commissioner of Police, Management	D4/D5 equivalent	* FUNG Siu-yuen LEE Ming-kwai TSANG Yam-pui
Housing Department	Deputy Director of Housing (Strategy)	D4	*# Ms CHUNG Lai-kwok, Elaine
	Deputy Director of Housing (Business Development)	D4	* TONG Wing-shing, Vincent <sup>30</sup> WU Moon-hoi, Marco Mrs LAW FAN Chiu-fun, Fanny
Housing, Planning and Lands Bureau	Permanent Secretary for Housing, Planning and Lands (Housing)	D8	*# LEUNG Chin-man
	Permanent Secretary for Housing, Planning and Lands (Planning and Lands)	D8	*# TSANG Chun-wah John
	Deputy Secretary for Housing, Planning and Lands (Planning and Lands) <sup>1</sup> <sup>31</sup>	D4	* TSO Man-tai, Thomas LAU Lai-chiu, Patrick MAK Chun-fong, Canice
Immigration Department	Director of Immigration	D6 equivalent	* LAI Tung-kwok LEE Siu-kwong Mrs IP LAU Suk-ye, Regina

Notes:

<sup>30</sup> Double-up appointment.

<sup>31</sup> Post retitled from Deputy Secretary for Planning and Lands (Lands and Planning) to Deputy Secretary for Housing, Planning and Lands (Planning and Lands)<sup>1</sup> with effect from 1 July 2002.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Information Services Department	Director of Information Services <sup>32</sup>	D6	* Miss CHOI Ying-pik, Yvonne CHAN Chun-yuen, Thomas Mrs YAU LEE Che-yun, Irene
Information Technology Services Department	Director of Information Technology Services <sup>33</sup>	D5	* WONG Chi-kong, Alan LAU Kam-hung Dr Colin Charles GREENFIELD
Inland Revenue Department	Commissioner of Inland Revenue	D6	* LAU MAK Yee-ming, Alice @ E C D'SOUZA Mrs SIN LAW Yuk-lin, Agnes WONG Ho-sang
Innovation and Technology Commission	Commissioner for Innovation and Technology	D6	* Mrs KWOK TAM Pui-yi, Sarah <sup>34</sup> # HO Suen-wai, Francis
Intellectual Property Department	Director of Intellectual Property	D5	* Stephen Richard SELBY # Ms TAI Yuen-ying, Alice
Invest Hong Kong	Director-General of Investment Promotion	D6	*# Mike J T ROWSE
Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service	Secretary-General for Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service	D4	*# LEE Lap-sun
Judiciary	Judiciary Administrator	D8	* TSUI Chi-keung, Wilfred # Ms TAI Yuen-ying, Alice

Notes:

<sup>32</sup> Post upgraded to D6 with effect from 27 February 1998.

<sup>33</sup> Post upgraded to D5 with effect from 1 April 1989.

<sup>34</sup> Double-up appointment.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Labour Department	Commissioner for Labour	D6	* Mrs TAN KAM Mi-wah, Pamela CHEUNG Kin-chung, Matthew Ms Jacqueline Ann WILLIS
Land Registry	Land Registrar	D4	* Kim Anthony SALKELD Anthony Geoffrey COOPER PANG Tsan-wing, Kenneth
Lands Department	Director of Lands <sup>35</sup>	D5	* LAU Lai-chiu, Patrick Robert Douglas POPE Darwin CHEN
Legal Aid Department	Director of Legal Aid <sup>36</sup>	D6 equivalent	* CHAN Shu-ying Mrs CHEUNG CHENG Po-lin Patrick Ronald MOSS
Leisure and Cultural Services Department	Director of Leisure and Cultural Services	D6	* Ms WONG Sean-yee, Anissa # LEUNG Sai-wah, Paul
Marine Department	Director of Marine	D6	* TSUI Shung-yiu Ian Barry DALE Allan Charles PYRKE
Office of the Telecommunications Authority	Director-General of Telecommunications <sup>37</sup>	D6	* WONG Sik-kei # Alexander A ARENA
Official Receiver's Office	Official Receiver	D4 equivalent	* Edward Thomas O'CONNELL # Anthony Roblin HEARDER
Planning Department	Director of Planning	D5	* FUNG Chee-keung, Bosco PUN Kwok-shing, Peter Robert Ian William UPTON

## Notes:

<sup>35</sup> Buildings and Lands Department was reorganized to become Buildings Department and Lands Department on 1 August 1993. The post of Director of Buildings and Lands was ranked at D6 but the post of Director of Lands created after the reorganization is ranked at D5.

<sup>36</sup> Post upgraded to D6 equivalent with effect from 1 October 1989.

<sup>37</sup> Post upgraded to D6 with effect from 25 May 2001.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Post Office	Postmaster General	D5	* CHIANG Yam-wang, Allan LUK Ping-chuen Robert FOOTMAN
Printing Department	Government Printer	D5	* TSUI Kwan-ping, David <sup>38</sup> TANG Kwok-bun, Benjamin <sup>39</sup> Harry MYERS
Radio Television Hong Kong	Director of Broadcasting <sup>40</sup>	D5	* CHU Pui-hing Miss CHEUNG Man-yee Charles Stuart WILKINSON
Rating and Valuation Department	Commissioner of Rating and Valuation <sup>41</sup>	D5	* PANG Tsan-wing, Kenneth Barry WOODROFFE Gordon BLENKINSOP
Security Bureau	Permanent Secretary for Security	D6 <sup>42</sup>	*# TONG Hin-ming, Timothy <sup>43</sup>
	Deputy Secretary for Security(1)	D4	* TONG Hin-ming, Timothy WONG Hung-chiu, Raymond Mrs YAU TSANG Ka-lai, Carrie
Social Welfare Department	Director of Social Welfare	D6	* Mrs LAM CHENG Yuet-ngor, Carrie LEUNG Kin-pong, Andrew Ian Robert STRACHAN
Territory Development Department	Director of Territory Development	D6	* WONG Hung-kin LEE Shing-see CHOW Che-king
Trade and Industry Department	Director-General of Trade and Industry <sup>44</sup>	D6	* HO Chi-ming, Kevin LAW Chi-kong, Joshua LAI Nin, Alan

## Notes:

<sup>38</sup> A supernumerary D3 post was created to accommodate the officer.<sup>39</sup> A supernumerary D4 post was created to accommodate the officer.<sup>40</sup> Post upgraded to D5 with effect from 1 October 1989.<sup>41</sup> Post upgraded to D5 with effect from 1 October 1989.<sup>42</sup> Post created on a supernumerary basis by holding against a vacant D8 post, pending review in the light of experience.<sup>43</sup> Doubling-up appointment.<sup>44</sup> Post retitled from Director-General of Trade to Director-General of Trade and Industry with effect from 1 July 2000.

<i>Bureau/ Department</i>	<i>Post</i>	<i>Rank of post</i>	<i>Name</i>
Transport Department	Commissioner Transport	for D6	* Robert FOOTMAN Mrs LAW FAN Chiu-fun, Fanny Mrs YAM KWAN Pui-ying, Lily
Treasury	Director of Accounting Services	D5	* SHUM Man-to Brian DAGNALL Alan RICHARDSON
University Grants Committee Secretariat	Secretary-General, University Grants Committee	D4	* CHEUNG Po-tak, Peter Nigel FRENCH L F SPARK
Water Supplies Department	Director of Water Supplies	D6	* KO Chan-gock, William Hugh PHILLIPSON HU Man-shiu

*Notes*

- \* Incumbent Officers  
 # First holders of the posts  
 @ Officers acting in the posts for administrative convenience to cover the temporary absence of the substantive holders

*Remarks*

1. There are no D4 or above officers in Auxiliary Medical Service, Civil Aid Service, Civil Service Training and Development Institute, Government Flying Service, Government Laboratory, Government Land Transport Agency, Secretariat for Independent Police Complaints Council, Official Languages Agency, Public Service Commission, Registration and Electoral Office, Student Financial Assistance Agency and Television and Entertainment Licensing Authority.
2. Independent Commission Against Corruption officers, judicial officers and other non-civil servants are not included in the list.
3. Officers acting in the posts for administrative convenience to cover the temporary absence of the substantive holders for less than six months are not included in the list.

## **New Approach of HEC in Recognition of Income from Electricity Sales**

14. **MR FRED LI** (in Chinese): *Madam President, the annual financial statements of the Hongkong Electric Company Limited (HEC) for the year 2002 disclose that the HEC has adopted a new approach in the recognition of income from electricity sales. Under the new approach, income is recognized on the*

*basis of units of electricity consumed by customers, instead of the total electricity sold as recorded on all meters, during the year. As the earnings of the HEC are regulated by the Government under a Scheme of Control, will the Government inform this Council of:*

- (a) the application details of the new approach, with illustrations by specific examples; a comparison of the HEC's electricity sales and income last year based respectively on the new and old recognition approaches; and*
- (b) the rationale for the HEC's adopting the new approach, and whether the Government has been consulted or notified in advance; if not, whether and how it will follow up?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Chinese): Madam President, the financial year of the HEC runs from 1 January to 31 December. Prior to 2002, all items in the HEC's financial statement, except for income derived from electricity sales, were accounted for on a financial year basis. Electricity sales were taken on the basis of meter readings. Since meter readings for different customers are taken on different dates (for example, some at the beginning, some in the middle, while others at the end of the month), the HEC took mid-December as the cut-off point for electricity sales for their annual account. The data in the relevant account therefore reflected income derived from electricity sales during the period from mid-December of the previous year to mid-December of the financial year in question. This means that electricity sales and income recorded after mid-December were included in the account of the subsequent financial year.

As from 2002, the HEC takes 31 December as the cut-off date for recognition of income derived from electricity sales. That is to say, electricity sales and income in a financial year henceforth reflect the electricity consumed by customers in that year.

Applying the accounting methods adopted prior to and as from 2002, the HEC's electricity sales and income in 2002 are as follows:

	<i>Electricity Sales</i> <i>kWh in Billion</i>	<i>Electricity Sales</i> <i>Income</i> <i>\$ Billion</i>
<i>Using the pre-2002 accounting method</i>		
Mid-December 2001 to Mid-December 2002	10.375	11.234
<i>If using the 2002 accounting method</i>		
1 January to 31 December 2002	10.381	11.244
<i>Data reflected in the 2002 accounts (Note)</i>		
Mid-December to 31 December 2001	0.261	0.276
1 January to 31 December 2002	10.381	11.244
	10.642	11.520

*Note:*

Since electricity sales and income for the period from mid-December to 31 December 2001 have not been accounted for in the Company's financial statement, the HEC has included the sales and income, totalling approximately 0.26 billion kWh (that is, of around \$0.28 billion), in the Company's 2002 accounts on a one-off basis. That is to say, the 2002 accounts for this item covers about twelve and a half months. This arrangement has the effect of relieving pressure for upward adjustment of the 2003 tariff. Accounts for this item from 2003 onwards will cover 12 months in the HEC's financial year, as for other items in the Company's financial statement.

The HEC's revised accounting arrangement, which reflects electricity sales and income in the account of that year and uses identical period for all items included in the Company's financial statement, complies with the accounting standards promulgated by the Hong Kong Society of Accountants. The HEC has informed the Government prior to the change in its accounting method.

### **Refusal of a Secondary School to Lend out Venue for Public Examination on Examination Day**

15. **MR FREDERICK FUNG** (in Chinese): *Madam President, regarding the incident in which a secondary school suddenly refused to lend out its venue for holding the Advanced Supplementary Level Examination on 28 March this year — the day of the examination, will the Government inform this Council:*



- (a) *of the details of the incident and how the authorities handled it;*
- (b) *whether similar incidents had happened before; if so, of the details of the incidents and how the authorities handled them;*
- (c) *whether the affected candidates have lodged any complaints; if they have, of the number and details of the complaints and how the authorities handled them;*
- (d) *whether the marks of the relevant examination paper of the affected candidates will be adjusted; if they will, of the adjustment details; if not, the reasons for that; and*
- (e) *whether disciplinary actions will be taken against the secondary school concerned; if so, of the details of the disciplinary actions; if not, the reasons for that?*

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

- (a) According to the 2 April press release issued by the concerned secondary school, located at Tai Koo Shing, Eastern District, (the school), the school had received notice from the Department of Health in the afternoon of 27 March confirming that one of its students had contracted atypical pneumonia. On the same day, the school tried but did not succeed in contacting the Hong Kong Examinations and Assessment Authority (HKEAA). Approximately after 7 am on the following day of 28 March, the school succeeded in informing the HKEAA that due to the necessary disinfecting and cleansing required subsequent to one of its students contracting atypical pneumonia, it had decided not to provide its hall as the examination centre for the advanced supplementary level subject of "Chinese Language and Culture" of the Hong Kong Advanced Level Examination.

As the HKEAA could not convince the school then to change its decision, the HKEAA immediately informed the Education and Manpower Bureau and contacted another school (located at Braemar

Hill Road, North Point) to provide its hall as examination centre and arranged three coaches to transport the candidates to this new examination centre at around 9 am.

The examination was originally scheduled to start at 8.30 am. Due to the contingency arrangement, the affected 120 candidates were delayed to start Part A of the examination's Paper I at 9.48 am.

To prevent the opportunity of the affected candidates contacting candidates who could have left other examination centres 30 minutes after the examination had started, the HKEAA had already ensured that the affected candidates had not used mobile phones or other forms of communication making external contact. At the same time, in order to minimize the delayed duration, the break of 45 minutes between the two parts of the examination's Paper I in the morning was adjusted to 30 minutes. The lunch break was also adjusted from one hour 45 minutes to one hour 15 minutes. (The planned 1.30 pm examination for Paper II was rescheduled to 2 pm).

Although the arrangement of examination centres is under the purview of the HKEAA and it is not necessary for the Government to intervene in the arrangement, the Education and Manpower Bureau had contacted the school that morning, trying to change the school's decision under the special situation of the atypical pneumonia. The school's decision remained unchanged. Concurrently, on 27 March, the Education and Manpower Bureau had formulated detailed guidelines, issued press release and issued circulars to schools about the arrangement during the period of suspension of classes including the guidelines. This whole set of guidelines includes those to parents and the "No change to public examinations" guidelines provided by the HKEAA which specify that "In consulting the Department of Health, the Authority is given the understanding that the school premises are suitable for use as examination centres as the premises are cleaned and sanitized every day, and ventilation is good." The Education and Manpower Bureau had also issued supplementary notes to schools on 29 March making it clear that all school premises for use as examination centres should remain open for public examinations. The whole

set of guidelines "Handbook on Prevention of the Spreading of Atypical Pneumonia in Schools, Resumption of Classes and Schedule of Events Prior to Resumption of Classes" has been posted on the Education and Manpower Bureau website.

- (b) No similar incident had happened before.
- (c) A parent wrote to the HKEAA on 30 March requesting special adjustment of his son's examination results because his son was worried and had felt sick after the rough trip from Tai Koo Shing to Braemar Hill Road. As at present, the HKEAA has not received other complaints via phone or letters directly addressed to it. Besides the above complaint, the HKEAA was aware that two candidates had phoned the Radio Television Hong Kong expressing their dissatisfaction of the shortened breaks.

The Education and Manpower Bureau has not received complaints relating to this incident.

- (d) The School Examinations Executive Committee under the HKEAA Council is responsible for making decisions on irregularities and special cases of the public examinations. This Committee will seriously assess the impact of this incident on the affected candidates, including the aforementioned 30 March request for a special adjustment of results, with an objective and fair attitude.
- (e) The HKEAA had sent a letter on 31 March to the school supervisor reprimanding the principal's unco-operative attitude and requiring the school to provide the hall as an examination centre for four days of the public examinations from end of April to early May, as originally scheduled. The school has agreed to this arrangement.

The HKEAA is an independent statutory body. It has its own rules to handle the arrangement of examination centres which is under its purview. Therefore, it is neither necessary nor appropriate for the Government to take any disciplinary action against the school. However, to prevent the recurrence of similar incidents under the special situation of atypical pneumonia, the Education and Manpower Bureau also sent a letter on 31 March to the school's

supervisor expressing disappointment to the school's decision, requested the school to provide a written report and ensure that the school would open the premises for the purpose of public examinations as arranged.

### **Road Excavation Works on Pavements Along Nathan Road and King's Road**

16. **MR ERIC LI** (in Chinese): *Madam President, regarding road excavation works carried out on the pavements along Nathan Road (Tsim Sha Tsui Section) and King's Road, will the Government inform this Council:*

- (a) *of the respective numbers of pavement sections on which such works were carried out last year;*
- (b) *for each road during last year, of*
  - (i) *the respective numbers of days on which no such works were carried out;*
  - (ii) *the respective numbers of days on which more than five works items were carried out at the same time; and*
  - (iii) *the largest number of works items carried out at the same time on a single day; and*
- (c) *if the answers to item (a) above indicate that fewer works items were carried out on the pavements along King's Road, whether it has assessed if the situation is attributable to the comprehensive resurfacing works carried out on the pavements of the road, and whether such an approach is more cost-effective?*

### **SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President,

- (a) In 2002, there were around 146 and 270 road excavation works carried out on footpaths along Nathan Road (Tsim Sha Tsui Section) and King's Road respectively.

- (b) For each of the road sections named above and during last year:
- (i) the respective number of days when there was no excavation work along the footpath was 18 and three;
  - (ii) the respective number of days when more than five excavation works had been taken place concurrently was 347 and 362 respectively; and
  - (iii) the maximum number of excavation works carried out concurrently along the same road section on a single day was eight and 19 respectively.
- (c) There were more road excavations along King's Road than in Nathan Road within the same period. This was mainly attributed to the complete reconstruction of footpath along King's Road. There are numerous underground utilities below the footpaths of King's Road. The majority of these utilities were laid a long time ago and require frequent repair and upgrading. New services were also needed to satisfy increasing demands. As a result, the footpaths there have been opened up very frequently and this badly weakened the sub-base of the footpath rendering subsided spots all over the place. The complete reconstruction of footpath would strengthen the sub-base and replace the concrete footpath with more durable and aesthetically pleasing paving blocks. The reconstruction project gives an opportunity for all utility companies to upgrade their services in conjunction with the roadworks to cater for future development and this will reduce the demand for utility openings in the coming years. Complete reconstruction using paving blocks will reduce recurrent maintenance cost as the blocks can be re-used for future reinstatement of pavements.

### **Repair Works for PRH Flats**

17. **MR ALBERT CHAN** (in Chinese): *Madam President, it is learnt that problems such as cracked walls, exposed steel reinforcements and concrete*

*spalling appear in many flats in public housing rental estates, threatening the safety of the tenants and adversely affecting their daily life. In this connection, will the Government inform this Council:*

- (a) of the current number of flats which require repair works because of the above problems, with a breakdown by housing estates;*
- (b) of the average time taken last year by the Housing Department (HD) for such repair works; and*
- (c) whether the HD will allow tenants of the relevant flats to transfer to other flats before the commencement of large-scale repair works of this nature; if it will, of the number of tenants who may now apply for transfer?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese):

Madam President, my reply to the three-part question is as follows:

- (a) As at 16 April 2003, cracks on walls or ceilings which require concrete mending occurred in 1 133 public rental flats. Breakdown of these cases by estate is shown at the Annex.
- (b) Mending works on walls or ceilings are usually simple and small-scale involving three separate procedures, namely defect inspection, mending of cracks and touch-up painting. Each process takes one day and the entire process normally takes three days to complete. More complex repair works such as addition of reinforcement bars may take a few days to two weeks depending on actual circumstances.
- (c) If the requisite repair works are extensive and may cause inconvenience to the tenant, the HD will transfer the tenant to another flat before repair works commence. Domestic Removal Allowance will be given to the affected tenant. Of the 1 133 flats in need of concrete mending, seven tenants require relocation.

## Annex

Wall or Ceiling Repair Works in Public Rental Housing  
(As at 16 April 2003)

<i>Estate</i>	<i>No. of Flats</i>	<i>Estate</i>	<i>No. of Flats</i>	<i>Estate</i>	<i>No. of Flats</i>
Ap Lei Chau	2	Lek Yuen	3	Sun Tin Wai	17
Butterfly	17	Lok Fu	12	Tai Hing	39
Chak On	3	Lok Wah (North)	9	Tai Wo	1
Cheung Hang	1	Lok Wah (South)	7	Tai Wo Hau	9
Cheung Hong	19	Long Ping	39	Tak Tin	1
Cheung On	13	Lower Ngau Tau Kok	60	Tin King	4
Choi Fai	1	Lower Wong Tai Sin	17	Tin Ping	11
Choi Ha	8	Lung Hang	19	Tin Shui	16
Choi Hung	80	Ma Tau Wai	13	Tin Wan	3
Choi Wan	20	Mei Lam	28	Tin Yiu	1
Chuk Yuen (North)	11	Mei Tung	2	Tsui Lam	5
Chun Shek	16	Model Housing	15	Tsui Ping (North)	54
Fuk Loi	8	Nam Cheong	8	Tsui Ping (South)	2
Fung Wah	1	Nam Shan	9	Tsui Wan	5
Hau Tak	39	Oi Man	21	Tsz Ching	5
Heng On	6	On Ting	16	Tung Tau	5
Hin Keng	4	Pak Tin	6	Wah Fu	49
Hing Man	3	Ping Shek	13	Wah Kwai	2
Hing Tin	13	Po Lam	16	Wah Ming	3
Hing Wah	3	Sam Shing	14	Wan Tsui	10
Kai Yip	7	Sau Mau Ping	3	Wo Che	9
Kin Sang	2	Sha Kok	17	Wo Lok	13
Kwai Fong	2	Shek Kip Mei	13	Wong Chuk Hang	6
Kwai Shing (West)	13	Shek Lei	5	Wu King	6
Lai King	17	Shek Wai Kok	18	Yau Oi	40
Lai Kok	5	Shek Yam	1	Yiu On	2
Lai Yiu	3	Shun Lee	7	Yiu Tung	2
Lee On	21	Shun Tin	11	Yue Wan	17
Lei Cheng Uk	12	So Uk	3		
Lei Muk Shue	11	Sun Chui	30	Total	1 133

**Local Access Charges**

18. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, the Office of the Telecommunications Authority (OFTA) requires external telecommunications services operators (ETSOs) to pay local access charges (LAC) to fixed telecommunications network services (FTNS) operators as compensation for the latter's network resources being used by the former in the carriage of external telecommunications. The Telecommunications Authority (TA) issued a statement in June 2001 to announce the adjustment in the calculation of LAC and its level with effect from 1 July in the same year. In this connection, will the Government inform this Council:*

- (a) *how the factors for determining the calculation method and level of LAC in Hong Kong compare to those in respect of similar charges in other countries and regions with open telecommunications markets (such as the United Kingdom, the United States and Australia); and of the reasons for adopting different practices in these places;*
- (b) *whether it has assessed the impacts of the overseas practices mentioned in (a) on the local telecommunications industry (particularly external telecommunications services); if it has, of the assessment results;*
- (c) *of the respective percentages of LAC in the cost to ETSOs for providing services in the major retail markets of external telecommunications services, in each of the past three years;*
- (d) *whether it has assessed the impacts of the cost percentages mentioned in (c) on the promotion of fair competition in the local telecommunications industry (particularly between FTNS operators and ETSOs); if it has, of the assessment results; and*
- (e) *whether it will conduct regular reviews on the calculation method and level of LAC; if it will, when the next review will be conducted?*



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

- (a) In Hong Kong, the LAC payable to the non-dominant local fixed FTNS operators is commercially negotiated between the local FTNS operators and the external telecommunications services (ETS) providers. Only the LAC payable to the dominant local FTNS operator PCCW-HKT Telephone Limited is determined by the TA.

Countries which have introduced competition into their telecommunications markets (including the United Kingdom, the United States and Australia) adopt similar rules in determining LAC. They generally use the methodology of long run average incremental cost for working out the incremental cost entailed by the local FTNS operators in respect of delivering the external traffic. The consideration is to ensure that the charge is a fair and sufficient compensation to the local FTNS operators for use of their networks by the ETS providers. The TA also adopts the methodology of long run average incremental cost and the consideration of fair and sufficient compensation in determining the LAC. Details of the methodology for determining the LAC are published in a TA Statement issued in 25 November 1998 after consultation with the industry.

- (b) The TA conducts regular review on LAC in accordance with the consideration mentioned in (a) above. After consulting the industry, the TA concluded in October 2000 that the methodology of long run average incremental cost remained valid. In July 2001, the TA reviewed the level of LAC, resulting in a reduction as follows:

	<i>Level of LAC Prior to July 2001 (cents per minute)</i>	<i>Level of LAC After July 2001 (cents per minute)</i>	<i>Percentage change</i>
Outgoing Direct Traffic	15.1	12.1	-20%
Incoming Direct Traffic	15.8	12.6	-20%
Outgoing/Incoming Transit Traffic	12.9	10.6	-18%

- (c) The OFTA does not request the ETS providers, which are operating in a fully liberalized market, to provide the OFTA with information on their operating costs. Hence, we do not have the percentage of LAC out of the total operating cost of the ETS providers.

In fact, the LAC and indeed the other operating costs of the ETS providers have been decreasing in the past three years. The LAC was reduced by 18% to 20% as mentioned in (b). The reduction in the other operating costs can mainly be attributed to a market driven decrease in external circuit costs, which are the costs for leasing external submarine/overland cables for delivering the external traffic.

- (d) and (e)

We are committed to promoting fair competition in the telecommunications market. Hence, the TA regulates the LAC payable by the ETS providers to the dominant local FTNS operator. This would ensure that the charge is a fair and sufficient compensation for the use of the dominant local FTNS operator's network for delivering external traffic. On the other hand, the LAC payable to the other local FTNS operators by the ETS providers are commercially negotiated. These arrangements would ensure a level playing field for the local FTNS operators, and the ETS providers (who choose not to build their networks for the purpose but to use the networks of the competing local FTNS operators at a LAC) in providing external telecommunications services to compete on.

The TA will review the LAC payable to the dominant local FTNS operator on an ongoing basis to ensure that it continues to serve its intended purpose. The next review will be carried out by third quarter this year.

### **Alleviation of Air Pollution Caused by Emissions from Public Transport**

19. **MS EMILY LAU** (in Chinese): *Madam President, in order to alleviate the air pollution caused by emissions from public transport, will the executive authorities inform this Council:*

- (a) *given that the Kowloon Motor Bus Company (1933) Limited (KMB) plans to introduce, in this year, 50 buses which meet the Euro IV emission standards, whether the authorities have suggested to the company to arrange for such buses to serve the busy areas;*
- (b) *whether they plan to discuss with franchised bus companies the rationalization of the existing bus routes and schedules to avoid an excessive number of buses crowding in the same area, and aggravating the air pollution problem in the areas concerned; and*
- (c) *of the policies or measures in place to encourage public transport operators to introduce vehicles which are more environmentally-friendly?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Chinese): Madam President, we understand from the KMB that the 50 new buses which would meet Euro IV emission standards would be delivered in 2004. These new buses would be assigned to operate along busy corridors.

The Transport Department (TD) monitors bus operation and where appropriate, initiates discussions with franchised bus companies on proposals to rationalize their bus services to better match changing passenger demand and to reduce unnecessary duplication of bus services. In 2002, as a result of such rationalization measures, 2 300 bus trips per day and over 300 bus stoppings per peak hour have been reduced in the busy corridors in Central, Wan Chai, Causeway Bay and Yau Tsim Mong Districts. These measures include cancellation of low demand routes, truncation of routes, reduction in frequency, and reorganization of bus stopping arrangement.

For the coming year, the TD has developed, in conjunction with the franchised bus companies, further rationalization proposals involving some 30 bus routes operating in busy corridors in the above-mentioned districts and has put them to the relevant District Councils (DCs) for consultation earlier this year. While due regard will be given to the views of the DCs, we will not lose sight of the environmental benefits these measures will bring to the wider community. We will continue to pursue rationalization of existing bus services where appropriate.

We have a policy to require newly registered vehicles including buses to meet the most stringent emission standards where the technology is practicable and commercially available. Since 2001, newly registered vehicles have been required to comply with Euro III emission standards. We plan to introduce Euro IV emission standards in 2006 in step with the European Union.

For existing buses, we will continue to encourage franchised bus operators to implement measures to improve the environmental performance of their bus fleet. As at end 2002, all pre-Euro buses were either scrapped or retrofitted with diesel catalysts (CATs). By early 2004, the franchised bus companies would have retrofitted all Euro I buses with CATs or continuous regenerating traps (CRTs). In addition, discussion is underway with the franchised bus companies for a programme to retrofit CRTs to buses with engines of Euro II or above standards. The TD and the Environmental Protection Department would offer operational and technical advice to the bus companies to facilitate its implementation.

On the other hand, we have included in the new franchises of Citybus Limited (Airport and North Lantau bus network), Long Win Bus Company Limited and New World First Bus Services Limited which will take effect in mid-2003 a requirement for the bus companies to adopt the state of the art environmentally-friendly technology in their purchase of new buses. We intend to introduce a similar requirement in all future bus franchises. We have also included the adoption and promotion of environmentally-friendly measures, including bus design which can enhance emission reduction, as one of the relevant criteria in the selection of bus operator for new bus service.

For taxis and public light buses, we have provided financial incentive schemes to promote the use of more environmentally-friendly vehicles. Non-franchised bus operators are also financially assisted to retrofit their buses with CATs. Financial assistance aside, legislation was also introduced in 2001 to require all newly registered taxis to operate on either liquefied petroleum gas or petrol from 1 August 2001 onwards.

### **Economic Integration Among Hong Kong, Macao and Pearl River Delta Region**

20. **MR LAU KONG-WAH** (in Chinese): *Madam President, will the Government inform this Council whether it has discussed with the Macao Special*

*Administrative Region (MSAR) Government the promotion of economic integration among Hong Kong, Macao and the Pearl River Delta (PRD) Region; if so, of the number of such discussions held in the past 12 months and the topics covered; if not, the reasons for that?*

**SECRETARY FOR CONSTITUTIONAL AFFAIRS** (in Chinese): Madam President, since the return of Macao to the Motherland, the Hong Kong Special Administrative Region (SAR) has maintained close links with MSAR on various fronts. In the past 12 months, about 10 official contacts have been made between Hong Kong and Macao to discuss matters relating to economic co-operation among Hong Kong, Macao and the PRD Region. The topics covered include co-operation on intellectual property (IP) protection, air services arrangement between Hong Kong and Macao, and customs co-operation between Hong Kong and Macao.

In order to step up co-operation among the IP authorities in the three places and to gain a better understanding of the latest developments in IP protection after China's accession to the World Trade Organization, the Customs and Excise Department and Intellectual Property Department of the SAR Government and the relevant authorities in Guangdong and Macao have held four meetings and seminars in the past 12 months, and jointly established a "Guangdong, Hong Kong and Macao Intellectual Property Database" to facilitate the exchange of information.

As regards the air services arrangement, the SAR and MSAR Governments had one meeting last year. They have now concluded negotiations, and subject to the signing of the arrangement, commercial flying service companies of the two places could operate scheduled helicopter services between the two places which would facilitate commercial and economic ties within the PRD Region.

On customs co-operation, the customs authorities of SAR and MSAR have held regular meetings to exchange views on various operational matters under their purview. In the past 12 months, the two sides have held two meetings to discuss a number of topics including the fight against smuggling, pirate CDs, drug trafficking and illegal transshipment of garments.

Moreover, the Hong Kong Tourism Board and the tourism authorities of Guangdong and Macao have, in the past 12 months, jointly implemented various tourism co-operation projects, including the launching of a website that promotes the three destinations and other promotional activities. Furthermore, the SAR Government and Guangdong Provincial Government have met to discuss the Hong Kong Airport Authority's (HKAA) proposal to provide ferry services between the Hong Kong International Airport (HKIA) and the main ports of the PRD Region. The HKAA proposes to provide ferry services between the HKIA and Macao as well. The SAR Government is now discussing the proposed ferry services with the HKAA.

## **BILLS**

### **First Reading of Bills**

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

### **BUILDINGS (AMENDMENT) BILL 2003**

### **HONG KONG EXAMINATIONS AND ASSESSMENT AUTHORITY (AMENDMENT) BILL 2003**

### **DEPOSIT PROTECTION SCHEME BILL**

**CLERK** (in Cantonese): Buildings (Amendment) Bill 2003  
Hong Kong Examinations and Assessment  
Authority (Amendment) Bill 2003  
Deposit Protection Scheme Bill.

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

### **Second Reading of Bills**

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

**BUILDINGS (AMENDMENT) BILL 2003**

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Madam President, I move the Second Reading of the Buildings (Amendment) Bill 2003 (the Bill). The purposes of the Bill are to rationalize the building control regime, strengthen safety requirements of buildings, facilitate law enforcement, and improve service to the public.

The most important proposal in the Bill is the introduction of a control regime for minor works. The existing control regime under the Buildings Ordinance applies to all private building works with few exemptions. Even minor building works have to comply fully with all the provisions for building works under the Buildings Ordinance.

We consider that the degree of control on different kinds of building works should be commensurate with their nature, scale, complexity and the risk involved. We therefore propose to introduce a new category of relatively simple and small-scale building works, that is, "minor works", which covers internal staircases, small light weight canopies and most signboards. To tie in with the new control regime, a new category of registered contractors, namely, registered minor works contractors, will be introduced. The qualification and experience requirements for registered minor works contractors will depend on the nature of the minor works.

The control regime for minor works will save time and money for building owners as well as the construction industry. We believe that the proposed system will facilitate building owners' compliance with the law when they carry out minor works and at the same time ensure the standards of works for better public safety.

Furthermore, in line with the principle that a control regime should commensurate with the matters under its purview, we propose to increase the number of persons with relevant expertise in the Registration Committees to consider applications for registration from different categories of specialist contractors. Similarly, we propose to provide for the registration of geotechnical engineers, and for registered geotechnical engineers to be appointed to undertake the investigation, design and supervision of geotechnical works and be statutorily responsible for their works.

Another proposal in the Bill is to upgrade the safety standards of buildings. At present, there is no statutory requirement that emergency vehicular access should be provided for building developments. In view of the importance of such access, we propose to require the provision of emergency vehicular access with specific design and construction standards to all new buildings, and to empower the Building Authority to issue orders to repair and maintain existing and new emergency vehicular access. Exemption will be given in special cases, for example, when the construction of emergency vehicular access is not feasible because of the topography of the location of the building.

Effective law enforcement is an essential element in building safety. In this regard, the Bill sets out several proposals.

First, under the existing Buildings Ordinance, we sometimes encounter difficulties in identifying the owners responsible for unauthorized building works, or have to pursue the matter with the new owner when there is a change of ownership. To facilitate law enforcement, we propose to clearly specify the person responsible for the removal of unauthorized building works.

Second, to further encourage owners to remove unauthorized building works voluntarily, we propose to empower the Building Authority to issue a warning notice on unauthorized building works and to register the notice with the Land Registry. The Building Authority may lift the registration when contraventions referred to in the warning notice have been rectified. The proposal will have the added advantage of providing protection to prospective property buyers, who may find out whether there are any unauthorized building works in the relevant premises through a land search at the Land Registry.

Third, we propose to amend the Buildings Ordinance to increase the maximum fines for serious offences involving substandard or dangerous building works by four to six times their current levels, so as to increase the deterrent effect.

Fourth, sometimes the owners' corporation of a building may have difficulty in complying with the orders served by the Building Authority when individual owners refuse to co-operate. We therefore propose that owners who obstruct their owners' corporation in complying with the statutory orders for repair works and removal of unauthorized buildings or unauthorized building works in the common parts of the building may be prosecuted. This



amendment will facilitate owners' corporations' compliance with statutory orders.

We of course have not forgotten the need to improve our service. To facilitate the work of building professionals, we propose to provide an efficient service for the inspection and copying of building plans and documents on a cost-recovery basis. We also propose to extend the registration and renewal period for Authorized Persons, so hoping, on the one hand, to achieve user friendliness, and, on the other, to ensure continued professional competence.

Madam President, the Bill aims to facilitate good design and safe construction of buildings, to update the legislation to better suit present day circumstances, and to bring about a safer, healthier and more congenial environment. It will also be conducive to the sustainable development of Hong Kong in the long run. I hope Members would support the Bill to facilitate its passage as soon as possible.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now proposed the question to you and that is: That the Buildings (Amendment) Bill 2003 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.

## **HONG KONG EXAMINATIONS AND ASSESSMENT AUTHORITY (AMENDMENT) BILL 2003**

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, I move that the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 be read the Second time.

Human resources are one of the most important resources for Hong Kong. It is imperative for us to ensure that our examination policy could nurture and retain local talent, as well as help recruit talent from outside to upgrade the overall quality of our human resources.

We thus see the need to amend the Hong Kong Examinations and Assessment Authority Ordinance (the Ordinance). At present, the Hong Kong Examinations and Assessment Authority (HKEAA), as prescribed by the Ordinance, cannot provide examination and assessment services outside Hong Kong. However, demand for such services has been growing in recent years on a number of fronts. There are enquiries from prospective returnees in places like the United Kingdom and Canada on how their children could fit in Hong Kong's educational system and labour market if they choose to return to Hong Kong. For Hong Kong people living with their children in the Mainland, many of them also retain their connection to Hong Kong. They would like to see their children remaining within Hong Kong's educational system and sit for our public examinations. In fact, there already are a number of schools in the Mainland which adopt the Hong Kong curriculum and their students have to travel back to Hong Kong to attend public examinations. In addition, the HKEAA has also received requests from overseas examination authorities and professional bodies to conduct examinations for them, mainly in Macao and the Mainland.

All these point to the need to allow the HKEAA the flexibility to provide examination and assessment services outside Hong Kong. By so doing, we will increase the pool of talents for Hong Kong. Moreover, this will help the HKEAA maintain its position as a reputable regional examination authority by enhancing its capability of delivering the needed services in the region.

We also take this opportunity to propose raising the penalties under the Ordinance for breach of secrecy and impersonation of members or employees of the HKEAA. Although we do not find the integrity of our examination system under any sort of risk, we consider it desirable to maintain the fines for these offences at an appropriate level to reflect the intended deterrent effect.

Madam President, I hope that Members will support the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 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.

**DEPOSIT PROTECTION SCHEME BILL**

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Madam President, I move the Second Reading of the Deposit Protection Scheme Bill (the Bill).

The purpose of establishing the Deposit Protection Scheme (DPS) is to enhance deposit protection in Hong Kong and contribute to the stability of the financial system. Although our banking system is sound and supervisory system effective, one cannot rule out the possibility of a sudden and unexpected loss of confidence in our banks owing to circumstances beyond our control. We therefore need to strengthen the resilience of our banking system against external shocks. In its recent Article IV Consultation conducted for Hong Kong, the International Monetary Fund has reiterated the need for Hong Kong to introduce a DPS which would help to underpin the stability of the financial system in Hong Kong.

The Government received submissions from the banking industry, insolvency practitioners, the Consumer Council and other interested parties in the two rounds of public consultation conducted on the DPS in October 2000 and March 2002. The outcome of the consultations have indicated broad support from the public for the proposal of introducing a DPS in Hong Kong. We have considered all the submissions received in formulating the details of the Bill. We hope the proposal would provide effective protection to depositors, and the cost of the DPS and potential moral hazard would be kept to the minimal, which is also the same message expressed by the Legislative Council to the Government in a motion carried in December 2000.

Let me introduce to Members briefly the content of the DPS and the main provisions of this Bill.

The proposed DPS would be established and maintained by an independent Hong Kong Deposit Protection Board (the Board). The Board would be appointed by the Chief Executive, which would consist of four to seven unofficial members and three ex-officio members. With a view to reducing the cost of deposit protection and to avoid duplication of functions with the Hong Kong Monetary Authority (HKMA), the Board would only have "paybox" functions, which would be confined to collection of contributions, managing the funds of the DPS, assessing claims made against the fund and making payments to depositors.

In respect of corporate governance, the Board's books and accounts would be subject to regular audits. Its annual budget would need to be approved by the Financial Secretary. The Board would also be required to prepare an annual report and statement of accounts and lay them before the Legislative Council every year.

Since there is no need for the Board to maintain a high staff level that is required to handle the workload in the unlikely event of a bank failure, the Board, with a view to saving costs, would perform its functions through the HKMA. This arrangement would enable the Board to leverage on the existing IT, staffing and office administration resources of the HKMA. Under this arrangement, the HKMA would essentially be acting as an agent of the Board in administering the scheme and would, in this respect, be subject to the oversight of the Board. Part 2 of the Bill sets out in detail the establishment, functions and other related details of the Board.

Participation by all licensed banks would be mandatory under the proposed DPS. This is an essential design feature to ensure the viability of the Scheme and to avoid the problem of adverse selection whereby only riskier banks would choose to join the Scheme. An overseas incorporated bank may apply for exemption from participating in the Scheme if the deposits taken by the bank's Hong Kong offices are protected by a scheme in the bank's home jurisdiction and the scope and level of protection afforded by that scheme are not less than those afforded to such deposits by the DPS in Hong Kong. However, an exempted bank is required to take measures to inform its depositors or prospective depositors that it is not a member of the Scheme, and to provide details of the protection offered by its home jurisdiction scheme including the level of protection and the types of deposits protected. Part 3 of the Bill sets out the membership and provisions on exemption.

The DPS would collect contributions from the banks to establish the Deposit Protection Scheme Fund (the Fund). The target Fund size is proposed to be set at 0.3% of the banking sector's total amount of protected deposits. Contributions are calculated on the basis of individual member banks and a differential rate system based on the supervisory ratings of individual banks determined by the HKMA. In considering the appropriate size of the Fund, the aim is to cover potential losses that might be suffered by the Scheme. According to the HKMA's estimate, the proposed target Fund size is consistent with international standards on the adequacy of deposit protection funds. The Exchange Fund would provide back-up funding to enable the Board to make

prompt payment to depositors. Part 4 of the Bill stipulates the establishment and operational details of the Fund.

As regards the scope of compensation, compensation from the Fund is payable if a winding up order has been made or the HKMA has made a decision that compensation should be paid. The HKMA's decision is subject to review by the Chief Executive in Council. The compensation limit for protected deposits with a member bank will be HK\$100,000 per depositor. There was support from the public consultation, including the banks and the Consumer Council, for the coverage limit to be initially set at HK\$100,000. It is estimated that 84% of the depositors in Hong Kong would have their total deposits fully protected under the scheme. In determining the amount of deposit protection payouts, the Board would net off the depositor's liabilities to the failed bank against his protected deposits in determining his entitlement to compensation under the Scheme. The DPS would be entitled to recover the amount paid to the depositor of a failed bank out of the depositor's ultimate claim on the assets of the bank in a liquidation. The DPS would have the benefit of the priority status afforded in the liquidation to the deposits in respect of which it had made a payment. Provisions in Part 5 of the Bill set out the conditions to trigger payment of compensation, detailed compensation arrangements, and the powers and functions of the Board in respect of payments.

The DPS also contains an appeal mechanism. The decisions and assessments of the Board, particularly those relating to the determination of compensation payments, would be subject to the review of an independent tribunal to be known as the Deposit Protection Appeals Tribunal (the Tribunal). At the request of depositors and member banks, the Tribunal would review the decisions or assessments of the Board or the HKMA made under this Bill. The Tribunal would be chaired by a Judge or a retired Judge. All members of the Tribunal would be appointed by the Chief Executive. The decisions of the Tribunal would be final except on a point of law. Provisions in Part 6 of the Bill stipulate the setting up, powers and functions of the Tribunal.

Madam President, to conclude, the Bill serves to put in place the necessary legislative framework which is required for the establishment of a DPS in Hong Kong, which aims to provide protection to depositors and enhance the stability of the banking sector with the underlying principles of keeping the costs of operation and potential moral hazard to the minimal.

I hope Members would support the Bill. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Deposit Protection Scheme 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 Law Amendment and Reform (Miscellaneous Provisions) Bill 2003.

### **LAW AMENDMENT AND REFORM (MISCELLANEOUS PROVISIONS) BILL 2003**

#### **Resumption of debate on Second Reading which was moved on 19 March 2003**

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

Council went into Committee.

### **Committee Stage**

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

### **LAW AMENDMENT AND REFORM (MISCELLANEOUS PROVISIONS) BILL 2003**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Law Amendment and Reform (Miscellaneous Provisions) Bill 2003.

**CLERK** (in Cantonese): Clauses 1 to 24.

**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): Schedule.

**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.

### **LAW AMENDMENT AND REFORM (MISCELLANEOUS PROVISIONS) BILL 2003**

**SECRETARY FOR JUSTICE** (in Cantonese): Madam President, the

Law Amendment and Reform (Miscellaneous Provisions) Bill 2003

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

## **MEMBERS' BILL**

### **Second Reading of Members' Bill**

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

**PRESIDENT** (in Cantonese): Members' Bill: Second Reading. We will resume the Second Reading debate on the Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002.

## **DAUGHTERS OF MARY HELP OF CHRISTIANS INCORPORATION (AMENDMENT) BILL 2002**

### **Resumption of debate on Second Reading which was moved on 9 April 2003**

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

**MR ANDREW WONG:** Madam President, I am most grateful to you for your kind permission for me to speak for a second time, not to reply, but to give a fuller account on the Amendment Bill, arising from some recent developments.

Madam President, in moving the Second Reading of the Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002 in this Council on 9 April 2003, I merely said, "A clause which seeks to endow the corporation with the powers to deal with landed and house properties originally appeared in the Bill when it was first presented to the Legislative Council back in 1954. However, subsequently it was accidentally omitted in the enacted Ordinance. The present Bill aims to remedy such an omission."

Since then, I had received a letter dated 14 April 2003 from a company called Polarteam Consultants Limited ( 普力顧問有限公司 ) addressed to me as Member in-Charge. The company claimed in their letter, "When the existing Ordinance (Cap. 1070) was first enacted in 1954, we believe that the Founder Mother Provincial deleted the captioned phrase by intention." The company, however, offered only arguments, but no evidence. The company argued, "Most of the ordinances for religious bodies/charity bodies at that time does not allow their successors to sell lands and buildings." The company further argued that the succession arrangement reflected the original intention "to prevent the lands and buildings from being sold by her successors."

Madam President, the contrary was in fact the case. I had studied the incorporation ordinances of 11 similar organizations enacted between 1927 and 1963. They all adopted a standard format with almost identical clauses and almost identical succession arrangements, and all endowed the corporations with the powers to sell lands and buildings. In the interest of time, I will here simply read out the chapter numbers and the enactment years but not the short titles of the 11 ordinances: Cap. 1029 in 1927, Cap. 1030 in 1929, Cap. 1043 in 1931, Cap. 1041 in 1933, Cap. 1019 in 1934, Cap. 1028 in 1937, Cap. 1011 in 1949, Cap. 1056 in 1950, Cap. 1084 in 1955, Cap. 1090 in 1956 and Cap. 1107 in 1963.

Madam President, in moving the First Reading of the original Bill on 7 April 1954 (in those days, the First Reading was not a mere formality), the Member in-Charge, Dr A M RODRIGUES, said "Sir, this Bill is modelled after legislation of a similar character and its contents are usual in bills of incorporation of heads of religious and charitable organizations already enacted in this Colony. The objects and reasons are clearly defined and there is nothing that I can usefully add." The words quoted made up the whole speech and was

the only speech made during the entire proceedings on the Bill. No amendments were made at Committee stage. The very fact that no mention was made of the corporation's intention to restrict its own power of sale of lands and buildings is indicative of the original legislative intent that the corporation was to be similar to similar organizations.

Madam President, to further demonstrate my claim that the subject phrase of the present Amendment Bill was indeed inadvertently omitted, I wrote on 23 April 2003 to all Honourable Members and copied to the company, of course, a letter enclosing, together with the list of 11 ordinances which I quoted, copies of the following two documents gleaned from the old files of the corporation: the first being "Daughters of Mary Help of Christians Incorporation Bill" in type-script and the second being "Daughters of Mary Help of Christians Incorporation Bill" as published in the Gazette. Honourable Members will wish to note that the subject phrase or the words in question "lands, buildings, messuages, tenements, mortgages," appeared as one single line in line 5 of subclause 3(2) of the original type-script Bill. It is therefore highly plausible that the said line and, hence, the said words were inadvertently omitted during type-setting for the publication of the Bill in the Gazette.

Madam President, I had conscientiously endeavoured my very best in research prior to introducing the Amendment Bill. The solicitor acting for the Mother Provincial of the Daughters of Mary Help of Christians in 1954 was Mr Abbas el ARCULLI who is no longer on the roll of solicitors and I have no way of contacting him. The Member in Charge of the original Bill, Dr A M RODRIGUES, is now Sir Albert. I had spoken with him and he said that he was unable to recollect the details of a Bill introduced and enacted, albeit by him, half a century ago.

I have, Madam President, subsequently received copies of two further letters from the same company addressed to Honourable Members instead, the first dated 22nd and the second 23rd instant. I only wish to say that it would be most unfair and unreasonable to subject this particular corporation to the restrictions suggested by the company (for example, sale by public auction or tender), short of imposing as a matter of public policy, such restrictions to all similar organizations, which obviously is beyond the scope of the current exercise.

Finally, Madam President, whilst I loathe to speculate on the wisdom of the sale price of the intended transaction and even of the transaction itself, I

hastened to remind one and all that the disposal of moneys and properties is a matter of the corporation's internal operations, as long as it is acting in good faith. Corporations of this type are private organizations albeit incorporated by statute which in fact is not public law but private legislation. It would be against the principle of organizational autonomy and, in this case, even religious freedom, if the internal affairs of the corporation are to be subject to public control.

Madam President, the time has come to restore to the corporation, the Daughters of Mary Help of Christians, its rightful power to also sell "lands, buildings, messuages, tenements, mortgages" inadvertently omitted in 1954. I urge Honourable Members to support the Amendment Bill as it stands.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Daughters of Mary Help of Christians Incorporation (Amendment) 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 respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

**CLERK** (in Cantonese): Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002.

Council went into Committee.

**Committee Stage**

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

**DAUGHTERS OF MARY HELP OF CHRISTIANS INCORPORATION  
(AMENDMENT) BILL 2002**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Daughters of Mary Help of Christians Incorporation (Amendment) 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 respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

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

Council then resumed.

**Third Reading of Members' Bill**

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

**DAUGHTERS OF MARY HELP OF CHRISTIANS INCORPORATION  
(AMENDMENT) BILL 2002**

**MR ANDREW WONG:** Madam President, the

Daughters of Mary Help of Christians Incorporation (Amendment) 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 Daughters of Mary Help of Christians Incorporation (Amendment) 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 respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee, who are present. I declare the motion passed.

**CLERK** (in Cantonese): Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002.

## **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Maximum Amount of Election Expenses (Village Representative Election) Regulation and Electoral Procedure (Village Representative Election) Regulation.

## **PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

**MR ANDREW WONG** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

The Subcommittee on the subsidiary legislation related to village representative election agreed at its meeting of 16 April 2003 that I should move a motion in my capacity as Chairman of the Subcommittee to extend the scrutiny period of the Maximum Amount of Election Expenses (Village Representative Election) Regulation and Electoral Procedure (Village Representative Election) Regulation, laid on the table of the Legislative Council on 2 April 2003, to 21 May 2003, so as to give Members more time to study those two pieces of subsidiary legislation and then report to the House Committee on its deliberations.

Madam President, I urge Members to support the motion.

**Mr Andrew WONG moved the following motion:**

"That in relation to the —

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

- (b) Electoral Procedure (Village Representative Election) Regulation, published in the Gazette as Legal Notice No. 82 of 2003,

and laid on the table of the Legislative Council on 2 April 2003, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 21 May 2003."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Andrew WONG 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 as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House



Committee. As Members know the recommendations very well, I am not going to repeat them now. I just wish to remind Members that I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: The whole community battling against adversity.

## **THE WHOLE COMMUNITY BATTLING AGAINST ADVERSITY**

**MR LAU KONG-WAH** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, Mr LAU Wing-kai, the nurse who died in saving the lives of patients, has left us already, but his noble spirit of self-sacrifice live on to touch the hearts of everyone. No one in Hong Kong will forget him. His surviving wife did not yell or cried in anguish, nor did she complain or blame anyone for the tragedy. Instead, she still has her mind on the work of the medical and health care personnel; she still encourages his colleagues to carry on with the fight. What she has done is really touching. A colleague of Mr LAU wrote in the memorial book, "Although he has passed away, I shall continue to do my best, and fulfil my duties." These brief words fully illustrate that though a person has fallen in the battle, many others will continue to serve faithfully in their posts. As some fall down, the others will come forward to take their places and carry on with the fight. The scene is magnificent and the attitude is definitely positive.

In the past, as an ordinary man, we would realize the importance of health only when we are in the hospital; and we would sense the great value of life only when we are at the graveyard. However, during the past two months, these two feelings have been very vivid to us even when we are at home or in an elevator, and the feelings have never been stronger. But in comparison with the feelings of the medical and health care personnel, such feelings of ours are in fact nearly negligible because they must have many more feelings all the time.

A nurse of the United Christian Hospital says farewell to her cat every day when she leaves for work, wondering whether she will be coming home again. The front-line medical and health care personnel and the cleaning personnel in

Hong Kong can be described as the most high-risk group, and they are the most courageous group of persons. This noble virtue reflects the brighter side of humanity. May all the Members of this Council send our most heartfelt thanks to them; may we grieve over the death of Mr LAU Wing-kai and let us send our most sincere regards to all those who are still suffering from the disease.

Although we are facing the adversity, it is most fortunate that the people can remain calm in general. When we held comfort cards campaigns in many districts, the response had been very enthusiastic. All those who came forward to sign the cards were very sincere in sending their best wishes. The cleaning campaigns held in many different districts had motivated family members to act in unity. This illustrates that everyone now understands unity is the tool of success, and calmness is the foundation for turning the crisis into opportunities. Any accusations, especially those directed at the medical and health care personnel, would provoke strong responses from the people. Obviously, everyone wishes to battle against the adversity in unity. I appreciate in particular the work of the media. In this incident, many moving stories have been published, and ample space has been given to allow the people to voice their feelings about the common effort of the whole community in battling against the adversity. I hope this would mean a starting point for a change in culture in society.

Madam President, in a ball game, we have the home side, the opponent's side and the spectators. Most of the criticisms would come from the spectators, precisely because they are not part of the game, not playing in the field. They are just onlookers. It is easy to make criticisms, and it is difficult to do constructive things. It is easy to demolish a structure, but it is very difficult to construct one. If the home side could carry on playing the game with a calm mind, we could easily recover lost ground. However, if we lose control of our emotions, we would continue to lose ground. The key lies in which role we are prepared to play. Are we going to assume the role of a spectator or a participant? The opponent we are now facing is invisible, silent and pervasive, and if we the defenders do not create chaos at the back, do not point accusing fingers at each other, then we are already providing the best support for our forwards at the front line.

This epidemic is the best education for our next generation. The events during these two months offer good materials for live education. I suggest

parents and teachers should make good use of them for teaching purposes, so as to achieve "the suspension of classes without suspending learning." We should teach our next generation to face adversity with a positive attitude. Be the participants, instead of onlookers making unrealistic comments. We should make joint efforts to participate in it. If we can do that, the positive atmosphere in society will grow, and we can build a good foundation for turning the social culture and customs for the better.

I think there are four stages in the development of the whole incident. In the beginning, it was the emotional panic, and then it was the full participation of the whole community. At the moment, we need to take full precautions, and lead our life as normal as possible. And in future, we hope we can unify people with the same aspirations to join hands in promoting a change in social culture. The future challenge is tough, and the adversity will persist, so we cannot underestimate the difficulties involved. However, in the face of adversity, shall we carry on with the arguments with each other? Or shall we change our course of action and strive for a better future? The two different directions will bring about different results, and they will present a solemn test before us. Although we have different interests, different beliefs and different styles, we have the same physical construction, we face the same virus and we encounter the same adversity. And we shall share the same commitment in facing the consequences. If we have the feeling that we are in the same boat, and that we are fellow participants, then all other issues are negligible. It is exactly for this reason that I would support all the amendments today, because the major direction is to strike home the message that the community is united in its battle against the adversity.

Madam President, recently there is a most sarcastic cartoon in which a lady is reading a newspaper, which reports that Hong Kong people now no longer play the game of mahjong. Instead, they would like to go to the countryside to enjoy the beauty of nature and breathe the fresh air. Have Hong Kong people mutated into a new species, just like a coronavirus? I think, in fact, this is not a mutation. Instead, it is just a return to the basics. After the incident of atypical pneumonia is over, I hope some "unusual" scenes will emerge in society. In the past, we took for granted such simple things as the fresh air, domestic hygiene, mutual help in a community, or even a smile. But now we find them all so precious. In the past, we worked hard from 7 am till 11 pm, forgetting a hygienic and healthy lifestyle. We used to treasure the

quantity of housing construction, forgetting the importance of the quality of our living space. We treasured the interpersonal network in our work, forgetting mutual help in the community. We used to try to do our best in criticizing each other, forgetting the harmony of mutual assistance that exists among friends. We just knew the value of Western medicine, neglecting the significance of building up our resistance by combining the Chinese and Western medicines. We cared only about the difference between the two systems in the Mainland and Hong Kong, overlooking the significance of sincere communication between the two systems. I think Hong Kong should make some fundamental changes in the six aspects mentioned above in the future with a common heart. Our Hong Kong should launch a campaign to promote a change in the social culture. Our Hong Kong should launch a campaign to promote joint prosperity and survival and self-strengthening. Hong Kong needs to have a new starting point!

I so submit. Thank you, Madam President.

**Mr LAU Kong-wah moved the following motion: (Translation)**

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

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

**PRESIDENT** (in Cantonese): Mr LEUNG Yiu-chung, Dr LAW Chi-kwong and Mr Michael MAK will move amendments to this motion respectively. Their amendments have been printed on the Agenda. The motion and the three amendments will now be debated together in a joint debate.

I now call upon Mr LEUNG Yiu-chung to speak first, to be followed by Dr LAW Chi-kwong and Mr Michael MAK; but no amendments are to be moved by the three Members at this stage.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, wholehearted devotion to the battle against the epidemic and forgetting about personal interests is the right attitude of every person in the face of this natural disaster and epidemic. We have seen medical and health care personnel and front-line cleansing workers display this spirit of selfless contribution, and a nurse unfortunately died in the course of duty a few days ago. In the face of these unfortunate incidents, besides mourning and continuing to support the personnel concerned, we should do our best in our respective posts and fight the epidemic together.

While we hope that concerted efforts can be made to fight the epidemic, it is a pity to find that the Government has conversely shirked responsibilities continuously and scientific research institutes have continuously competed against one another. On the contrary, people who are genuinely in need of help have been neglected and ignored. Some think that this epidemic has already turned from a natural disaster into a man-made calamity, that it has continued to spread because of the selfishness of some people.

When Mr WEN Jiabao met the Chief Executive yesterday evening, he emphasized that understanding, support and unity was most important at this moment. Madam President, insofar as understanding is concerned, I believe Hong Kong people understand the abilities of Mr TUNG very well, therefore, the general public do not demand much from Mr TUNG in tackling the epidemic and they only hope that he can provide sufficient support such as material assistance. It is best for Mr TUNG to try not to bother too much about other matters and leave them to other capable people. Unfortunately, Mr TUNG has refused to accept the people's kindness and insisted on taking on the job, as a result, our efforts in fighting the epidemic have been criticized as "half-pace lagging". We were slower than our neighbouring countries in taking isolation measures, imposing quarantine requirements at all border entry and exit points, assistance, and so on, and we took such measures one month later than Singapore. Even the Mainland immediately announced establishing a contingency mechanism once they understood the seriousness of the epidemic. On the contrary, Hong Kong has become the region in the world with the second highest

number of cases, and the Government of the Hong Kong Special Administrative Region (SAR) cannot shirk its responsibilities indeed. Perhaps some may think that a comparison cannot be drawn because the circumstances are different, but even if a comparison should not be drawn, the Government should take decisive measures and nip the problem in the bud in the face of an epidemic that jeopardizes the lives of everybody and may make our economic recovery difficult in the long run. Unfortunately, from November last year when the epidemic broke out in Guangdong Province to February this year when the epidemic peaked, we failed to see the Government adopting any policy to tackle the epidemic.

As regards understanding, I think that the people have to understand the Government and it is more important for the Government to understand the needs and situation of the people. The Chief Executive has all along emphasized that the number of infected medical and health care personnel should be reduced to zero, but he is only paying lip service. As of yesterday, the number of infected medical and health care workers was 354, more than one fifth of the number of infected people. Collective infection occurred in the Prince of Wales Hospital first, followed by the Princess Margaret Hospital, the United Christian Hospital and the Nethersole Hospital in Tai Po, and it has also occurred in the Caritas Medical Centre and the Tai Po Hospital now. Although we do not have the actual figures of people infected through the provision of cleansing services, it is estimated that quite a few cleansing workers have been infected. However, the Government still fails to propose practically effective ways to reduce the number of medical and health care workers being infected or prevent further infection. I think that it is not appropriate for the Government to shirk the responsibilities onto personnel at lower levels. It has lately been said that personnel at the intermediate level have withheld some gear for fighting the epidemic because they are worried about inadequate supplies, and some personnel at the intermediate level of the Nethersole Hospital in Tai Po have been forced to step down as a result. Why should the middle management have such worries? Were the resources allocated by the Government inadequate? Were there problems of communication with the senior management? Should the Government bear due responsibilities for the matter?

Mr WEN Jiabao has also mentioned support. I think the emphasis is not whether the Chief Executive is given support, but rather whether medical and health care personnel, front-line workers and all Hong Kong people are given

support. Since the outbreak of the epidemic, medical and health care personnel have continuously lodged various complaints, for example, pregnant workers need to take leave but they financially cannot afford taking no pay leave, so, they have to make a difficult choice between their health and the livelihood of their families. Fortunately, the Hospital Authority made a concession thanks to the persistent complaints and pleas of medical and health care personnel. But only after all of these. To date, continuous complaints are still made about the unsatisfactory facilities and gear of medical and health care personnel for fighting the epidemic. In my opinion, senior government officials may think that the existing gear is adequate in their own professional judgement but, as we have always emphasized, why can we not do more to pacify the medical and health care personnel so that they can face up to their important tasks with their minds at rest? In particular, given the knowledge that the virus keeps mutating and it is very hard for medical and health care personnel to guard against it, why can we not provide them with effective facilities more comprehensively?

In fact, apart from medical and health care personnel, front-line cleansing workers have also not been given due attention by the Government. A survey on the gear of front-line cleansing workers for fighting the epidemic shows that one sixth of the outsourcing contractors of the cleansing services of the Government have not distributed masks to their employees, and even if they have done so, they only give them one to two masks each month. Even if the masks are enough for one day, how can these workers cope with the protracted battle? Besides, quite a number of these employees have to work overtime because of the outbreak of the epidemic, but it is found in the survey that 89% of the respondents do not have overtime pay. Under the present circumstances, these employees have to bear increased expenditure on the prevention of the epidemic, they have to look after their children during the suspension of classes and they have to work longer hours without overtime pay. Many front-line employees are threatened by the virus and bearing livelihood pressure, but they are only given limited support. How can the Government and the contractors assist these employees in fighting the epidemic together?

Besides giving personnel fighting the epidemic direct support, as the epidemic has actually dealt a blow to all Hong Kong people both physically and financially, so if the Government does not propose immediate and effective measures to alleviate their difficulties, we are worried that the situation will not change too much even if the epidemic is over. It is a pity that the relief

measures proposed by the Government last Wednesday are not strong enough, and they have come too slowly for some people who are in genuine need of help. Moreover, they may not necessarily be effective in practice. For instance, these measures fail to directly help workers who are forced to take no pay leave. Perhaps, the Government thinks that it is enough to extend loans to employers to meet wage payments, but employers can still fold their business and force employees to take no pay leave. In that case, employees do not have any choice at all. Furthermore, the 21 500 training and employment opportunities created by the Government are short-term and they are utterly inadequate for the additional 100 000 or so people who may become jobless. Some work such as cleansing work is required in the extended battle against the epidemic, why can these posts not be changed to long-term posts to increase job opportunities?

Furthermore, we have repeatedly emphasized that the Government will only save four major industries and it fails to look after quite many other industries. For example, private schools have lost \$200 million in income as a result of the suspension of classes, and 5 000 to 6 000 people have been affected, including those engaged in other matching services such as nanny van services. All of them are facing the problem of underemployment. What direct assistance has the Government given them? Therefore, the Government has actually given the affected employees too little substantial financial assistance and it fails to understand their needs.

We have to emphasize solidarity at this difficult time when we are fighting the epidemic. But blind emphasis on solidarity will only force people into obedience, and such solidarity will be meaningless. What are the factors impeding solidarity? We lack a leader to unite us and the foundation of a system. Since the outbreak of the epidemic, we have seen universities contending with one another to take credit, the scrambling for resources among Hospital Authority networks, and the disharmony among senior officials, evident in, for example, the Government's slow announcement of its policies for alleviating difficulties. How can the goal of solidarity be achieved under the present circumstances?

Therefore, Madam President, in the face of the epidemic, we really need to understand and we need the Government to understand the difficulties of the personnel fighting the epidemic and the public. We need support in terms of necessities for fighting the epidemic and financial support. In the days to come,



a reform of the system must be carried out to promote genuine solidarity of the community. At present, I think that we can do so only on the basis of the political system of a democratic society.

Madam President, I so submit.

**DR LAW CHI-KWONG** (in Cantonese): Madam President, there are several important points in the amendment proposed by me. First of all, I would discuss why the term "atypical pneumonia" has to be changed, then, I would discuss the decisive measures and, lastly, I would touch upon issues related to the ethnic minorities.

In the amendment proposed by me, I seek to change the term "atypical pneumonia" into "Severe Acute Respiratory Syndrome" because I think that the motions of this Council, being very important records, should use a correct term rather than an incorrect one. Early this month when we discussed the addition of "Severe Acute Respiratory Syndrome" to the list of infectious diseases, I said at a meeting of the respective Panel that it was inaccurate for the Department of Health (DH) to use "atypical pneumonia" frequently and it might cause misunderstandings. There have all along been almost 1 000 cases of atypical pneumonia in Hong Kong each month and more than 1 000 patients will die of atypical pneumonia each year. If we continue to use the term "atypical pneumonia", we will be very confused when we deal with these figures in future.

However, I fully appreciate that it is very difficult to ask people to say very fluently the term "Severe Acute Respiratory Syndrome" which is so very long, therefore, they have generally referred to the disease as "atypical pneumonia". I suggest that the DH should use the term "SARS (沙士症)" — "沙士症" is the Cantonese pronunciation of SARS. Quite a few members of the media have recently begun to use the term "SARS".

When the Secretary, Dr YEOH responded to Mr Michael MAK's question today, he used the term "atypical pneumonia" in the first part of his reply but "Severe Acute Respiratory Syndrome" in the second part, perhaps because the first part was drafted by the DH and the second part by the Hospital Authority. I still suggest that the Government to use "Severe Acute Respiratory Syndrome" or "SARS" as the disease is commonly known to describe the disease and refrain from using "atypical pneumonia".

Concerning decisive measures, an absolute majority of Hong Kong people think that the Government has been rather slow in dealing with SARS and the only exception seems to be the fact that, yesterday, the Government brought home by chartered flight a group of tourists from Hong Kong who had been isolated in Taiwan. Therefore, a joke has now been doing the rounds about Mr TUNG asking, "Is there any good news today?" at the meeting to discuss SARS every morning. On one occasion, a person says, "Mr TUNG, there is good news this morning — Hong Kong has already become Manhattan (曼克頓) in China; we are slow (慢), we have had bad luck (黑) and we are obtuse (鈍)." Of course, this is a joke and Dr David CHU has contributed some of the details.

I do not wish to reprove the Government and set out the things that it has done slowly. Nor today is a good occasion for a comprehensive review. I only hope that the Government will somewhat adjust its strategies for tackling the epidemic. For instance, there may be a problem of relapse, that is why I said at the meeting of the Panel on Health Services this morning that we should not wait until we had grasped the cause of relapse and all sorts of so-called factors before taking action. Instead, we should be very decisive and immediately consider if we should take more decisive measures if the relapse problem would cause the epidemic to spread.

Mr BALTIMORE, a Nobel Prize Laureate in Physiology and Medicine, pointed out a few days ago that the seriousness of the panicky among people in Hong Kong and the world was incompatible with the actual seriousness of the incident. He also pointed out that ordinary influenza and complications would kill 250 000 people in various parts of the world in a year. Dr David HO also made a similar remark.

I am also engaged in research and I fully understand the response of scientists to SARS. However, the Government cannot make policies from the scientific angle only. In general, we have high requirements of evidence and we will not draw a conclusion before there is sufficient evidence. Nevertheless, the community cannot follow the same principle to make decisions on strategies for tackling the epidemic for it may be too late to wait until there is precise evidence to control the epidemic situation, and we should adopt a different attitude in fighting infectious diseases. In respect of the control of the epidemic, whenever there is any reasonable assumption, we should deal with the assumption very seriously and be prepared before it has been proved to the contrary.

Scientific attitudes are very important and we should adopt such attitudes for treatment protocol, clinical work and even general health procedures. Nevertheless, we have to adopt a stricter scientific attitude and more flexible strategies in the prevention of epidemics. For example, I have asked some experts including Dr LO Wing-lok whether rats will spread the virus after the Amoy Gardens incident. Most experts gave me the answer that they would not. However, having read the report on the Amoy Gardens incident, I find that the assumption has not been reversed and the possibility still exists. Thus, how should we deal with the problem and what strategies can we work out? We should take decisive measures to deal with matters that have not yet been reversed and are open to reasonable doubt.

Taking decisive measures does not simply mean that we should not delay making decisions. But it means that we should know what to do even before we have scientific evidence. As far as I know, Dr YEOH and his colleagues have great reservations about the so-called defensive medicine. In normal circumstances, I would fully agree with the view of Dr YEOH that a defensive health care system should not be developed in Hong Kong and the cost-effectiveness of such a system is generally rather low. Drawing a comparison between the systems of United States and Hong Kong, we will find that the system of the United States is inferior to that of Hong Kong, but its so-called defensive medicine system is more superior in dealing with infectious diseases, especially new infectious diseases. Therefore, it appears that United States has dealt with the prevention of the epidemic more effectively than Hong Kong this time around because it has a defensive medicine system and, in the face of the epidemic, the natural response of the system is far stronger than the response of Hong Kong. What we lack is the flexibility in recourse to such strategies under such circumstances, unaware of the need to switch to a more defensive medical strategy in the face of infectious diseases.

We should be prepared for all contingencies. Random calculation of the rate of contracting SARS shows that the chance of a person in Hong Kong contracting SARS is only 1/4300. In simple terms, the chance of contracting SARS is 150 times higher than that of winning the consolation prize of Mark Six. Thus, although it is not very scientific for people to adopt self-defensive strategies, it is utterly fair and reasonable for them to do so. If they do not respond in a sensitive manner, they will not be vigilant and it may be easier for diseases to spread. Therefore, we have to consider dealing with medical affairs in a holistic manner and I hope the Government will really adopt decisive strategies in the face of infectious diseases.

Concerning the ethnic minorities, there was radio broadcast of messages by the Government in Takalog and Bahasa Indonesia, but it seems that we no longer hear such radio broadcast nowadays. The population of ethnic minorities is not small in Hong Kong and they may not be able to understand information disseminated in Cantonese and Chinese, therefore, the Government should cater for their need of information. I understand that it is very difficult and not at all easy to continuously disseminating new messages through the electronic media in various languages. However, the DH should at least contact ethnic minority bodies and discuss with them how it can assist them in getting the latest information and how it can disseminate the information to their compatriots in Hong Kong. I understand that ethnic minorities have been neglected because they are small in number and the Government has strained resources and a heavy workload now. Nevertheless, I still hope the Government will agree that we cannot neglect the needs of the ethnic minorities, as our society is liberal and civilized.

When we vote later on, we will support Mr LEUNG Yiu-chung's motion but I find it very embarrassing that I cannot change the term "atypical pneumonia" after the vote.

Thank you, Madam President.

**MR MICHAEL MAK** (in Cantonese): Madam President, my heart is still heavy. I wish to put on a piece of black gauze to express my condolence to my colleague, Mr LAU Wing-kai, and I also hope that the President will allow me to observe 30 seconds' silence for him.

**PRESIDENT** (in Cantonese): Mr MAK, you have made a request for observing silence but this Council is subject to the provisions of the Rules of Procedure. Members can only deliver their speeches and they cannot do other things during the time for speaking. I appreciate your feelings and I share them. But according to the Rules of Procedure, I cannot make it an exception and grant your request.

Mr MAK, please continue to speak.

**MR MICHAEL MAK** (in Cantonese): Thank you, Madam President. Around 30 seconds have passed and I have actually observed silence already. Madam President, you have just allowed me to do so.

First of all, I have to declare an interest. I am a salaried employee of the Hospital Authority. There were only 17 new cases of Severe Acute Respiratory Syndrome (SARS) infection, also known as atypical pneumonia, last weekend and the number of infected patients started to hit a new low in recent months. It should have been gratifying news but, very unfortunately, a front-line hero from the Tuen Mun Hospital who fought the epidemic, Mr LAU Wing-kai, whom everybody called "Brother Kai", died in the course of duty that day. He was unfortunately infected while taking care of a patient and he finally succumbed to the virus and left us. During the last few days, we have commended this unfortunate colleague for his bravery and grieved deeply.

In fact, I do not wish to recount this unfortunate incident anymore, but I wish to particularly point out that I have proposed an amendment today precisely because we must endeavour to prevent the recurrence of tragedies like the one involving Mr LAU Wing-kai. It is a great pity that I have been late and I cannot save Brother Kai's life. Nevertheless, I really do not hope that another medical and health care worker would lose his life. I wish that the Government will mend the fold after a sheep is lost and practically and comprehensively provide every front-line medical and health care worker with adequate and sufficient protective gear to allow them to take care of every patient in a relatively safe environment ..... (*Pause*) regardless of whether the patients have SARS or other diseases.

Since the outbreak of the SARS incident more than a month ago, I have visited many hospitals and gained an understanding on-site of the situation of my colleagues fighting the battle. I still remember that in the morning of 14 March ..... (*Pause*) I visited wards 8A, B and D and the accident and emergency department of the Prince of Wales Hospital where there were many SARS patients to cheer up my colleagues. The wards were filled with helplessness and sadness. There was a serious shortage of gear at that time and medical and health care personnel facing this ..... (*Pause*) deadly epidemic were actually quite helpless though they wanted to do something. I do not know how I should describe my feelings at that time, and outsiders could hardly understand them.

I have also visited many hospitals afterwards, including the Nethersole Eastern Hospital, the Kwong Wah Hospital and the Tuen Mun Hospital, and I have recently visited the Nethersole Hospital in Tai Po, the Queen Mary Hospital, and so on. I found that my colleagues in various hospitals were generally helpless and they were under very heavy pressure ..... (*Pause*) Many of them embraced me in tears when they talked to me. They told me that internal communication was inadequate and the guidelines were inexplicit, so they could only come out into the open and take each step in profound fear like tightrope walkers. They said that they were not provided with comprehensive or satisfactory personal protective gear and pregnant personnel sadly asked why those who were pregnant for less than 13 weeks were given paid leave while those who were pregnant for 14 weeks or more were not given paid leave. Did the Government want an expectant mother and her unborn child to die? As we all know, the present economic or financial condition does not allow many people to take no pay leave, so they have to hold out and continue to go to work.

In fact, we fail to find any so-called low-risk places. Although the officials concerned have said that the chances of infection in hospitals and the community are more or less the same, how can hospitals be compared with the community? In hospitals, medical and health care personnel come into contact with patients after all. Take the hospital I serve as an example, though it is said that there is a minimal chance of being infected, we still come into contact with patients. The Secretary said many times earlier that some patients did not show SARS symptoms when they were admitted, for they might only have fractures or have suffered a stroke and they might not have SARS symptoms or fever, yet, they were confirmed as infected with atypical pneumonia two to three days later. We can imagine how helpless medical and health care personnel feel and pregnant colleagues are not only worried, they must be scared. The husbands of dozens of these colleagues have rung me up and complained, asking me why nothing could be done and why these colleagues were not provided with assistance. In fact, if pregnant mothers are infected with atypical pneumonia, it is very likely that their babies have to be delivered by caesarian section, and if the babies are only 10 to 20 weeks old, I estimate that it is practically impossible to save them. Let us not talk about the mothers and I dare not give the figures about the survival of the mothers concerned. It seems that two mothers have already passed away. Therefore, my colleagues are gravely worried.

Madam President, I published a survey conducted by myself yesterday ..... (*Pause*) and, among the responses I received, 82% of the

respondents said that resources were inadequate. Mainly the personal protective gear of medical and health care personnel is inadequate and they fear being infected and they also fear that their family members may be infected. Therefore, many colleagues have temporarily moved out of their homes or live in quarters, having been away from home for a very, very long time ..... (*Pause*)

I am sorry, Madam President. I still have slightly more than one minute and perhaps I should come back to my amendment. Although the SAR Government has set aside \$1.3 billion, I have forgotten about the purpose of the allocation. I have proposed an amendment because I hope that a fund can be established for the development of vaccines, treatment methods, and so on, in the long run. Moreover, if medical and health care personnel are infected with diseases, they can undergo physical examination to monitor their physical health. It is because we worry very much that the situation may become more serious if this epidemic recurs. I urge the relevant parties to monitor the health of front-line colleagues who are very much like in military services, so to speak. They have generally expressed to me that they are gravely worried about being infected and I can tell Members that I am also very worried about being infected, nevertheless, I am not afraid and I still ..... (*Pause*) I so submit.

**MR HUI CHEUNG-CHING** (in Cantonese): Madam President, compared to the financial turmoil and the attack of Iraq by the United States, atypical pneumonia has a greater impact on Hong Kong. The financial turmoil and the war are after all related to the general external atmosphere and the impact on Hong Kong is mostly restricted to the economic and trade areas. However, atypical pneumonia has not only dealt a heavy blow to the economic and trade operations of Hong Kong but it is also a matter of life and death. The social activities of Hong Kong people have substantially reduced and the quality of life in Hong Kong has largely dropped. Actually, freedom and liberalization are the selling points of Hong Kong as an international city in Asia and we need the flow of passengers, cargoes and capital most, but atypical pneumonia has precisely blocked these lifelines. Atypical pneumonia continues to wreak havoc and it can be described as the biggest crisis for Hong Kong since its inception as a port. There is only one way out before us, that is, the whole community should defeat the epidemic together.

Hong Kong has not fallen in this fierce battle because we have a team of conscientious medical and health care personnel who are faithfully discharging their duties. Medical and health care personnel were taken unawares when atypical pneumonia first landed in Hong Kong. However, they have not flinched in the face of this highly infectious and destructive virus of unknown origin. They have very quickly gained a firm foothold despite their enormous fears and gradually turned their inferior position around. They have minimized their infection rate and the mortality rate of patients and maximized the recovery rate of patients. Recently, some medical and health care personnel of Heping Hospital in Taiwan fled into self-protection before the hospital was sealed off, leaving patients and their remaining colleagues to fight the battle. In comparison, Hong Kong people should really be proud of the team spirit and sense of mission of medical and health care personnel in Hong Kong. I hereby extend my highest respects to all front-line medical and health care personnel in Hong Kong.

Of course, to defeat the epidemic, it is definitely not enough to merely rely on medical and health care personnel to fight in the front line. The Hospital Authority as the back-up, the Government as the commander-in-chief and the front-line personnel must be of one mind, and the Hospital Authority and the Government must effect proper management and rectify mistakes immediately so that front-line personnel can be free from anxieties. In my opinion, for the whole community to fight the epidemic successfully, the authorities must first pool medical resources together, enhance support for front-line medical and health care personnel and try its best to reduce as soon as possible the number of cases of them being infected and the mortality rate. Therefore, the Government should expeditiously utilize the \$1.5 billion earmarked for medical and health care services to purchase essential supplies and strictly disallow any management loopholes when allocating such supplies so that medical and health care personnel can fight the epidemic with their minds at ease. We cannot follow the same old disastrous road, causing conscientious medical and health care workers who faithfully fulfil their duties to fall one after another for no good reason and we cannot render the death of medical and health care personnel meaningless. In the long run, the Government must rationalize the health care structure so as to make the annual expenditure of over \$30 billion on medical and health care services well spent.



I welcome the package of market-rescue measures announced by the Chief Executive last week to alleviate the impact of atypical pneumonia on our economy, including the \$3.5 billion loan scheme with guarantees provided by the Government, reduction of sewage charges and rents for commercial tenants in public housing estates and the proposal of not introducing any adjustments to government fees and charges within the coming half year. The whole package of proposals can assist such hardest hit industries as the tourism, catering, retail and entertainment industries and small and medium enterprises in solving their liquidity problem, meeting their urgent needs and reducing costs. They can also benefit the general public, taking account of the actual needs of individual industries and the public. However, these market-rescue proposals are deficient in that efforts have not been stepped up to support foreign trade. Our economy rebounded last year mainly because of the considerable proceeds from foreign trade and tourism. Now that the tourism industry has been hit hard, the Government must ensure the continued development of foreign trade. With the Swiss authorities having rejected the participation of Hong Kong businessmen in a watch and clock fair earlier on, a 90% reduction of exhibitors in a gift fair organized by the Trade Development Council this year and a substantial reduction in overseas buyers coming to Hong Kong, even if Hong Kong businessmen wish to visit buyers overseas, these buyers may think that it is inappropriate for them to do so for the time being. The Governments of some countries such as Bahrain, Saudi Arabia, Qatar, and so on, have disallowed the entry of Hong Kong people at all. Overseas regions are also worried that the virus may contaminate goods exported from Hong Kong or re-exported through Hong Kong. For example, the Ministry of Health and Consumer Affairs of Spain made a resolution on 4 April, specifying that some textile products imported from areas affected by the epidemic must carry official proof of sterilization and pest control, otherwise, they cannot be imported to Spain. It is worrying that other regions may follow suit. The SAR Government must dispatch personnel to various places overseas to conduct publicity favourable to Hong Kong, make lobbying efforts and clarify the epidemic situation in Hong Kong as soon as possible to avoid sensitive responses of regions overseas that may lead to the exclusion of goods and businessmen from Hong Kong. If the Government launches such work only after the epidemic situation has come under control, I am afraid Hong Kong will incur greater losses in foreign trade.

In view of the fact that it is not sure when the epidemic will be controlled, the economic losses have not bottomed out and the fiscal deficit of the Government remains high, the Government has to make its best efforts but it must also leave itself some room for manoeuvre and reinforce the market-rescue measures, including the foreign trade measures when necessary.

Madam President, I so submit.

**MRS SOPHIE LEUNG** (in Cantonese): Madam President, each case of infection involves one life and the passing away of each patient represents the loss of part of our strength. As Premier WEN Jiabao has said, in the face of adversity, understanding, support and unity are most important to Hong Kong people. Bravely facing the reality and the world is the attitude that we should have. Madam President, I participate in the discussion today with a very heavy heart. If there are any criticisms of the Hospital Authority and its board of directors today, I have to bear responsibilities since I have been a member of its board of directors for more than 10 years, though I have already left office.

Medical and health care personnel and all personnel and organizations have participated in the fight against the epidemic in unity despite hardships over the past few weeks, in the hope of overcoming the atypical pneumonia that have wreaked havoc and allowing this Pearl of the Orient to regain its usual radiance as soon as possible.

Of course, atypical pneumonia is a brand new and ferocious epidemic and we should not expect that it will disappear forever. It will take a protracted battle to bring it fully under control. We will not be able to win the battle if we are weak and irresolute or not combatant enough. The original motion and the amendments today represent the views of Members after they have summed up the problems that emerged after the outbreak of the epidemic. They are remedies suited to the case and it is hoped that the Government can attach importance to and implement these proposals. We should also make co-ordinating efforts and the Liberal Party strongly identifies with these proposals.

Actually, although the Government and the medical departments have exerted all efforts to tackle the epidemic since its outbreak, there is obviously still some distance from the requirements of the public. However, I find it

gratifying that, regardless of whether the Government was too hesitant or not decisive enough in tackling the epidemic at the very beginning, the Government has at least continuously summed up its experience and amended its strategies. In fact, the Government has already become aware of many proposals made by us today in the course of dealing with the incident, and it has already implemented or is going to implement these proposals. We hope that the Government can carry through these proposed measures and resolve this crisis as soon as possible.

However, I also wish to take the opportunity of this debate to talk about some questions in my mind. Some of these questions came up when I discussed the problem of atypical pneumonia of Hong Kong with local or foreign medical experts and some of them are questions that quite a number of front-line medical and health care personnel want me to reflect on their behalf. Let me give some examples.

First, is the rapid spread of the epidemic in Hong Kong related to our long-standing negligence of public health policies after all? In fact, the public health policies of a city include many facets such as environmental hygiene, food hygiene, disease prevention and control, research on infectious diseases, and so on. Moreover, attention should also be paid to the impact of other areas on public health policies, for instance, the structure and organization of the health care system, training of medical personnel, food chain management, building maintenance and management, sanitation of drains, sewage treatment, and so on. All of these are components of public health policies. However, our public health department seems to have a lighter workload all along. Evidently, the full co-operation among many government departments and organizations is required before public health can be effectively improved.

Second, at the initial stage of fighting the epidemic, the Government was thrown into chaos and short of strategies. We have such a feeling perhaps because we are not familiar with its internal operation. Otherwise, does it illustrate that the lack of co-ordination and tacit understanding among various departments and the lack of initiative and team spirit have not improved much after the implementation of the accountability system? Did the Government really fail to listen to the requests of the medical and health care sector and delay making policies because of the concern that the epidemic would destroy our international image and impact on our economy?

Third, the Hospital Authority is currently divided into several networks of independent management. I should also bear responsibility for this situation. It is definitely excellent for a consensus to be reached on everything, but efficiency will definitely be affected by the pursuit of consensus. Would each of the networks work in its own way and uphold sectarianism before a consensus is reached? How should the contradictions be resolved? Given the continuous infection of medical and health care personnel, are the measures and work to prevent the spread of the virus inside and outside hospitals satisfactory and sufficient? Have medical and health care personnel taken all measures properly? I expect the Secretary for Health, Welfare and Food to take the opportunity of this change to carry out the latest instruction of the Chief Executive and take charge of and intervene in the operation of the Hospital Authority to ensure the most effective co-operation among various departments and organizations in respect of internal and external affairs.

Many medical and health care personnel have told me that they are not willing to make public many problems they have seen in the course of fighting the epidemic because, when they received training at the very beginning, they were taught that "they are one happy family and they do not tell on their brothers and sisters". Can this culture of keeping family problems within the family solve various long-standing problems within the health care system?

Fourth, the atypical pneumonia epidemic is not an isolated incident and Hong Kong is an international city, do we have a deep understanding of the truth that "if the lips are gone, the teeth will be cold" and have we taken the initiative to share information with other regions? Have we taken the initiative of learning from the experience of the Mainland and foreign countries and grasped the most effective treatment method and measures for stopping the spread of the epidemic? Have the conceitedness and sectarianism of medical and health care personnel become stumbling blocks in their rise to the crisis?

Madam President, I only wish to stress that I have raised these questions not because I question the work of the Government or medical departments. The efforts they have made in this tough battle merit the public's recognition and gratitude.

Just as I quoted Premier WEN Jiabao's at the outset, we need "understanding, support and unity". After the atypical pneumonia incident is

over, we must mobilize everyone in Hong Kong to formulate correct public health strategies. Members of the community must be of one mind and regain their confidence, step up defensive actions and remove dust, dirt and germs. We will then be able to overcome the crisis and shorten the time required for economic recovery.

Thank you, Madam President.

**MR TAM YIU-CHUNG** (in Cantonese): Madam President, I offer my condolences to all Hong Kong people who died of atypical pneumonia and wish all infected patients struggling against the serious disease early recovery.

Facing the Severe Acute Respiratory Syndrome (SARS) epidemic of the century, Hong Kong people have acquitted themselves to be highly sensible and united and that they respect professionalism. Medical and health care personnel and all staff of organizations participating in battling against the epidemic have made nothing of hardship and fought the epidemic wholeheartedly, and their selflessness merits admiration. I find this message in the book of condolence at the Tuen Mun Hospital for Mr LAU Wing-kai, the nurse who died in the course of duty: "Your selflessness and bravery are always on our mind!". We have not flinched from the calamity but we have conversely become more united and stronger. We will prevail over the epidemic if we continue to uphold the spirit.

Certainly, if we review what we have done to fight the epidemic, we will find that we could have done better in some aspects. Half a month ago, I had an informal discussion with medical and health care personnel from various hospitals in Hong Kong who fought the epidemic to gain an understanding of their difficulties and requests.

They had told me the following points which I later reflected to the Hospital Authority (HA). First, medical and health care personnel are subject to heavy work pressure and mental burden. They have to put on layers of protective clothing every day and they cannot sit and dare not drink during the seven-odd hours after entering the wards because they are afraid that they may have to go to toilet and they will then have to take off all the protective clothing. Besides, they only have half an hour for lunch. The temperature has recently risen and they have difficulties in breathing because they are wearing masks, and

they are soaked to the skin from sweat. Moreover, they dare not go home and many of them hope that they can be allocated quarters. However, some of them are not allocated quarters and nine people have to put up in one room. Since all of them work shifts, they can take turns and live in the same room, yet, they are afraid of cross infection. The workers in the laundries worry about the poor ventilation. Since they only wear ordinary gloves and masks and the original uniform, they worry that they will be infected when they open the bags containing clothing contaminated by the virus. Some psychiatric nurses also worry that they have to be on standby and serve in SARS wards at any time. Since the training they received is different from that for general nurses, they fear that they will easily get into trouble if they have to take up the relevant duties in a hurry without adequate training. They know that there is not enough protective clothing and, among dozens of hospitals under the HA, some of them have abundant resources but some of them have shortage of resources and they are not sure when this situation of uneven distribution can be changed.

In the light of these problems, I think that communication within hospitals or between the HA and hospitals has to be further enhanced in many aspects, and the communication between the management and the front-line personnel is especially important. Very often the HA may have given and issued to the lower levels many guidelines, but how many of these guidelines can front-line personnel grasp? If it only puts up publicity posters, how many people can seriously read the messages on the posters word by word and understand them while they are kept busy with work? Thus, the worries of staff will increase. I also know that a small number of hospital management communicates with staff every day, briefing them on the relevant matters and listening to their suggestions. I hope that the authorities can do similar things to reduce staff worries.

Moreover, I went to Shenzhen the day before yesterday and discussed the matter with the Director of Shenzhen health bureau and listened to his views. I think some of the matters discussed on that day are valuable reference. He told me that there had been a total of 47 SARS cases in Shenzhen since February and no medical and health care personnel had been infected because they used protective clothing and were mandatorily required to take medication to prevent contracting the disease. The medicines included Western medicines such as Tamiflu, Ribavirin, interferon spray, and so on, and Chinese medicinal soup prepared with many kinds of Chinese medicine including *Isatidis Radix*, which

would boost the resistance of medical personnel. Although laboratory test results indicated that 45% of medical personnel carried virus antibody so far, in other words, medical and health care personnel in Shenzhen were infected with the virus, the disease attacked none of them. This shows that the SAR Government should enhance exchange studies with the Shenzhen Municipal Government and medical experts to find effective preventive methods together. Dr YEOH also stated in his reply to my question today that he is willing to hold discussions with mainland experts and consider providing Chinese medicinal soups to boost the resistance of medical and health care personnel. It is because there may be imperfection in protective clothing after all and the integration of internal and external prevention will be more useful.

In addition, I wish to say that the Government must expeditiously review the standards of building design, management and maintenance to improve public health, conduct a review on the existing health care system and mechanism and formulate contingency measures for the control of epidemics. The Government must change its health care strategies and besides concentrating on treatment, it should step up measures for the control and prevention of diseases in future. Therefore, it should establish a disease control centre, reinforce the primary health care system and step up prevention, publicity and education.

**MR LAU WONG-FAT** (in Cantonese): Madam President, atypical pneumonia has taken 150 lives in Hong Kong so far. Everybody in Hong Kong is weighed down with sorrow and it is particularly miserable that a nurse from Tuen Mun Hospital, Mr LAU Wing-kai, who had faithfully fulfilled his duties died a few days ago as a result of infection in the course of duty. Although his wife who is also a medical and health care worker was deeply aggrieved, she publicly called upon her colleagues to maintain high morale and hold fast to their posts on the radio. It was a most touching appeal to the audience.

While we express our highest respect for Brother Kai and his widow, we cannot help being concerned and disturbed about the safety of many medical and health care personnel who continue to fight in the front line. The reality before us now is that over 300 medical and health care personnel are infected and more than a dozen of them are being treated in the intensive care units, and their conditions are serious.

It is a battle against the epidemic, to win this battle, we must protect front-line medical and health care personnel against infection. The relevant authorities have been lagging behind because of oversight and omission and they should be blamed. In the face of this fierce battle, the authorities should earnestly draw a lesson and utilize resources to the full and expeditiously assist front-line medical and health care personnel to defend against infection in the best way by every possible means. The HA has taken the right step in setting up three task forces to deal with atypical pneumonia, but experience tells us that this cannot solve all problems. The leaders must also explore more channels of support, including looking for assistance from medical systems outside Hong Kong.

Moreover, I suggest the Government should award bonus to front-line medical and health care personnel who are braving untold dangers and fighting bravely as soon as possible to show encouragement and express the gratitude of the community. The Mainland and Taiwan have already done so, what are our leaders hesitant about? If we cannot create our own methods, how difficult is it for us to follow what others have done? In the face of this battle of vital importance in which we are racing against time and we must prevail, the Administration should not say that it is financially tight and has a huge fiscal deficit anymore. This atypical pneumonia disaster has also dealt a very heavy blow to families whose loved ones have died in the disaster. The Government is duty-bound to take the lead to provide the surviving families of the deceased with additional assistance in terms of finance and psychological counselling.

Madam President, while fighting the epidemic, we have to fight a battle of alleviating difficulties. The significant impacts of atypical pneumonia on various sectors of the economy have surfaced one after another, and the short-term market-rescue measures announced by the Government last week are nothing more than candies given out to the starving people, which can hardly be described as effective. With our continuously ailing market and bleak prospects, despite the Government having set up a \$3.5 billion Loan Guarantee Scheme, I am afraid it is really open to doubt how many bosses are willing to get involved and file applications.

This is a very difficult time, but it is also very disappointing that the Government continues to be indifferent to the repeated calls for suspension of Mandatory Provident Fund (MPF) contributions. If MPF contributions are suspended for a year, employers and employees would be given a greater chance



to gasp for breath and \$20 billion would be released, without expending public money, for use on the local economy, which would definitely be very helpful to stimulating the weak market. Nevertheless, what can we say now that the Government continues to be thickheaded and is not bold or resolute, and has given up this sound strategy? Given the absence of any method to revive our economy and save the market, where would MPF contributions come from if many industries close down and a large number of employees become unemployed? When more people are forced to seek assistance under the Comprehensive Social Security Assistance Scheme, would the Government ultimately have to open wide its coffers to give out money?

Madam President, I so submit.

**MR WONG YUNG-KAN** (in Cantonese): Madam President, Hong Kong has suffered setbacks in this Severe Acute Respiratory Syndrome (SARS) incident. Every person feels his personal safety is being threatened and lives in psychological fear. He is worried while awake or sleeping, and even if he stays home, he is worried that his home may have environmental factors similar to those in the Amoy Gardens. The incident has also dealt a heavy blow to various trades and industries, and the retail, catering, tourism and entertainment industries have borne the brunt, followed by the agriculture and fisheries industries to which I belong and the related industries, and fish from culture farms has found no market. The scope of the problem is so large and its impact so far-reaching that I believe it is second only to a war. All Hong Kong people must fight in this war and we must pool together the determination of the whole community to tackle the epidemic.

There have been many touching stories since actions have been launched to fight the epidemic. All medical and health care personnel in Hong Kong, including other workers in hospitals such as cleansing and laundry workers, security guards, tuck shop staff and technical staff still hold fast to their posts every day under extremely dangerous circumstances, maintaining the normal operation of hospitals and saving patients' lives while their families are worried and putting pressure on them. Actually, many medical and health care personnel have unfortunately been infected with the virus and Mr LAU Wing-kai, a nurse from the Tuen Mun Hospital, died in the course of duty. They are regular soldiers who defend our health and we should forever remember and be grateful to them for the contribution they made to Hong Kong people as well as forever cherish the memory of Mr LAU who gloriously sacrificed himself.

I wish to say in passing that the care of the community is currently tilted to the medical and health care personnel while front-line workers who are also working under extremely dangerous circumstances and are basically providing outsourced services have often been neglected by hospitals in the provision of masks and protective clothing. Therefore, at the special meeting of the Tai Po District Council last week, I requested the Director of the Nethersole Hospital to look squarely at the rights of these workers providing outsourced services and I also requested other hospitals to attach equal importance to the interests of these workers.

In this battle against the epidemic, allied forces in the community are also fighting with the said regular armies together. They come from various trades and industries, including the retail, transport, catering and security industries, disciplined forces, uniform groups and air transport industry; some of them are bank tellers and some come from the cleansing industry and private clinics. They share one common point, that is, they have to come into contact with a large number of people whom they know or do not know every day. Their families are also worried and putting pressure on them and they are also working under extremely dangerous circumstances, but they still hold fast to their posts and play extremely important roles in maintaining the normal operation of society, thus, this Council should also express gratitude to them. I hereby call upon the community not to forget these allied forces that have also made contribution while they pay respects to the workers in hospitals.

In this battle, many organizations, groups and individuals have supported the actions to fight the epidemic, for instance, some enterprises and societies have donated a large quantity of bleach and masks to hospitals and residents. Some Chinese and western medical practitioners have attended talks non-stop, passing on common knowledge about the prevention of SARS. Owners' corporations and mutual aid committees have also played important roles. Take the Tai Wo Estate where my ward office is located and the Po Nga Court as examples. After the epidemic has spread to the community, the owners' corporations in the district, the mutual aid committees of various blocks, residents' and women's groups have stepped up cleansing and sterilization of the corridors and lobbies of buildings as well as lifts, given out bleach and masks to residents, called upon residents to clean their homes and answered the calls of the Democratic Alliance for Betterment of Hong Kong and the Government for a Hong Kong-wide cleansing day on 18 April and 19 April respectively. Nine

societies in the Tai Po District also initiated on 26 April a one-week campaign to fight the epidemic and safeguard the health of passengers, volunteering to sterilize taxis and refill bleach. I have also watched on television that some district groups have organized volunteer teams to provide elderly persons living alone with home cleansing services. This Council should also express gratitude to the above organizations, groups and individuals.

Madam President, the residents of Tai Po were very shocked by the HA's plan to admit SARS patients into the Tai Po Hospital. We can appreciate their feelings when we think about the fact that the Tai Po District soon became the district in Hong Kong with the largest number of infected buildings after the Nethersole Hospital in Tai Po had admitted SARS patients from the Prince of Wales Hospital in Sha Tin. Therefore, we think the Government must clearly explain to this Council why the Tai Po Hospital has been chosen, what isolation and preventive measures will be taken in the Tai Po Hospital and whether other patients will not be admitted. Moreover, it must provide all workers at different levels in the hospital with the best protective gear so that there is not any chance for the virus to escape from the hospital, before the residents of Tai Po can set their minds at ease.

Madam President, once the battle is over, the Government should really review its public health policies to prevent an outbreak of similar epidemics in the future. It should especially improve the isolation measures and systems of hospitals, draw a lesson from the Amoy Gardens incident, formulate a strict inspection system and enhance cleansing of the sewage pipes of buildings and the back alleys. Furthermore, the Administration should designate some public holiday camps that are far away from people's homes as standby isolation camps and make suitable adaptations to prevent the strange phenomena of several households sharing a toilet from arising again.

Recently, some former politicians have severely criticized the Chief Executive of not closing the immigration control points to isolate the epidemic, and one of them has made the assumption that "the Governor would have closed the control points long ago". This former politician was right and a Governor of the colony did close the control points to tackle an epidemic long ago, but the measure was not effective. In May 1894, a plague broke out in Hong Kong and over 400 people died of the disease in a month, but the then Governor had to announce lifting the ban two years later.

Madam President, before concluding my speech, I wish to remind the Secretary for Health, Welfare and Food that another deadly seasonal infectious disease has struck, that is, dengue fever, and I hope the Government can look squarely at the problem.

**MR ALBERT CHAN** (in Cantonese): Madam President, I rise to speak in support of the motion and the amendments today. First of all, I would like to express my respects and my gratitude to the medical and health care personnel in Hong Kong.

Earlier on, when I talked to the Director of the Yan Chai Hospital, he told me that many of the medical and health care workers originally stationed not in hospitals treating atypical pneumonia had volunteered for transfer to such hospitals to assist in the battle against this disease and serve the patients. This group of selfless medical and health care personnel who volunteered to serve in the front line in spite of the obvious fatal dangers have my greatest admiration. Meanwhile, I hope the Government can grant some special awards to this group of staff to let them feel that their spirit of taking the risks and serving the people is not ignored by the Government.

However, Madam President, while I am expressing my admiration for the medical and health care personnel, I feel miserable for them. It is miserable for us to learn that, as these selfless people risk their own lives in fighting this tough battle, they are not given reasonable treatment. Even as late as two days ago, there are still complaints from medical and health care personnel about insufficient provision of protective gear, ill fitting masks, and the non-provision of protective clothing as requested. This is similar to soldiers in the battlefield: if they were given some rusty and worn-out helmets, defective guns, how could they win the war? However, these medical workers are still fighting and struggling. That explains why several medical and health care workers will contract atypical pneumonia every day (four today). I feel that the top management of the Government, especially the officials in charge of handling this issue, has the unshirkable responsibility.

Madam President, I would also like to take this opportunity to express my grief at the death of those medical and health care workers, and I would also like to offer my condolences to families of these medical and health care personnel, especially the families of Mr LAU Wing-kai. After Mr LAU had passed away,

his wife courageously called on all the medical and health care workers to carry on with their service for the people with the same high morale. How I admire her strength and selflessness. I feel that she is very great, as she has never pursued the responsibility issue on the death of her husband at this stage. This fully reflects her uncomplaining spirit. This is really precious.

However, Madam President, we as Members of this Council cannot just act as the onlookers while the people suffer from this disaster; we cannot just watch the people being subject to such unfair treatment; we cannot stop ourselves from making any complaints. We must pursue the responsibility issue. We must ensure that the people are accorded suitable protection, and we must ensure that our medical workers would not be subject to unreasonable treatment. Our medical and health care personnel must be equipped with the reasonable gear and given due protection in fighting this battle.

In this incident of atypical pneumonia, we have witnessed the emergence of many problems. I shall relate some criticisms of the Government by some doctors.

After the death of Mr LAU Wing-kai, the top echelons of our Government, including the Chief Executive, praised him highly — naming him a hero, vowing to award him a posthumous medal of bravery and promising to bury him at the Gallant Garden. I feel that he deserves all such honour. It is altogether natural and proper that Mr LAU Wing-kai should be sung all such praises and commendations by the authorities. However, I wish to point out that the praises and commendations sung by our top officials cannot cover up their blunders and negligence. The praises and commendations cannot cover up the faults of those who should be held responsible, and we certainly cannot let them get away with them, without the burden of their guilty conscience. While we are fighting against atypical pneumonia, I will certainly do my best to pursue the responsibility issue in a suitable manner.

In handling the issue of atypical pneumonia, the Central Government has recently removed some Beijing officials from office. This reminds me of the existence of two different versions of the movie "Infernal Affairs", the Hong Kong version and the mainland version. In the movie "Infernal Affairs", Andy LAU is a triad member working undercover in the Police Force. He killed a police officer. In the Hong Kong version, he got away with it and continued to serve in the Police Force. He could even attend the funeral of the sergeant

killed by him. But in the mainland version of "Infernal Affairs", he was caught and punished accordingly. I just wish that there would not be two versions in Hong Kong regarding the atypical pneumonia incident, as in the case of "Infernal Affairs".

On the blunders committed by the Government, a doctor from the Yan Chai Hospital pointed out in a seminar held earlier that the Government had been late in implementing four measures, namely, no immediate action after the epidemic outbreak in Guangzhou, no timely quarantine action for patients from Ward 8A of the Prince of Wales Hospital, no timely quarantine action for residents of Amoy Gardens and inadequate supply of protective gear for medical and health care personnel. I think, later when the epidemic situation has been ameliorated, we must pursue the responsibility for the issue in a comprehensive manner so as to ensure that such problems would not recur in future, to ensure that the situation will improve and to do justice to the people, in particular those who died in the atypical pneumonia incident.

Thank you, Madam President.

**MR YEUNG YIU-CHUNG** (in Cantonese): Madam President, Mr LAU Wing-kai, a nursing officer of the Tuen Mun Hospital, died of Severe Acute Respiratory Syndrome (SARS) contracted while he was trying to save the life of a patient. He was a hero, a classic example of the front-line health care workers in Hong Kong who, in the face of the terrible epidemic, display great courage and noble virtues as medical workers in saving the lives of patients without showing any signs of hesitation. His wife also works in the nursing profession. After suffering the pain of losing her most beloved one, she did not even complain or make any accusation. Instead, she encouraged the front-line health care personnel to carry on with the fight against atypical pneumonia. Her action promotes unity in society. The bravery of Mr LAU Wing-kai, as well as the mental strengths of Mrs LAU, have moved us. They, together with all the front-line medical health care workers, are the most beautiful people of our time. I strongly support the SAR Government in awarding Mr LAU a medal, and I would like to pay my highest tribute to Mr and Mrs LAU Wing-kai as well as all the front-line medical health care workers.

While mourning and commending Mr LAU Wing-kai, I also feel very uneasy for the sustained rise in the number of infected front-line health care

workers. The SAR Government and the Hospital Authority (HA) should try all means possible to adopt effective measures to reduce and prevent the medical personnel from being infected by SARS. In this aspect, the experience of Shenzhen is valuable reference to us. Since the first case of infection of the virus was identified, altogether there have been 47 cases only, and no new cases have been detected since 16th of this month. And of the nearly 100 medical and health care workers who have participated in the treatment processes, none is infected. I hope the HA would strengthen its exchange with the medical profession in the Mainland in sharing experience in the prevention and treatment of SARS. In the face of a major enemy, it is especially important that we should put aside our bias and adopt an open mind, so as to facilitate the combined application of Chinese and Western medicines. In this way, we shall be able to come up with the best possible cures, regardless of their origin, so as to win this battle against atypical pneumonia.

Madam President, the atypical pneumonia outbreak has affected all trades and industries. In the past, Hong Kong survived numerous difficulties, yet the impact has never been so serious and extensive. The educational sector used to be a refuge in times of difficulties. But now even this sector cannot stay aloof from the problem. This is especially so when the Government ordered the suspension of all kindergartens, and we are still unsure when the classes could be resumed. Many parents of the kindergarten pupils have stopped paying the school fees, thus resulting in a substantial decrease in the revenue of the kindergartens. At the moment, most of the local kindergartens are suffering from unprecedented operating difficulties, and many are on the brink of closing down. However, kindergarten teachers still have to follow the instructions given by the Education and Manpower Bureau (the Bureau) to return to the kindergartens even during the period of class suspension to perform the cleansing work in preparation for the eventual resumption of classes. It would be a great loss to the education and care of school children should the kindergartens close down and a large number of kindergarten teachers become unemployed just because of some temporary operating difficulties. I have received a lot of complaints and requests for assistance from sponsoring bodies, principals and teachers of kindergartens. They all hope that the SAR Government can attach great significance to the operating difficulties of the kindergartens and adopt effective measures to relive their difficulties. Firstly, the Bureau should closely monitor the epidemic situation, and if the conditions permit, order the resumption of classes as soon as possible. If it is not possible to resume classes

in the short term, the Bureau should find resources to provide essential financial support to kindergartens which have encountered financial hardship arising from their failure to collect school fees from parents.

Secondly, the Bureau should provide clear guidance on the arrangements in respect of resuming classes for kindergartens. Effective support similar to that for primary and secondary schools should be provided to kindergartens. SARS prevention items such as surgical masks, ear thermometers, thermometer caps and bleach balls, and so on, should be distributed to the kindergartens.

Thirdly, the health and hygiene work is equally important for kindergarten children, as is for primary and secondary students. Of the \$100 million set aside by the Hong Kong Jockey Club to finance a project to subsidize schools in stepping up cleansing and preventive measures against SARS upon the resumption of classes, I would like to urge the authorities to allocate a share for the kindergartens, so that kindergarten children can benefit from it as well.

Fourthly, the Bureau should write to all the major estate developers, requesting them to reduce the rents of kindergartens situated in private housing estates, so as to alleviate the operating pressure of kindergartens.

Fifthly, a new loan fund for relief should be established as a supplementary measure. The fund should aim to render assistance to an extended scope of industries and trades which have been seriously affected as a result of the epidemic.

Lastly, the cleansing, hygiene and health measures should be adopted on an ongoing basis, instead of just being adopted as temporary measures. I would like to call on the Government to fix the last Sunday of each month as the "Day of Cleanliness and Good Health for Everyone", so as to motivate all the people to take good care of public environmental hygiene, household hygiene and personal hygiene. The Government should also step up its publicity and educational campaigns, strengthen public awareness of cleanliness and personal hygiene, so as to ensure that Hong Kong is a quality city that is clean, hygienic and safe.

Madam President, I so submit.



**MS MIRIAM LAU** (in Cantonese): Madam President, first of all, I would like to extend my sincere thanks to the medical and health care personnel in Hong Kong and all the organizations and people who have participated in the battle against atypical pneumonia. They fight the battle with tireless dedication, selfless devotion and perseverance. They truly deserve our admiration and applause. In fact, the battle against atypical pneumonia requires the participation of the whole community. The transport industry has also participated in this battle against atypical pneumonia vigorously. We can see that taxis, minibuses, buses, franchised buses, trains, ferries, and so on, have all been cleaned thoroughly for the protection of the people.

With the outbreak of atypical pneumonia in Hong Kong, the people have refrained from going out to spend money, and the number of inbound tourists has dropped drastically. It has significant impact on local trades and industries, as well as the whole economy. The hardest hit industries include tourism, catering, retail, entertainment and those industries directly related to tourism and domestic consumption. They have become the "hardest hit industries". However, apart from these four industries, some sectors of the transport industry have also been affected and hardest hit. Firstly, I would like to talk about the taxis. After the outbreak of atypical pneumonia, the business of day-shift taxi drivers has fallen immediately by more than 20%, whereas the business of the night-shift drivers has dropped by more than 50%. However, this figure has not included some 25% to 30% of taxis which have virtually stopped doing business. Only after these taxis have stopped running that the remaining taxi drivers could maintain their present business — that is, a 20% reduction in business for day-shift drivers, and 50% for night-shift drivers. The taxi trade is the yardstick of the economy — their operating conditions more or less reflect the poor situation of the local economy.

The outbreak of atypical pneumonia has dealt a very blow to the taxi trade. Fortunately, the Government has shown some sympathy to the trade and decided to temporarily lift certain restricted areas in a bid to attract more people taking taxis. Besides, the Government has reduced the licence fee and provided concessionary parking schemes for taxis. I welcome the introduction of such temporary measures by the Government in order to help the taxi trade to survive this extremely difficult period. Although these measures may not be able to solve all the problems faced by the industry, at least they have the effect of boosting the morale of the industry. However, if the Government really wishes to assist the industry, it may have to try even harder.

Apart from the taxi trade, the schoolbus trade is even the worst of all the "hardest hit sectors". This is because other "hardest hit sectors" may still have some business, but some of the schoolbuses have suffered from a 100% loss in business as a result of the announcement by the Education and Manpower Bureau earlier of an indefinite suspension of classes in primary schools and kindergartens. Presently, there are about 1 000 drivers for schoolbuses with 16 seats or less, whereas there are several thousand drivers for schoolbuses with more than 16 seats. Since the suspension of classes, many schoolbus drivers and the accompanying nannies, who make their living by delivering school children to schools, have virtually stopped working for one month and absolutely made no income at all. The indefinite suspension of classes means that their no-income period will be prolonged indefinitely. So, no work, no income. Some of the drivers are also car owners. They still have to service the monthly instalment for their vehicles. They are caught in the predicament of "having no income, but still having to pay (the monthly instalments)", so the difficulty they face is even greater. The government assistance provided to the schoolbus sector in terms of the temporary parking concession and the licence fee waiver is very limited indeed.

The most direct and effective way of helping the various industries affected by atypical pneumonia, such as the operations of self-employed taxi drivers and the schoolbus sector affected by the suspension of classes, is to extend the scope of the Loan Guarantee Scheme. Although the Government has repeatedly said that the \$3.5 billion fund under the Scheme is insufficient for assisting all the industries, that it can only try its best to help those hardest hit industries, I strongly hope that the Government will not close the door on them. The Government should closely monitor the impact brought about by the epidemic on various industries and trades, and if necessary, extend the scope of application of the fund. The Government may consider injecting additional fund into the Scheme, if necessary. Besides, I very much hope that the Government can call on banks and financial institutions to adopt flexible policies towards transport industries which are in need, such as the schoolbus, taxi, public light bus, tourist coach sectors, so as to allow them to repay loans slightly later than usual or to repay only the interest but not the premium during this period.

Madam President, just as I have said, the impact of the epidemic is really very enormous. The destructive effect on various sectors of Hong Kong is

gradually becoming visible. Affected by the epidemic situation in Hong Kong and Guangzhou, the passenger volume of the waterborne passenger service between Hong Kong and Guangdong has dropped sharply, and the epidemic has also affected the business of ferries and boats, of which the passengers are mainly tourists. However, the relief measures introduced by the Government focus mainly on land transport operators without benefiting the sea transport operators. I hope the Government will not overlook the suffering of this group of people. I urge the Government to waive the embarkation fee of \$18 per head on a temporary basis, and to reduce the berthing charges and licence fees, so as to assist the seaborne transport industry to survive the present crisis.

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

Madam Deputy, as the epidemic of atypical pneumonia still has not been put under control, and even if it has been put under control, it will still take some time for us to overcome this virus. The fight against atypical pneumonia is a long battle. Although it is a battle to be fought by the whole community, the Government must take the lead. It should allocate more resources to front-line medical and health care personnel in their fight against the virus, continue to assist industries affected by the epidemic and their employees, and continue to enhance the various protective and preventive measures.

Madam Deputy, I so submit.

**MR IP KWOK-HIM** (in Cantonese): Madam Deputy, the latest issue of *Time* magazine (Asian edition) saluted the SARS medical team of the Prince of Wales Hospital as Asian heroes of the year. The medical team has been fighting in the front line in the battle against atypical pneumonia and they fully know how formidable the virus is. With the sterilized cap as their helmets, and the protective clothing as their armours, they volunteer to take part in the work of taking care of atypical pneumonia patients. Now, one in every five of such patients on average is a medical and health care worker or a member of supporting services who serve the public risking their own lives. The front-line medical and health care personnel and supporting services personnel such as the cleansing workers have displayed exemplary courage in this battle against

atypical pneumonia. They serve faithfully in their posts in the front line every day and they are fighting a battle for the public. They have displayed the brighter side of humanity amidst fears. May I express my highest tribute to them. Yet in the evening of this past Sunday, I received the bad news that a nurse from Tuen Mun Hospital, Mr LAU Wing-kai, had passed away after being infected by the disease in the front line. I deeply grieve over his death, and on behalf of the Democratic Alliance for Betterment of Hong Kong (DAB), I would like to express our warmest condolences to the surviving families of Mr LAU.

During this outbreak of atypical pneumonia, the people in Hong Kong, be they medical and health care personnel, medical school professors, executives of the Hospital Authority (HA), various organizations and the business sector, have all participated in the all-out battle against atypical pneumonia. More affluent people would donate money, whereas the less affluent would pool in their effort in the relevant work. It has been a picture of harmonious co-operation, exhibiting the spirit of "we are in the same boat". Recently, the Financial Secretary openly said that Hong Kong would not be able to achieve the projected economic growth this year. The financial analyst of the HSBC also forecast that, as a result of the negative impact brought about by the outbreak of atypical pneumonia, tourist and other related industries would see a loss of \$6 billion, whereas domestic consumption would suffer a loss of \$8 billion. Therefore, altogether Hong Kong will see a loss of \$14 billion. The major travel agencies are on the brink of collapse; the occupancy rates of hotels are near zero; many flights have been cancelled; very few sales counters and booths of major exhibitions have been taken up; and cinemas and restaurants are virtually empty. Even after the outbreak has been subdued, Hong Kong still has to face a period of tough days. The boat in which we are riding together will still have to endure a tough voyage in the days ahead.

The motion and amendments today call for the provision of assistance to industries and their employees affected by the outbreak of atypical pneumonia, as well the provision of adequate resources to the front-line medical and health care personnel in the battle against atypical pneumonia. The DAB supports all this. In the face of the unexpected atypical pneumonia outbreak and the subsequent adversity, we should deal with the situation with concerted effort. If there are problems, we shall work together to tackle them until they are finally solved. Only in this way would we be able to fulfil the spirit of "riding in the same boat".

While many people are in great panic, some people have made positive and constructive proposals. But some others have criticized the officials concerned. After the Chief Executive Officer of the HA, Dr William HO, had fallen sick in the course of handling the outbreak, Dr KO Wing-man took up his post in the front line to handle complaints lodged by the media and members of the public. Last Friday, Dr KO was subject to repeated criticisms in the airwaves. Finally, Dr KO said if the people were really dissatisfied with him, he would be willing to resign. As the incident developed, a half-page advertisement in support of Dr KO was placed on Monday by a group of hospital staff directly involved in the care and treatment of atypical pneumonia patients. These hospital staff members also reproached strongly the radio talk show host who had criticized Dr KO in the programme. They hoped that a harmonious social culture of trust could be fostered to help control the spread of atypical pneumonia. Ever since the outbreak of atypical pneumonia on 12 March, the relevant officials concerned and senior executives, together with the front-line medical and health care personnel, have been working day and night for a whole month. As they are already under enormous pressure, how can we be so cruel as to vent our spleens on them?

Madam Deputy, recently I heard that some Honourable colleagues had been trying hard to gather "bad materials" against the officials, and their objective would be no less than "chopping off their heads (making them resign)". The DAB is also gathering "materials", but these are certainly not "bad materials". Instead, they are "good materials" to support our devoted fight against atypical pneumonia for the well-being of the people. Up to now, the DAB has already given away more than 300 000 masks, 800 000 sterilized alcohol pads, 90 000 bottles of bleach, and 650 000 copies of *Health Tips*. *Ecology Tours* will soon be distributed on the streets with the purpose of encouraging the people to lead a normal healthy life. On the other hand, we have also sent 500 sets of protective clothing to the front-line medical and health care personnel. All these materials are donated generously by enthusiastic persons and distributed to the public through the DAB. We have also organized more than 100 SARS prevention seminars in various districts of Hong Kong. We have also sent five delegates to Guangzhou and Shenchon to learn how the officials there deal with the outbreak of atypical pneumonia. On 18 April, we organized the Cleaning Day, in which several DAB Legislative Council Members and District Council members teamed up with about 1 000 volunteers to clean up the homes of single elderly persons and the private streets. On 21 April, we organized "Exercise Together Against SARS Health Day", on which

several hundred people from many different districts practised Tai Chi on the lawn of the Victoria Park. It was meant as an attempt to convey a health message to the people of Hong Kong. All these activities were enthusiastically supported by people from different walks of life, and the responses were very encouraging to us.

Madam Deputy, it is time we pitched in our concerted effort to battle against atypical pneumonia. The DAB hopes that, the people, be they the front-line medical and health care personnel and supporting staff fighting the outbreak, or be they just the ordinary men in the street, should all continue to play their roles faithfully in their own posts.

Madam Deputy, I so submit.

**MR ALBERT HO** (in Cantonese): Madam Deputy, the touching remarks made by Mr Michael MAK earlier, I believe, have also expressed the feelings and emotions of many front-line staff. All this we share. Apart from expressing my grief and extending my heartfelt condolences to the families of Mr LAU Wing-kai, who has just died in the course of duty, I would also like to send my best wishes to medical and health care workers who have fallen sick and infected by Severe Acute Respiratory Syndrome (SARS) in the course of performing their duties of protecting the health of the people Hong Kong. Of course, while many medical and health care workers are in critical conditions, there are still so many brave medical and health care workers fighting in the front line, serving SARS patients faithfully in the wards in spite of the dangers to which they are exposed. To them, we would like to pay our highest tribute.

In fact, the people have already expressed their heartfelt gratitude and admiration in many different ways. In the latest fund-raising exercise launched by the Democratic Party, we could see that the people had made donations very earnestly; they also signed the greeting cards and wrote messages to them enthusiastically. From these, we could sense their feelings. As the people of Hong Kong, we surely take pride in the professionalism and selfless dedication of our medical and health care personnel. However, I must stress one point. The expression of gratitude and admiration alone is simply inadequate. What we must do is to give them sufficient protective gear. This is our responsibility. Today, we still have so many medical workers infected by this disease, so we really should review in what aspects we have not done enough. If we fail to do

this part of our work properly, we are not doing them justice. It would be useless for us to say any thankful words.

Under the present situation, although the Government is taking the lead in the battle against the epidemic, we still need the co-operation of the people. Just like all the people in Hong Kong, we shall fully support the Government in its battle against the epidemic. Today, in the face of such a situation, the leaders are facing a hard time. On the one hand, they have to be resolute and quick in making decisions so as to deal with the epidemic effectively. Yet, on the other, they need to stay calm and be able to grasp the full picture and decide the right priorities. And they still have to face a lot of criticisms. A moment ago, both Mr IP Kwok-him and Mr LAU Kong-wah said that we should not make too much criticisms. However, there are really a lot of voices of criticism in society. Some people hope that the Government can make some improvement, some criticize the leadership of certain persons, and there are also harsh criticisms. However, no matter what the criticisms are, the leaders should listen to them and see what improvements can be made. On many different issues, they should adopt the attitude of "correcting the mistakes if any, and taking them as words of encouragement if such criticisms are unfounded." Only by adopting such an attitude can they do better.

Under the present circumstances, many principles are in direct conflict with each other. For example, there is the conflict between the protection of public health and the protection of personal rights. It also involves questions of whether quarantine action is required, and when this should be done. Should the epidemic situation be announced? How should it be announced? And how much information should be announced? Secondly, the conflict between economic benefits and epidemic control. Should we enhance the transparency? Should we opt for a more prudent approach, so that even at the cost of scaring away tourists, we still require all the people to wear masks? Should we do it this way? Or what should we do? All these are conflicts of principles. Thirdly, the conflict between political judgement and the opinions of the specialists. For example, the issue of suspension of schools is such a conflict. How should we handle this?

Firstly, I always think that, when the epidemic situation is still acute, it is highly possible for us to be infected by this fatal disease. Under such circumstances, I think we should be more prudent, instead of being lax in our

precaution. Therefore, when something like the incident of Hing Tung House occurred, if I were the responsible government official, I would introduce the quarantine measures for a period of time, so as to prevent a recurrence of the Amoy Gardens incident. Even if I were wrong in introducing the quarantine measures, I would not gamble on the luck of the residents and say that the decision of the Department of Health is correct in not introducing quarantine measure only after confirming that the residents have not been infected subsequently. I think this attitude is wrong. We should prefer to make the mistake of being over-cautious, instead of making the mistake of being too relaxed.

Secondly, although we agree that we should respect human rights, I think under the present circumstances, public health is equally important. Therefore, we have repeatedly requested the Government to release more information on the epidemic, especially on the flats with infected cases, such as the information on the floor and the direction of the flats affected, the age group of the patients, and even whether the infection is related to medical and health care workers. This would help the people understand more about the epidemic situation. Increased understanding and enhanced transparency would help to reduce the fears of the people.

Thirdly, as just mentioned by Dr LAW Chi-kwong, many decisions are not made purely on the basis of the judgement of the specialists, and sometimes they would involve political considerations. When many people are caught in panic, the Government cannot ignore their feelings. Therefore, I hope the Government can grasp the principles mentioned by me earlier on.

On the other hand, Hong Kong has not faced the threat of such an acute and extensive infectious disease for a long time. And the only infection control hospital established some 20 years ago has also cancelled its isolation ward. Therefore, I think in this outbreak of atypical pneumonia, we should feel sorry for one point, namely, the failure to seek at the early stage of the outbreak help from international experts, including those from the WHO or CDC of the United States. If we could seek advice from them early, it might have helped us enormously. We all know that an epidemic can spread irrespective of national boundaries, geographical regions, race and class. We can see that, with the assistance of a famous Italian doctor, Vietnam could adopt early effective preventive measures, thereby controlling the spread of the epidemic in Vietnam at an early stage.



As for the situation in the Mainland, we should not just share our experience and information with them. We should support each other as well, and we should refrain from relying too much on the unconditional support of the Central Authorities. In fact, earlier on, when they were tracing the source of the virus, Hong Kong should have shown greater concern about it. We should have provided our advanced equipment to assist them in tracing the source of the virus. I think Hong Kong should build up closer links with the Mainland, and be mutually dependent. This concept is very important. I hope there can be more exchanges between the two sides in future. It is very important to have support and care between each other.

I support the original motion and the amendments. Thank you.

**DR RAYMOND HO** (in Cantonese): Madam Deputy, this morning, in the meeting of the Panel on Health Services, I mentioned that I had recently written to Dr KO Wing-man of the Hospital Authority. Apart from commending him and acknowledging his performance in the battle against atypical pneumonia, I also extended my support for the respectable efforts made by the medical and health care personnel in their work against the spread of the epidemic. I had also paid tribute and offered my condolences to the families of Mr LAU Wing-kai, the nurse who died unfortunately in service.

The outbreak of atypical pneumonia or Severe Acute Respiratory Syndrome (SARS) has further dampened the already weak economy of Hong Kong. Since the SARS outbreak, industries especially the tourist, air service, catering and retail industries have suffered the greatest blows. Looking into the future, more and more companies will close down and the unemployment rate will continue to surge, creating new variables for the economic recovery of Hong Kong. Besides, as the number of infected persons and the death toll continue to rise, coupled with the fact that the medical sector still has not identified effective cures for the disease, an overwhelming sadness looms over Hong Kong. This epidemic outbreak could well be described as an unprecedented natural disaster, and the negative impact is no less severe than a terrorist attack or a war.

Since the outbreak, the people have made endless complaints about the Government. Frankly speaking, the Government has been relatively slow in its

response to this SARS outbreak, resulting in its failure to curb the spread of the disease in time. For example, it failed to act timely in implementing the suspension of classes for students, putting the Amoy Gardens residents in quarantine, prohibiting relatives and friends from visiting patients of Ward 8A of the Prince of Wales Hospital, implementing quarantine checks at immigration checkpoints and providing sufficient protective gear for the medical and health care personnel. I think the Government should conduct a review on the spread of the epidemic, so as to learn from a lesson from this and prevent its recurrence in future. In fact, the experience of Hong Kong is very valuable, and we can certainly share it with other countries and territories in the future.

Atypical pneumonia has wreaked havoc in Hong Kong for more than a month. I think the most urgent task of the Government presently is to control the further spread of the disease, so as to restore the confidence of both Hong Kong people and investors. In our battle against atypical pneumonia, I have the following opinions: Firstly, the people, apart from maintaining their personal and household hygiene, should also maintain the cleanliness of the housing estates where they live. Therefore, they should not spit or litter in public areas. The owners' corporations and the management companies of the estates should play a supervisory role. They should give proper advice to residents who have acted against the regulations and clear illegal structures as soon as possible. Besides, efforts should be made to ensure that there are no leakage problems with the sewage pipes, waste water pipes or other pipings. Should any leakage occurs, immediate actions should be taken to repair them so as to avoid causing hygiene problems or even leading to the spread of the virus. Secondly, the people should follow the advice of the Government by ensuring the normal operation of the U-shaped water traps and pouring diluted bleach into the U-shaped water traps to perform disinfection on a regular basis. Thirdly, the people should regularly check whether pipings under the flooring have been damaged or blocked, thereby causing the sewage to flood above the floor level. Fourthly, sufficient disinfection facilities should be provided at crowded places such as shopping arcades, race courses, gymnasias and cinemas.

The four points mentioned above are contingency measures. However, I think that even if the outbreak has been subdued, the four measures should still be implemented because they can help to improve the overall hygiene condition in Hong Kong.

Besides, the seriousness of atypical pneumonia in the Mainland is no less severe than that in Hong Kong. If Hong Kong intends to control atypical pneumonia effectively, it must keep in very close contact with the Mainland and co-operate with it in a bid to prevent the spread of any epidemic in future, apart from implementing full preventive measures locally.

In the long run, we must start our fight against atypical pneumonia with the design of buildings. For example, when officers of the Buildings Department or Authorized Persons inspect the buildings, they should ascertain that the sewage and waste water should be channelled separately to sewage pipes and waste water pipes. And they must not allow the two types of effluent to be channelled to a single sewage pipe in the absence of any waste water piping. Meanwhile, a suitable distance should be maintained between domestic flats, so as to avoid creating the "chimney effect" caused by the excessive proximity among flats. In fact, I moved a motion three years ago to urge the Government to expedite a review of the outdated Buildings Ordinance, so as to endow new buildings with sufficient space and sunlight. While suitable arrangements should be made in the interest of the environment, less construction waste should be produced in the building process and efforts should be made to reduce the need for maintenance, and so on. However, the Government has been excessively slow in its response to these suggestions. I hope, after the SARS outbreak has been subdued, the Government could introduce amendments to the Buildings Ordinance as soon as possible, so that we can see the Ordinance, after the suitable amendments, can better meet the needs of our time.

Up to now, we still have no clues as to when the atypical pneumonia problem would actually be overcome. However, Hong Kong has been severely affected during the past month or so. Apart from the serious impact on our economy, the international reputation of Hong Kong has also been affected substantially. However, from a positive perspective, this incident has awoken our awareness of certain issues, such as the cleanliness of our streets and living environment. I think that if we can solve these problems and make improvement on them, we could possibly turn these crises into opportunities, thereby speeding up the economic recovery of Hong Kong. For example, a clean Hong Kong will definitely help to promote our tourism.

Hong Kong is the hub of economic activities in Asia. We would by no means be defeated by a single epidemic. We must face up to it bravely and tackle it with concerted effort. Lastly, may I once again pay tribute to the front-line medical and health care personnel and cleansing workers. I would like to urge the Government to provide them with sufficient protective gear to enable them to carry on with their battle against this epidemic. Let us hope that this nightmare will soon be over.

With these remarks, Madam Deputy, I support the motion and all the amendments. Thank you.

**MR SIN CHUNG-KAI** (in Cantonese): Madam Deputy, first of all, I would like to extend my gratitude to all the medical and health care personnel, the cleansing workers and all those people who are fighting Severe Acute Respiratory Syndrome (SARS) in Hong Kong for the effort and contribution they have made.

During the past month or so, as we fought this battle against the epidemic, changes occurred in the habits of the people and the mode of operation of businesses. For example, the people chose to do their shopping on the Internet in order to avoid going to crowded places; cyber learning enables students to "suspend classes without suspending learning"; and the Internet has enabled those people held in quarantine to stay in touch with the rest of the world.

In the commercial sector, some companies have imposed a travel ban — business trips and negotiations are replaced by video conferences, emails or e-commerce systems.

Certain enterprises have set up virtual offices or set up home offices in order to avoid their operations being interrupted by possible infection of their employees.

During this period, the excellent information technology (IT) facilities in Hong Kong have played a "cushion" role in minimizing the various impacts and interruptions caused by the outbreak of atypical pneumonia. Otherwise, the various trades and industries might face more problems, and there might be even greater chaos in society.

In spite of all this, after this incident, we must have at least realized three points:

First, the development of e-commerce is still not mature. As revealed by the experience gained in this incident, the application of e-commerce at the moment is still limited, not sufficient to take the place of the traditional mode of shopping or to assist the retail trades in surviving their difficult time.

Secondly, the small and medium enterprises (SMEs) are not fully competent in making use of IT. They do not have a good understanding of IT, especially on how to apply IT to enhance work efficiency, implement crisis management, strengthen the ability to cope with contingencies, readjust the external and internal operations and work flow of the companies and improve the quality of products.

Thirdly, there is insufficient support for Internet teaching. During the period of suspension of classes, Internet teaching may take over some of the roles of classroom teaching. I know that Internet teaching can really be implemented in some parts of the Mainland. Some of my colleagues, such as Dr YEUNG Sum and Dr LAW Chi-kwong, have been teaching through the Internet during the period of class suspension. However, many secondary or primary schools can only make use of the Internet to inform students of newly assigned homework. However, many people belonging to the middle/lower classes cannot read the homework released online. So, the parents have to collect the homework from the schools in person.

As there has not been any unified co-ordination on Internet teaching, and not every student has a computer at home or has Internet connection, coupled with the fact that the class suspension arrangement was implemented at very short notice, Internet teaching has not functioned with the best possible effect during the period of class suspension. Therefore, in an interview with the Secretary for Commerce, Industry and Technology, Mr Henry TANG, two weeks ago, the industry urged the Government to adopt more proactive policies, if necessary, to lure the community into making use of IT. By doing so, we shall be able to strengthen the potentials of society in making use of IT to tackle crises, enhance our competitiveness and assist Hong Kong to break away from the economic downturn.

Of course, as members of society, we also hope that we can contribute our IT knowledge as the support resources in the battle against atypical pneumonia. At the moment, certain organizations and companies in the industry are working hard to launch activities to assist the people to fight against atypical pneumonia. For example, the Hong Kong Computer Society has organized a Work@Home information technology support hotline jointly with Microsoft to provide technical support to individuals and enterprises. The hotline is intended to facilitate the employees to work at home, so as to maintain the normal operations of the enterprises.

The Internet Professionals Association is working with over 50 non-governmental organizations to launch an Internet platform for the release of positive and encouraging messages. This will strengthen the determination of the people to fight atypical pneumonia and help Hong Kong to rebuild its image.

The Internet and Telecommunications Association of Hong Kong is also working in conjunction with certain IT and communication companies to arrange for the donation of some Internet video platforms for use by hospitals. This will enable patients in quarantine and medical and health care personnel to meet their respective families over the Internet by using such facilities. In this way, they can feel the unceasing care and support of their families and the public.

These are the efforts made by the industry with the intention of boosting the morale of the medical and health care personnel, the patients, the people and the economy of Hong Kong. We hope the various sectors in society will each contribute their strengths, so that they can play their respective parts in the common battle as well as giving full play to their positive spirit of fighting against the adversity.

Next, I would like to turn my discussion in another direction so as to convey my view on the recent developments in connection with the outbreak of atypical pneumonia.

So far since the outbreak of the epidemic, more than 1 500 patients have been infected and more than 150 persons have died. Every day, there are new cases of infected medical and health care personnel. The infection rate is 20% strong. Mr YEUNG Yiu-chung cited earlier the experience of Shenzhen which

may have a low infection rate for medical and health care personnel. However, the infection rate state-wide is higher than that of Hong Kong. The figure released by the Ministry of Health of China is 22%. That is, if the figure released by China is accurate, then the infection rate of the medical and health care personnel in China is in fact proportionally higher than the rate in Hong Kong.

I still remember that, two months ago when the economy of Hong Kong started to show some signs of improvement, many institutions predicted that the local economy would have a growth of 2% to 3%. However, now it may be unavoidable that the forecasts would have to be adjusted downwards to reflect some negative growth.

The adverse impact caused by the epidemic on the economy of Hong Kong will not be short-term, nor will it be "one-off", as described by the Government. Instead, the impact will be long-term and far-reaching.

The various measures proposed by the Government last week are meant mainly to relieve the difficulties of various trades and industries affected by the epidemic. The Democratic Party supports providing financial assistance to the affected industries. We feel that many of such measures are "timely help" that could help the economic market which is on the brink of collapse.

However, we think the proposals of the Government have neglected the impact suffered by people of the lower classes. Some families receiving Comprehensive Social Security Assistance (CSSA) have also been seriously affected by the same epidemic because their expenditure has gone up considerably. It is because they have to buy some protective items such as masks and bleach to protect themselves against atypical pneumonia.

I hope the Health, Welfare and Food Bureau will give due attention to the people of the lower classes, especially the needs of CSSA recipients in this regard. I hope the underprivileged would not be neglected in this battle against atypical pneumonia.

I so submit.

**MR FREDERICK FUNG** (in Cantonese): Madam Deputy, the atypical pneumonia epidemic in Hong Kong is really mysterious, we will never know when it will end. But so far it has taken more than a hundred innocent lives. On the other hand, Severe Acute Respiratory Syndrome (SARS) has also further dampened the already weak economy of Hong Kong, affecting nearly all the trades and economic activities. Among the affected industries, the four major traditional categories of industries, namely, clothing, food, accommodation and travelling, have been substantially affected. Apart from this, industries that involve high spending such as the entertainment and tourist industries as well as some non-essential business activities have also been affected by SARS, thereby causing Hong Kong people to suffer from mental or psychological stress to the brink of a breakdown. Since SARS started to spread in Hong Kong in last month, it is easy for us to discover, either from press reports or our personal experience, that atypical pneumonia has brought about a complete change in the patterns of life and the habits of Hong Kong people — that we are extremely afraid of doing something as trivial as shaking hands with others, or as significant as attending a social function. It has also changed our city icon from a busy metropolis full of life and vigour to a city of fear marked by countless pairs of eyes behind masked faces.

On the other hand, the Hong Kong Association for Democracy and People's Livelihood (ADPL) and I think that, as a common saying goes, "A hero is the one who grasps the right opportunity." If the policy-makers of the Hong Kong Government can grasp the present opportunity to bring their courage, wisdom and vigour into play and lead Hong Kong people to walk out from the economic downturn and restore their confidence, then they can actually boost the morale of the people and help to make their own popularity surge to a new height. However, while the medical and health care personnel has yet to be able to sufficiently grasp the clinical data and case studies of this new virus, the people should assess the handling of the situation by the Government with an objective and impartial perspective. By adopting this principle, the ADPL and I think that improvement should be made to two points in the present battle against atypical pneumonia.

First, I think the Government has concealed certain facts in disseminating information on the epidemic situation. In the early stage of the outbreak, the Government had at least three opportunities to formulate more stringent surveillance and control measures to prevent the spread of the virus to the community. The first opportunity came on 17 March, that was the date when



the Dean of the Faculty of Medicine of The Chinese University of Hong Kong, Prof Sydney CHUNG, disclosed that at least 10 SARS patients under treatment in the Prince of Wales Hospital had come from the community. The second opportunity came on 19 March when the Metropole Hotel was confirmed by the Department of Health as one of the sources of the virus. And finally, the third opportunity came on 20 March when the media reported that the top management of the Hospital Authority had held a midnight emergency meeting to discuss the signs of a spread of the virus to the community. The ADPL and I think that if only the Government could be honest in admitting that the virus had already spread to the community, attach great significance to the trend, abandon the mentality of "not washing your dirty linen in public" and refrain from using such empty political pretexts as "individual cases" or "exceptional cases" to dilute the seriousness of the epidemic, the subsequent development of events might have been different. Even if the spread of the virus might not be contained completely, at least the possibility of a mass infection like the one in Amoy Gardens could have been reduced.

Secondly, the Government has been too slow in introducing measures to monitor the epidemic and tended to change its decisions frequently. Although the speed and scope of the spread of the virus could not be predicted, the Government should at least make some firm decisions in line with the expectations of the majority public, instead of making some late decisions which only contradict its own earlier decisions. Firstly, all along, the Government had thought that it would not be necessary to suspend classes. Yet all the secondary and primary schools as well as the parents thought differently. They went so far as to disallow their own children to go to school, thereby casting a vote of no-confidence on the Government. Secondly, the Government had been unwilling to disclose the list of SARS-infected buildings. However, even the Equal Opportunities Commission said that so doing would not involve any discrimination or violation of privacy. Subsequently, the Government changed its practice once again. In addition, the Government had been unwilling to put infected persons and their families in compulsory isolation. However, the isolation measures were eventually implemented in the wake of Amoy Gardens incident, and as it developed, the isolation was finally extended to the families of suspected patients of infection. Besides, the Government had been slow and hesitant in policy enforcement. This was the case when it implemented the health control at immigration checkpoints, and the same slow and hesitant attitude was seen again when it proceeded to purchase ultra-red body temperature checking devices. It was always like squeezing tooth paste — bit by bit. The

ADPL and I are most disappointed with this slow and hesitant attitude of the Government in implementing policies. In addition, I would like to remind the Government that the virus will not wait for you, nor will it wait for us. It is absolutely not possible for the policy-makers of the Government to do it "slowly and step by step, with careful thoughts and extensive consultation" all the time.

Madam Deputy, in fact, human lives are very precious. During this period of time, we have witnessed many medical and health care workers brave against fatal dangers because they had to take care of the patients. In spite of the dangers, they have continued to make use of their professional knowledge to serve the patients. We feel that this is really admirable. This is especially so for those infected medical and health care workers. Mr LAU Wing-kai sacrificed his own life in order to save the lives of others; he was really the most glorious and noblest example of professionalism. During this period of time, I have seen many Hong Kong people pay tribute to the medical and health care personnel, people working in hospitals and even the cleansing workers by sending them flowers, masks, oranges and even putting advertisements in the newspapers. However, I think that, apart from using words and praises to express our thanks, I would like to call on the people, as members of the community, use actions to express our gratitude. For actions, I mean we should take all the necessary preventive measures for ourselves, the households or the community, such as wearing masks, washing hands frequently, using public chopsticks and do not spit. I believe if we can reduce the number of SARS-infected patients by one patient, we will be able to reduce the pressure on the medical and health care personnel. I believe if we can reduce the number of SARS-infected patients by one patient, there will be less virus circulating in the hospitals. In this connection, I hope all of us can do a better job of our preventive work. Let us make more effort, and then there will be fewer people going to the hospitals. This is what I mean by supporting our medical and health care personnel by actions.

I can see that many organizations and the commercial sector have launched a lot of work in order to do the preventive and cleansing work well. We in the ADPL have motivated more than 100 organizations in the community to conduct major cleansing campaigns. We have organized a group of ambassadors for the prevention of atypical pneumonia and we would report hygiene black spots to the authorities, and so on. Our most significant purpose is to improve the hygiene level of the people through this promotional effort and the shocking education of their minds, so as to build a really healthy society, thus enabling us to live in a healthy community. Thank you, Madam Deputy.

**MS AUDREY EU** (in Cantonese): Madam Deputy, the outbreak of atypical pneumonia has presented a critical challenge to all the people of Hong Kong. It is however gratifying that most people in Hong Kong have adopted a very calm attitude in facing the crisis. We can see that, during the past two months, many people have sent their greetings to the front-line medical and health care personnel, patients and their families by making donations, sending condolence cards and placing newspaper advertisements. There are also people volunteering to help the elderly to clean up their homes, or distributing leaflets with information on the prevention of atypical pneumonia in the streets. All such scenes are good enough to make us take pride in them.

During the past two months, the medical and health care workers have been risking their own lives to look after the patients. Presently, altogether there are 358 medical and health care workers who have been infected by this virus. One of the nurses, Mr LAU Wing-kai, has unfortunately died of the disease. While they fully deserve our respect for their professionalism and dedication, many other employees, such as the cleansing workers, the caretakers of buildings, the government staff responsible for cleansing and disinfection and those taking care of people in quarantine and members of the disciplined forces, should also be recognized for their hard work as their workload has increased tremendously due to this epidemic.

Last week, the Government announced that it would set aside \$11.8 billion to implement a package of relief measures for the people. The motive behind the plan is commendable. However, the question is: Are such government measures most cost-effective? Can they really achieve the objective of relieving the difficulties of the people? Will the \$11.8 billion expenditure represent good value for money?

Madam Deputy, I wish to raise only one point. The Government has announced that it will return up to \$3,000 to each of the 1.3 million taxpayers with the intention of stimulating domestic consumption. But the problem is, as the people do not have any confidence in the economic prospects, and in addition, the Government has not withdrawn its decision of introducing tax increases, so, as reflected by media interviews, most of the people will save up this sum of money and the consumption market will probably benefit little from this.

As a matter of fact, in this epidemic outbreak, the people worst affected and those who deserve the most help are the patients, the unfortunate dead and their families, as well as those who lost their jobs due to the closure of their companies. Most of the taxpayers, as long as they can retain their own jobs, their livelihood will not be affected substantially. Therefore, instead of spending \$2.3 billion on a tax rebate to the people, I hope the Government can concentrate its resources on helping the above needy people.

As for other measures meant to help the business sector, such as waiving the rates, water charges, licence fees and guaranteed loans, and so on, the business sector will benefit very little from such measures as pointed out by many business people. Although commercial tenants in shopping complexes under the Housing Department have benefited from rent reductions ranging from 30% to 50%, most tenants of private shopping arcades have not been given the same treatment. Therefore, the operating cost has not dropped substantially.

In fact, from the perspective of business operators, whether they are willing to continue operating the business depends on their confidence in the prospects. The Managing Director of a major travel agency told a reporter in an interview that the Government could really revive the market only if it could control the epidemic. Otherwise, foreign tourists would not come to Hong Kong, and the consumer sentiments would remain weak, then even the employers would not have the confidence to carry on with their businesses. Should that happen, it would be all in vain no matter how much money the Government is willing to spend. Therefore, the most urgent task of the Government is to control the epidemic as soon as possible. Otherwise, it would be very difficult for the local economy to regain its vigour.

After learning this lesson, the Government should inject more resources into preventing and treating atypical pneumonia and other infectious diseases, strengthen the relevant medical research and public education, and ensure that the medical and health care personnel are given sufficient support and facilities. Besides, this epidemic outbreak has also revealed the poor hygiene conditions of local residential/commercial buildings as well as public places. In this connection, the Government should conduct a comprehensive review to find the fundamental remedies.

As for the plan of the Government to spend \$200 million to create 5 500 temporary jobs for cleansing the streets and providing household cleaning services for single elderly persons, Madam Deputy, I am absolutely supportive. However, the jobs are only temporary by nature. I think from a long-term perspective, particularly before the local public hygiene has improved considerably, the Government should not withdraw such a plan.

Madam Deputy, lastly, I would like to talk on the issue of social cohesion. Some people say that "SARS" can also mean "sustaining action for rejuvenating society", that is a sustained action that can rejuvenate society, that can make the people pool their strengths together in a crisis. A lot of organizations have launched many different projects. Although all the parties concerned are doing it with good intentions, duplication or even wastage of resources could take place, thereby denying them the best cost efficiency. For example, a certain type of protective clothing may be very good, but it has been said that this type of protective clothing is too stuffy, inconvenient and the wearer may easily be infected by virus in the course of taking off this clothing. Therefore, the medical and health care personnel in only one hospital are willing to use it on a trial basis. Madam Deputy, it is very difficult for the ordinary public to find out in what way help can be provided in the best or most cost-effective manner. For this reason, I hope that there can be a central organization to assume the role of a co-ordinator, which should not be taken up by the Government. Instead, a central organization should be in place to co-ordinate and centralize all non-government resources to help the needy. I believe it will be more desirable to do it this way. Former New York Mayor Rudy Gillian acted promptly to establish an unofficial victim family assistance centre right after the September 11 incident. A large number of volunteers were recruited within three months to provide services to more than 20 000 people, and within a short span of less than a year, \$155 million in donations was handed out to the surviving families of the deceased. This successful experience is a worthy lesson for us. I hope the Government can grasp the opportunity to set up a similar co-ordinating organization to pool the strengths of the people together and turn the crises into opportunities.

Thank you, Madam Deputy.

**MR WONG SING-CHI** (in Cantonese): Madam Deputy, since the outbreak of atypical pneumonia, we can see that, apart from some cases in which certain medical and health care workers have been infected by patients, one particular incident has aroused my concern, namely, the incident of mass infection that occurred in the Amoy Gardens. Through this incident, we can realize that environmental pollution and building designs could lead to a further spread of the virus. However, unfortunately, when we got the message, it had already cost us many valuable lives and the health of the residents of the Amoy Gardens. We deeply regret about this.

Therefore, we feel that it is necessary for us to fight the epidemic with joint efforts. But we should note one point, that is, the different items of necessary work are now separately handled by different departments. For example, the building management legislation and the formation of owners corporations are the terms of reference of the Home Affairs Department; illegal building structures are the responsibility of the Buildings Department; and other services, the co-ordination, operation, and so on, are probably handled by the District Councils. However, very often, such scattered responsibilities and work would easily give rise to arguments or waste of resources. If the Government still does not formulate a systematic co-ordination mechanism and allows different departments to work on their own, it would be a natural disaster further aggravated by human blunders.

Therefore, I feel that no matter the involved parties are government departments, owners' corporations, owners or residents, it is imperative for us to unite together to fight this common battle against the epidemic. We should co-ordinate with each other in order to give full play to the united strength of the community in fighting the predicament before us.

In the past, we could see that apart from the medical and health care personnel fighting hard in the battle against atypical pneumonia, many organizations mobilized volunteers to promote certain community projects such as cleansing campaigns, distribution of protective clothing to people of certain communities, and reminding members of the communities of the ways to protect themselves against the epidemic. I also see that, during the several days of holiday, the Government launched some hygiene-related work or conducted some group inspection visits. However, so far, it seems that those initiatives lack long-term and comprehensive co-ordination. In those few days, all we could see was some senior officials sweeping the streets in their suits, or four to

five or more than 10 celebrities gathering around a table to clean the same table top. They were just putting on a show. But after the show, we fail to see any concrete work being done to date, or they have done any concrete co-ordination or promotion work.

In fact, I know there are a lot of resources in the community. Many people have sufficient abilities and intelligence to work with the Government to effect some long-term or comprehensive management of a healthy environment in the future. However, at the moment, we cannot see any plan or any preparation to form such organizations. In fact, with the co-operation of the District Councils and the Government, many different non-governmental organizations could be established, and some joint organizations could be established to include non-governmental organizations and government departments. These organizations could involve everyone to work towards a common goal. In respect of the difficulties or crises confronting us now or in future, such organizations can join force to hold discussions on the formulation of concrete plans or arrangements in each of the different districts. If we can make each district, each resident or each community organization a starting point in the territory-wide battle against the epidemic or in the whole process of fighting against the difficulties, the effect will even be better.

However, today we cannot see any such arrangement ongoing. Therefore, I hope that, apart from the continued hard work on the part of medical and health care personnel, the relevant government departments can form community organizations in different districts as soon as possible, so that everyone can implement some caring work in his respective district — let us start working from basic cleanliness or other basic concerns, so as to enable the community as a whole to work from the basics in the fight against difficulties or crises.

Moreover, there are a lot of grass-roots people, especially the elderly, living in old buildings where management is lacking or the conditions of which are poor. These people do not have the means to immediately repair the buildings where they live. Nor have they established any owners' corporation, whereas the Government is not particularly concerned about them. I feel that some organizations should be established at the district level. By showing concern about the districts, the Government can help the residents to form owners' corporations which will manage such high-risk buildings. Under such circumstances, the spread of certain viruses may be pre-empted in time. Even

if the virus has spread, the Government can still curb it in time, thereby preventing it from spreading further without any control.

Therefore, in the whole process, I feel that the Government should work together with non-governmental organizations in performing some monitoring work. Now, we can see that the Housing Department has done a lot of work in cleansing. As for the details, many people seem to have started to realize that motivating members of the community to keep the environment hygienic or clean is also a good act that should be promoted actively, and this can also be considered a concrete plan. However, the Government appears to have done not enough to promote the cause. In the long run, apart from doing some health and hygiene-related work or work on the prevention of epidemic, I feel that the Government should have regard for different buildings in the community, or when the different communities are confronted by some concrete crises, it should work with the people to resolve such crises. Only by so doing will it be able to achieve better effects.

I so submit.

**MR LAU CHIN-SHEK** (in Cantonese): Madam Deputy, faced with the impact of atypical pneumonia, and considering what we, Hong Kong people, have experienced in this short period of time, we are indeed living in fear and feeling that the days wear on like years. We are afraid, because no one would ever expect that a mysterious virus of the century can, all of a sudden, affect the health and life of Hong Kong people as well as people in other parts of the world so seriously. We are shocked, because the spread and destructiveness of the atypical pneumonia virus are so horrifying. We are disturbed, for a continued increase in atypical pneumonia cases has seriously threatened the survival of many industries, smashing the rice bowls of many wage earners. We gasp in admiration, for we see that many medical and health care workers are making every effort to treat patients disregarding their own safety at this critical moment. We all are saddened, as we learn of successive deaths of the patients and the fact that even the medical and health care personnel cannot be spared, particularly as Mr LAU Wing-kai, who deserves the highest respect of all people in Hong Kong, passed away after contracting atypical pneumonia in the course of discharging his duties.



Madam Deputy, no doubt Hong Kong is faced with adversities. To be more accurate, what we face is not merely adversities, but a major crisis. I believe it is the wish of all Hong Kong people to see unity in the community as a whole, so as to overcome the adversities as soon as possible and to turn the crisis into opportunities as soon as possible! But from what I have seen recently, I cannot but sigh in grief, for our biggest "enemy" now is the absence of genuine solidarity!

Last week, Dr KO Wing-man sadly admitted in a radio interview that there were still inadequacies in their work. He said that if he, being a member of the management of the Hospital Authority, was asked to resign, it would be fine for him. I was utterly upset by Dr KO's remarks. I think Dr KO's words from the bottom of his heart and his attitude in response to the media precisely show the dire helplessness felt by a front-line medical worker who is sincerely dedicated to serving the public, who is wholeheartedly fighting atypical pneumonia at that moment! To quote Premier WEN Jiabao, and I think Dr KO Wing-man and many front-line workers also share this feeling: "I am now under immense pressure. Do you understand? Do the people understand?".

I can also see that many front-line medical and health care workers who are treating and taking care of patients infected by atypical pneumonia day and night are not only working in a dangerous environment. What is more, they cannot even see their families during this period of time, fearing that their families will be infected. More unnerving is that to date, the protective gear for medical and health care personnel has remained insufficient. I feel deeply distressed whenever I see and hear such workers complaining about this in tears. I think if those medical and health care personnel in the front line of the battle are on tenterhooks because they are not given sufficient support, how can we have sufficient strength to win this tough battle?

We all appreciate that at this critical moment, it is very important for us to unite and to be of one mind. To this end, the Government, colleagues of this Council, the medical and health care sector, medical schools of universities and all Hong Kong people must have a common goal and show mutual support and understanding to one another, setting aside their own interests and attitudes, rather than challenging one another and pointing the accusing finger at one another. This is not a "political show". Nor is this a time to pass the buck to others.

Madam Deputy, here, I have no intention to apportion blame. I only have very strong feelings. I can deeply feel that at this moment, the medical and health care workers who are fighting the battle in the front line and an overwhelming majority of the public hope for genuine "unity" in the community; they hope that everyone will work in concert and exert their utmost to fight the epidemic, so that Hong Kong can walk away from the crisis. At this moment, I hope we all can reflect on ourselves and ask: Have we tried our best and done everything we can? Have we listened seriously and responded to the voices and aspirations of front-line medical and health care personnel, patients and their families, and even the general public? Can we set aside differences and bias for the time being and rise to the challenge of atypical pneumonia together?

I can tell Members honestly that I am prepared to do whatever thing that can help the people of Hong Kong and help the fight against the epidemic, and I will be doing it with no regret and no turning back!

Madam Deputy, the surviving wife of the late Mr LAU Wing-kai of Tuen Mun Hospital, who died of atypical pneumonia as a result of infection in the course of discharging his duties, said something in a radio interview days ago. I was deeply touched by her words. Mrs LAU said, "Although my husband has died, I still wish to give the other colleagues working in the ICU (intensive care unit) a lift, because I know that the death of a colleague has dampened their morale. But I very much wish to take this opportunity to thank them.....". Madam Deputy, Mrs LAU, though in tears, still did not forget to boost the morale of the medical and health care personnel. This lofty, selfless spirit of Mrs LAU and her attitude of not putting the blame on other people also deserve our tribute to her. This spirit or attitude makes it all the more necessary for the Government to seriously think about how improvements can be made to the protective gear and employment terms of front-line medical and health care personnel.

Madam Deputy, among the 150 people who died of atypical pneumonia and some 1 500 patients infected by the disease, most are members of the general public. Their families are in great need of assistance. While the Government is willing to take measures to rescue the market, it should be all the more willing to save the people. Some sympathetic members of the business community have made contributions to set up a fund and entrusted the Director of Social Welfare to make grants to the bereaved families. I must remind the Government that it absolutely should not stay aloof from this. It should provide speedy, effective and substantive assistance to these families and patients.

As we toil through the adversities, we see perils and hardships, but we also see the bright side of humanity. May we, from these perils and hardships and the bright side of humanity, realize the importance of solidarity and join hands to overcome the plights before us. Hong Kong is my home, your home, our home!

Madam Deputy, I so submit.

**DR TANG SIU-TONG** (in Cantonese): Madam Deputy, atypical pneumonia is a new disease, and a common enemy of people all over the world. Yet, we do not know where our enemy is and who our enemy is. Nor do we know how to deal with this enemy. All we can do is to grope our way across the river, and for every step to be taken, we will be taking it in great fear. All we can do is to ensure good personal health and hygiene, to ensure that our homes are clean and to improve the community environment. Patients infected by the disease must be isolated for observation, in the hope that the source of the disease can be identified and the development of the disease duly followed up, while efforts are made at the same time to try out different methods to treat the patients.

However, it is absolutely not enough and inappropriate to rely solely on the relentless efforts of medical and health care personnel to battle against atypical pneumonia. To prevail over atypical pneumonia, both prevention and treatment are important and indispensable. Therefore, all Hong Kong people must earnestly take actions to adopt foolproof preventive measures against the epidemic. This must be suitably complemented by the Government's precautionary policy and efforts to strive for breakthroughs in treatment. Only in this way can we stand a chance of containing and preventing the calamities brought by the epidemic.

Atypical pneumonia is a very tall challenge to both the medical profession and the Government. Despite the fact that we now have a better understanding of the virus and the efforts of the medical and research personnel, many questions have yet to be answered. Insofar as the mode of transmission of the virus is concerned, all we can say now is that droplet infection is the predominant mode of transmission, but we still cannot rule out the possibility of transmission by other means. What are the reasons for the unusual spread of the virus in individual communities and buildings? Little has been known and so, it is very difficult to prevent the spread of the epidemic completely and effectively. The

problem is atypical pneumonia may become endemic in Hong Kong. We must be prepared to fight this disease continuously for a certain period of time in the future. As the characteristics of the virus remain largely unknown, I think the Government must do the following properly.

Firstly, the Government must expeditiously improve the hygiene standards of the community environment across the board by various means and measures. Indeed, the environment is one of the four factors prescribed by the World Health Organization (WHO) for lifting its travel advisory against Hong Kong. Of the many environmental factors, sewage disposal is the most important. At present, in many multi-storey buildings, particularly the older ones, dilapidated or cracked sewage pipes are very common. There are even cases of effluent leaking out to contaminate the podium or other parts of the common areas. This has virtually opened the door for the spread of viruses including the coronavirus. Therefore, the Government must urge owners or owners' corporations to properly repair and maintain their sewage pipes.

Some owners may have financial difficulties. I think the Government can consider extending the scope of funding under the Comprehensive Building Safety Improvement Loan Scheme to cover improvements to sewage disposal systems, in order to improve the overall environment of buildings. Nowadays, building safety does not only involve building structure, but also include a clean environment. Only when the relevant standards are upgraded can the chances of atypical pneumonia spreading in the community be reduced. Furthermore, building design must also be reconsidered. Hong Kong is a small place with a large population and densely-packed buildings. This offers lots of opportunities for the transmission of diseases. So, in approving new building designs, the Buildings Department should reconsider the environmental impact of the design of buildings.

In the meantime, the Housing Authority, being the owner of public rental housing estates, must also speed up its repairs of problem sewage pipes for tenants.

Certainly, whether it be improvement to home, building or community environment, the key is that the general public must remain highly vigilant at all times in the prevention of atypical pneumonia. There is no denying that there are still people who care about only the cleanliness of their own flats, but pay no attention to the environment outside their flats. Some even habitually throw

rubbish onto the street. In the light wells and hidden corners of many housing estates, there is rubbish thrown away by residents. But if all people are civic minded and do not litter, so that rats and cockroaches can find no place to breed, then naturally we can prevent the virus from being brought into the house. So, the Government must step up education on environmental hygiene at all levels of the community, in order to enhance civic-mindedness among the public, and it must also remind the public of not lowering their guard against atypical pneumonia even in view of a drop in the number of infections.

Madam Deputy, to fight this long-term battle against atypical pneumonia, the second area of work that the Government must do properly is a comprehensive upgrading of the protection of medical and health care personnel. Regarding the protection of medical workers from infection, there are still loopholes in the relevant measures. For example, the locations of hospitals treating atypical pneumonia patients are too scattered, thus making it more difficult to contain infection. Besides, as we have yet fully understood the mode of transmission and the incidence pattern of the disease, this has increased the chances of infection among medical workers. For instance, they risk being infected when intubating a patient to help the patient breathe. I urge the Government and the Hospital Authority (HA) to expeditiously enhance the protective measures and instructions for medical and health care personnel at all levels. Since the outbreak of the epidemic, the medical and health care personnel have made lots of contribution and sacrifices. The general public do not have the heart indeed to see them suffer even greater injuries and losses any longer.

Finally, I hope the Government of the Hong Kong Special Administrative Region can, at the central level, enhance co-ordination among endeavours to combat the epidemic on all fronts, thereby improving the work efficiency. For example, there are now more than a dozen of hotlines answering enquiries and providing counselling services in relation to atypical pneumonia. But if a member of the public only has to make one telephone call and he can then be put through to the suitable service agency by dedicated personnel, I believe it can provide suitable services for people in need more efficiently and quickly. Moreover, as many voluntary agencies and voluntary workers are keen to provide home cleaning services for the disadvantaged groups such as the elderly, more people in need can benefit from such services given greater support and enhanced co-ordination from the Government.

Madam Deputy, at this critical time when the whole community is fighting the epidemic, the Hong Kong Progressive Alliance considers that the community of Hong Kong should be more united and show more mutual understanding and care, focusing all attention on the battle against atypical pneumonia. I hope Members will not accuse one another because individual measures to fight the epidemic have failed to achieve the desired results, for this will not help the battle. The accusation by the media against Dr KO Wing-man, Acting Chief Executive of the HA, is unfair. I think the medical and health care personnel have earnestly fulfilled the HIPPOCRATES' Oath. They have been doing their utmost to deal with this unknown disease. There has been no "deserter", and nobody has asked for better terms of service on this ground. Their spirit of not fearing to make sacrifices deserves our sincere respect. I am deeply saddened by the death of Mr LAU Wing-kai, and I wish to express my heartfelt condolences to his families. For medical workers and other people who are still hospitalized, I sincerely wish them well and hope that they will recover soon.

Madam Deputy, I so submit.

**MR FRED LI** (in Cantonese): Madam Deputy, it has been a long time since I last took part in a debate without a script for my speech.

I would like to speak on a number of issues today. First, I must take this opportunity to pay tribute to workers in the isolation camp (because I have been to the gate of the isolation camp to visit residents of Block E of Amoy Gardens who are being isolated), particularly doctors from the Department of Health who are the highest persons-in-charge of the camp, as well as every member of the Civil Aid Service there. It is because they do not actually know where to begin their work or how to discharge their duties inside the isolation camp, and many residents will vent their emotions on them. Yet, they have faithfully fulfilled their duties without complaint, particularly doctors from the Department of Health, because it is basically a very difficult task to manage a camp. So, I wish to take this opportunity to pay tribute to them.

Second, about Block E of Amoy Gardens. Unfortunately, in my constituency there have been successive cases similar to what happened in Block E of Amoy Gardens. I think the decision to isolate residents of Block E of Amoy Gardens is very wrong. But this has nothing to do with whether or not

the residents should be isolated, and indeed, they should be isolated expeditiously. It is wrong because the residents should not be isolated *in situ*, and worse still, they had been isolated in Block E for over 24 hours. It is because when the epidemic broke out in Block E, it was suspected that the environment could be a factor. The report published subsequently also pointed out that such a large-scale outbreak has to do with environmental factors, such as the chimney effect, leakage at sewage pipes, a virus carrier having defecated there and thus causing the sewage pipes to be filled with virus, and so on. These findings show that residents who must stay in Block E for over 24 hours for isolation purposes were in great danger on that day. If they continued to take a bath or go to the toilet, they could be infected as a result. As the Government made it compulsory for the residents to be isolated in Block E, should the Government be held responsible if these residents were consequently infected? If they could be moved to the Lady MacLehose Holiday Village or Lei Yu Mun Holiday Village at the first instance, the problem of environmental contamination could be avoided instantly. I think the Government cannot shirk this responsibility, and I will pursue this matter, come what may.

Third, according to the information given to me at the meeting of the Panel on Health Services this morning, although so many medical workers have been infected from time to time, most of them do not come from the high-risk ICU (intensive care unit). The ICU is where the risk exposure is the highest because of the presence of the largest amount of virus. However, medical workers in the ICU do not constitute a majority of the infected staff. Also among the infected workers are health care assistants commonly called "aunts" and "sisters" who are merely responsible for serving tea and meals, and floor sweepers. Residents in my constituency complained to me in tears that as the Hospital Authority (HA) has outsourced the cleaning services, they are not considered staff of the HA or employees of the hospitals and yet, they still have to provide these services. They still have to clean the beds, floors and windows and carry out disinfection work. They go in and out of these high-risk places, but their need for protective gear has been neglected. Some of these cleaners have also been infected too, and the number is rising. Therefore, I think the Government cannot allow cleaning service contractors to decide on their own how well their employees should be protected on the ground that the cleaning services have been outsourced. At this extraordinary time, the Government and the HA should provide the best protective gear to these cleaners at the first opportunity, because their services are indispensable to hospitals.

In fact, medical workers who are exposed to a middle-to-low degree of risks are more vulnerable to contracting the virus. It is because some patients with invisible symptoms of Severe Acute Respiratory Syndrome (SARS) are admitted to the general wards, but the workers there are not provided with full protective gear. That is why quite a large number of medical workers in these wards have been infected. The fact is that they face even greater dangers than their counterparts working in higher-risk areas. For this reason, I think the HA and the Government must review the protective gear of all medical workers on a full scale, whether they are exposed to high, medium and low risks. Besides, it may be necessary to handle all invisible SARS patients as a high-risk group.

One final point. Recently, on behalf of small shop operators in the Amoy Shopping Arcade, I have been busy striving for a cut in rent by the landlord, the Hang Lung Group. The Amoy Shopping Arcade is the hardest hit among the many shopping arcades that have been seriously affected. The shop operators there have even registered zero turnover for several days, but they still have to pay a rent of more than \$100 per sq ft, on top of the air-conditioning charges, electricity tariffs and management fees. They will have to start paying their rents again at about this period of time. The 20-day rent-holiday period actually covered the 10 days when the whole shopping arcade had to be closed, which means that they could not do any business at all. So, the so-called rent-holiday period is actually less than 10 days, and the shopping arcade is just like a dead city now. If Members go there today, they can still feel that the place is but desolate. Shoppers only go to the two major supermarkets to buy daily necessities, and most will leave as soon as they can. On 19 April when the heads of the three Departments and 11 Bureaux were mobilized to clean up different parts of the territory on the Territory-wide Cleansing Day, none of them went to the Amoy Gardens. So far, not even one senior government official has visited Amoy Gardens to give some stimulus and encouragement and to express sympathy and solicitude to the residents. Are the senior officials also afraid of Amoy Gardens and so, they have to shy away from Amoy Gardens? They prefer to go to Telford Gardens, but dare not take a walk at Amoy Gardens. In this connection, I wish to call on the Government to have regard for Amoy Gardens in its measures to rescue the market. Since the Hang Lung Group still has not communicated with the shop operators effectively, I, being the



middleman, hope that the Government can urge these property developers, particularly the Hang Lung Group, to communicate more with shop operators, in order to come up with measures to alleviate the plights of the people and resolve the matter satisfactorily.

I so submit.

**MR LAU PING-CHEUNG** (in Cantonese): Madam Deputy, atypical pneumonia is caused by a new type of coronavirus. The impact of this new virus on Hong Kong is unprecedented. So, faced with this epidemic, we must stand united and everyone must do his part before we can succeed in curbing the spread of the virus.

The investigation into the outbreak at Amoy Gardens showed that the epidemic spread by four channels, two of which are related to building management and building design. For this reason, I would like to focus my discussion on building design, repairs and maintenance, and so on, hoping that the spread of the disease can be curbed through improvements to building design and maintenance.

The findings of the investigation showed that the epidemic had spread in Amoy Gardens mainly as a result of a virus carrier excreting the virus and hence spreading it to other flats via the sewage pipes of the building. In this process, as the U-trap between the sewage pipe of the flat and the exterior sewage pipe was dried up for various reasons, it failed to perform the function of blocking germs. Moreover, as there was a crack in the sewage pipe at the fourth floor, the foul water that leaked from the pipe then gasified and rose upwards, thus creating a chimney effect and infecting residents on the upper floors of the block. Meanwhile, since the virus could still be found inside the flats after disinfection by the Food and Environmental Hygiene Department, it is believed that the virus might be transmitted by cockroaches and rats. Madam Deputy, although the buildings at Amoy Gardens are rather old, a professional management company has been engaged to carry out repairs and maintenance and still, the conditions there are unsatisfactory. One could imagine the conditions of buildings in old districts where proper management is lacking.

On the 19th and 20th of this month, the Government launched the Territory-wide Cleansing Day to conduct cleansing campaigns throughout the territory. Government officials and the public were very united and made concerted efforts to clean public areas. But through the media camera we can still see that in some back alleys in Mong Kok, foul water keeps spurting out of the leaking sewage pipes of private buildings, flooding the entire alley. If these sewage pipes of private buildings are not properly repaired, it is indeed impossible to maintain a clean environment in public areas. More worrying is that the situation of sewage spurting out there is actually not very much different from, and might even be worse than, the case at Amoy Gardens. If a virus carrier lives in those buildings and when the virus subsequently shrouds the back alley through the sewage, any passer-by would stand a chance of infection.

As Members may recall, two years ago the Government, after some restructuring efforts, launched the Comprehensive Building Safety Improvement Loan Scheme with a total commitment of \$700 million. Many government departments have assisted buildings in old districts to carry out repairs at different levels. As at the end of March, over 5 000 applications have been received under this fund, of which 4 500 applications have been approved, with the amount of loans totalling some \$130 million. Although the result of the scheme is far better than in the past, in view of the acute epidemic, I think the Buildings Department should effect more active intervention in the repairs of these problem buildings. Where necessary, this fund should be utilized to carry out repairs for problem buildings first in order to curb the spread of the epidemic, and the costs can be recovered from the owners later. In the long term, the Government should reconsider requiring older buildings with poor management to carry out mandatory building inspection on a regular basis to ensure environmental hygiene and safety. While human rights are important, social and public hygiene should be more important (a point also mentioned by Mr Albert HO earlier). Through mandatory building inspection and mandatory rehabilitation, efforts can be stepped up to carry out repairs to public facilities in a timely manner, with a view to weakening the environmental hotbed for the spread of viruses.

Furthermore, the Government should further increase the strength in facilitating the formation of owners' corporations by buildings, so that dedicated personnel can be employed to oversee hygiene standards in the common areas of buildings. It is because, according to the experience of Amoy Gardens, pests such as cockroaches and rats are also culprits in the spread of the virus.

Madam Deputy, faced with atypical pneumonia, it is necessary to achieve solidarity among all members of the public, who should do their part properly to the extent they are capable of doing. We should at least maintain personal hygiene and a clean environment. Anyone who unfortunately has contracted atypical pneumonia, even if it is a case of suspected infection, should expeditiously seek medical treatment at the hospital. They must not evade treatment out of fear for the disease and conceal their conditions. Nor must they put all the blame on the medical and health care personnel or point their accusing fingers at anybody.

In the architectural profession, the Hong Kong Institute of Architects, Hong Kong Institute of Planners and Hong Kong Institute of Surveyors have mobilized their members to conduct studies and discussions of issues relating to building management and repairs, healthy building design, urban space, ventilation, daylight, and so on. Through these studies and discussions, it is hoped that the public will develop a more positive understanding of building design, repairs, and environmental hygiene. Moreover, the Hong Kong Institute of Surveyors has provided free advice on repairs for buildings in some old districts, particularly buildings with damaged sewage pipes, in order to assist owners to conduct repairs at their buildings promptly.

Madam Deputy, I am not a medical and health care worker, and I do not have the expertise to treat patients of atypical pneumonia direct. But I hope that all of us can give a boost to the spirit of front-line medical and health care personnel in a positive and supportive manner, rather than adding to the invisible pressure on them. I so submit.

**MR HENRY WU** (in Cantonese): Madam Deputy, this is the first time that I speak with a mask on my face at a meeting of the Legislative Council. I hope this is also the last time that I do so. I am convinced that had we put on a mask earlier and more correctly, the "calamities" brought by this outbreak of atypical pneumonia could have been ameliorated.

Although many colleagues have said the same things over and over again, I do not mind taking all the trouble to say this once again: I am very grateful to all the medical and health care personnel in Hong Kong and all organizations and people that have participated in the fight against atypical pneumonia.

Madam Deputy, the Princess Margaret Hospital is the first hospital with a governing committee in Hong Kong. As a former member of its governing committee, and an incumbent Trustee of the Queen Mary Hospital Charity Trust, I am all the more concerned about and saddened by cases of infection among staff of the Princess Margaret Hospital and Queen Mary Hospital.

Mr LAU Wing-kai, a nurse in Tuen Mun Hospital who contracted atypical pneumonia in the course of discharging his duties, died days ago. Dedicated and loyal to his duties, Mr LAU unfortunately contracted the disease in the course of rescuing a patient and passed away. I sincerely pay my highest respect to Mr LAU and wish to express my condolences to his families. The bravery of Mr and Mrs LAU, particularly as Mrs LAU can still come forth courageously to boost the spirit of her colleagues, has unreservedly demonstrated the lofty virtues of front-line medical workers who endeavour to heal the wounded and rescue the dying and make contribution selflessly. Their misfortunes remind us all the time to stand united more actively, in order to seriously fight our common enemy — atypical pneumonia.

In fact, since the outbreak of the epidemic in Hong Kong, at least 157 patients have died. I am greatly saddened by the unfortunate death of these people and here, I wish to express my heartfelt condolences to their families. Moreover, for those patients who are still hospitalized, particularly the 80-odd patients in the intensive care unit, I wish them early recovery. I also wish to say to them, "You must carry on fighting the disease actively and you will prevail. We are here supporting you!"

Although Hong Kong has not been able to completely curb the spread of atypical pneumonia in the community to date, this is because of mutations of the virus and the fact that we do not have thorough understanding of this new type of virus. Faced with this virus which has never been seen before, Hong Kong, like all other countries in the world, has been doing the best that it possibly can to fight this battle. Certainly, due to the limitations of a diversity of factors, we may not be able to achieve perfection in some areas. We do understand that where there are criticisms, there will be progress. But criticisms should be made with a fair and calm mind. It is correct only when we are accommodating and constructive in making the criticisms. Today, as the fight against the epidemic goes on, the contribution so arduously made by front-line medical workers and the efforts and co-operation of the community have begun to bear fruits. This is indeed encouraging and heartening.

However, at this critical time when the whole community is fighting the epidemic together, some people and media groups have not shown sympathy or understanding and worse still, they have hurled severe and harsh criticisms at other people. This, I think is inappropriate and unfair. These "nitpicking" criticisms will only deal a further blow to the morale of those people who are fighting the epidemic wholeheartedly in different sectors. At a time when they remain to be dedicated to serving the public despite the fact that they are tired out and cannot even go home after work, what they need is a boost to their spirit, and some encouragement and support from us, not our attacks on them! At this very critical moment, all Hong Kong people, all Chinese nationals, and even all people in the world should stand united and work together. We must set aside differences and conflicts, and only in this way can we overcome this new type of virus.

Madam Deputy, as we are faced with a new disease, the speedy mutation of the virus is the biggest headache to us. So, what we must do is to race against time. While we do our utmost to rescue and treat patients, we must at the same time expedite our research efforts. Meanwhile, we must ensure that front-line workers are adequately protected and that members of the public take an accurate attitude towards personal and environmental hygiene. With the multi-directional support of people from all sectors, I believe we can overcome this epidemic very soon.

Madam Deputy, once again, on behalf of all members of the financial services sector, I pay the highest tribute to all the medical and health care personnel in Hong Kong as well as organizations and people that have participated in fighting atypical pneumonia.

With these remarks, Madam Deputy, I support the motion of "The whole community battling against adversity" and the amendments.

**MISS CHOY SO-YUK** (in Cantonese): Madam Deputy, atypical pneumonia has become the only discussion topic of the Hong Kong community. Over the past two months, we have suffered badly as a result of the epidemic. Masks have almost become a necessity in our lives; restaurants and other catering establishments have been awfully quiet; the consumer market is in a recession; and people have refrained from travelling overseas for leisure or business. But as the saying goes, there are opportunities amidst crisis. Since the outbreak of

the epidemic, the Hong Kong community has lived up to the spirit of unity and mutual assistance. Everyone is of one heart and one mind. The outbreak has on the contrary given many people the opportunity to experience true care and kindheartedness for the first time. This has also made us realize that in this community of Hong Kong, apart from gilding the lily, there are also many touching stories about people offering assistance to others in distress and stories telling us that there are caring people around us.

Groups and groups of front-line medical and health care workers whose situation is most dangerous and who face the greatest challenge have not flinched from difficulties. Instead, they remain committed to performing the duties required of them, risking their own lives and doing everything they can to rescue patients. Their lofty virtues and professionalism have certainly won high praises from members of the public. Many enthusiastic institutions, organizations and people have also extended their helping hands spontaneously, initiating different kinds of actions to fight the epidemic, including charity bazaars, fund raising, distributing masks, donating gloves, giving out fruits, providing tutorials to students, arranging for social service referrals, and so on. These are instances of people helping and caring for each other in times of difficulties. What is more, this has completely changed the view of those people who have all along criticized Hong Kong people of being apathetic and caring only about their own business.

Madam Deputy, these actions are clearly showing the world that Hong Kong people, though an epidemic is lurking above us, have behaved in a mature way. We have not panicked. On the contrary, we have faced the reality courageously. We have taken positive steps to grasp information of the epidemic, and made the utmost effort to take preventive measures, while at the same time giving play to the spirit of mutual assistance and making an concerted effort to fight atypical pneumonia.

While care and support from various sectors of the community can help ameliorate the impact of the epidemic, the expertise of the medical and health care personnel and effective government measures are also indispensable to fighting the virus. The Government has set aside the mental burden of the fiscal deficit and made a provision of \$18 billion. This is an important step in easing the pain caused by the epidemic. No doubt there is still room for improvement in the Government's handling of the epidemic and its contingency measures. But at this unusual time, it is understandable for some problems to arise.

Furthermore, as our battle against the epidemic is still going on, the consensus in society now is to enhance social cohesion, create an atmosphere of unity and mutual support, and concentrate all of our efforts on resolving the crisis.

In the final analysis, the key lies in maintaining good personal and environmental hygiene, and this is the most effective way to fight the epidemic. Therefore, the Government can do more along this line. It can adopt a more resolute attitude and take all "atypical" steps to further increase the strength to combat the epidemic.

Madam Deputy, among the complaints received by me recently, many are about environmental hygiene. Broadly speaking, these complaints can be divided into several categories. They include complaints against garbage constantly accumulating and sewage unceasingly gushing out in common areas of buildings and back alleys, and many of the buildings involved do not have an owners' corporation, or the owners' corporation simply pays little attention to the hygiene standard. Other than this, many people have long been subject to the nuisance of roof leakage. Given that the test currently conducted by the Food and Environmental Hygiene Department by using colour powder is ineffective, if the residents on the upper floor are not co-operative, the residents downstairs who are affected by sewage will have no access to assistance. In the event that virus is transmitted via the sewage, disastrous consequences would be resulted. Moreover, another long-standing problem about which the public is gravely concerned is that many private streets are actually not governed by anyone. The hygiene standards there are deplorable and some have even degraded to become open garbage dumping grounds, posing serious hazards to the community environment.

To sum up, there are two reasons explaining why these problems have not yet been resolved effectively. The first is due to loopholes in the monitoring system; the other is that the procedures are too tardy, resulting in the continued deterioration of the problem. At this unusual time, the Government must respond to the needs of the time and understand clearly that health has now become an issue of the utmost public concern. The Government can seize the opportunity and take special measures immediately to stringently require all relevant parties to expeditiously carry out cleansing work properly. Those in breach of the requirements should be punished heavily as a deterrent. This can not only prevent the transmission of the virus effectively, but also thoroughly resolve problems that have accumulated for years, showing to the people that the

Government has the determination and ability to put local environmental hygiene onto the right track, thereby boosting public confidence in the governance of the Government.

Moreover, to stop the epidemic from continuing to wreak havoc, the Government can take practical and effective isolation measures in respect of suspected cases of infection. It must not arbitrarily and abruptly terminate measures that have been implemented when uncertainties still exist, for this might lead to more losses than gains, and would give atypical pneumonia a chance to revive. Madam Deputy, I very much agree that both the infected and suspected patients should be put together in the same hospital for treatment. This can not only facilitate management and focused treatment, but also effectively prevent the spread of the epidemic.

I so submit.

**MS CYD HO** (in Cantonese): Madam Deputy, one can invariably see the true side of a person in times of perils and difficulties. We have certainly seen the selfish and ignorant side, as some residents moved out of their flats after cases of infection had been confirmed in their buildings and subsequently spread the virus to their relatives and friends. They had also covered up their symptoms of possible infection, thus dragging themselves as well as others into trouble. But overall speaking, we should be proud of the performance of Hong Kong people. I also note that some residents have said openly that they should stay in their own flats pending arrangement of the Department of Health, because they do not wish to spread the virus to other people and so, they would face the 10-day isolation period calmly.

The overall performance of the medical and health care personnel, particularly the selfless spirit of a group of quality workers, has captured the hearts of all Hong Kong people. Experts of the World Health Organization (WHO) are probing into the virus. Local medical workers and academics are still working very hard today. The community is facing an unprecedented crisis. The authorities also have to make decisions within a short space of time, decisions that they have not made for a long time, such as suspension of classes, isolation, barring people from leaving Hong Kong, closing hospitals, and so on. These are actually decisions that cannot be made rashly. Whether or not the Government has sufficient statutory powers to take such measures, whether or



not these measures are acceptable to the people, and whether or not these measures should be taken are very difficult decisions to make. Any delay in making these decisions may have implications; taking one wrong step may cause fatal political consequences, but taking no action may create a great disaster to public health and hygiene. The outcome shows that the Administration has underestimated the trust of society and the people in the professionals and failed to grasp public sentiments and the actual situation, and that is why it has constantly failed to keep tabs on the public pulse. This, in fact, warrants our deep thoughts. Is it because our Government has been turning the clock back in many other aspects and divorcing from, and sometimes even being confrontational to the masses that it dared not take actions boldly when policies must be formulated decisively during this epidemic outbreak? Although the authorities have actually responded very promptly to public opinions in that many suggestions have been put into practice a few days after they were made, many inherent institutional problems have thus been revealed in the actual enforcement of the measures, inhibiting the relevant measures from achieving satisfactory results in many aspects in enforcement.

Take infection among medical and health care personnel as an example. In fact, there are several reasons for this.

Firstly, as pointed out by many people, it is because the middle management, driven by a cheese-paring mindset, had been frugal in the use of resources or materials. It turns out that this is due to a constant shortage of materials and so, the management personnel are concerned that the materials would be depleted soon. As a result, they dared not hand out the materials even though the materials had arrived in their hands. Insofar as this reason is concerned, the immediate cause is the human factor or the practices of individual managers, but the underlying cause is money.

The second reason is manpower shortage. Since 1998, the Hospital Authority (HA) has implemented the EPP, or the Enhanced Productivity Programme. Finally, as the EPP goes on, a reduction of 5% in resources has been achieved by cutting the number of staff, increasing services, outsourcing, downsizing, and so on, leaving behind nothing but a skeleton. The phenomenon that doctors are required to work long hours does not emerge only now. If doctors can work a normal number of hours and take holidays, substitution could be arranged even when several doctors fall sick. But if doctors are consistently required to work over 90 hours a week and may not

necessarily have a day off after working continuously for 30 days, it would be very difficult to arrange for substitutes when several doctors fall sick. This also boils down to the question of money.

Thirdly, overcrowdedness in wards. The WHO has stated that the HA had actually done a good job given the resource constraints, but a shortcoming is the shortage of isolation wards. Recently, at a meeting of the Public Works Subcommittee, we asked whether there was a standard distance between hospital beds in Hong Kong and how many feet apart should two beds be placed. The official from the HA replied at the time that there had been this standard since the time of NIGHTINGALE, adding that it should be three feet apart. Recently, I have had the opportunity of frequenting hospitals and I found that the distance between hospital beds is less than 20 inches. This again boils down to the question of money.

Fourthly, the mode of manpower training. In the past, training was provided by the HA and hospitals on their own. But now, under the policy of upgrading nurses to degree level, resources have been allocated to universities but the practical opportunities are not comprehensive. That is why we have heard nurses telephone radio stations to say that they had never worked in the intensive care unit. This had never happened in the past when training was undertaken by hospitals. This precisely shows that the Government's commitment for medical expenditure in the public sector is downright insufficient indeed. In this year's Budget, however, the Government further adopted a broad-brush approach to the neglect of the priorities of different policy areas by requiring all Policy Bureaux and departments to cut their expenditure by the same proportion. Now we have really come to realize that the public medical system is essential to Hong Kong. Despite a claimed interconnection between the private and public sectors, we can see from this incident that the role of private hospitals is not a match for that of the public medical system.

Therefore, after this incident, we must really address the role of the public medical system and its financing very seriously. In this incident, the medical and health care personnel are really like the medical workers depicted by Albert CAMUS, a Nobel Laureate in Literature, in *The Plague*. They have never intended to be heroes. All they have in mind is to faithfully perform their duties which they consider to be a matter of course. They have not boasted how they have made sacrifices to save others' lives. All they have in mind is to get their

job done which they consider to be a matter of course. However, our Government should provide sufficient resources to these exemplary medical workers for them to serve the people of Hong Kong.

Some people have compared this incident to the Black Death epidemic in Mediaeval Europe. This may be an exaggeration. But we are equally earnest in hoping that the Renaissance would follow. From this epidemic, we have seen problems with the medical system, environmental hygiene and building design, as well as problems in the relationship between individuals and society. As we have faced the threats of infection and death, everyone now cherishes life more. I hope that after the epidemic subsided, we can face the "Special Administrative Region syndrome" and atypical pneumonia together, and acquire knowledge to treat both diseases with a scientific attitude and eventually recover from both diseases. Thank you, Madam Deputy.

**MR JAMES TIEN** (in Cantonese): Madam Deputy, the Liberal Party fully supports the original motion of "The whole community battling against adversity" and all the amendments.

Madam Deputy, insofar as this atypical pneumonia incident is concerned, I think Hong Kong is a blessed piece of land. No catastrophic incidents have ever occurred here, and in this place of ours, there is no flood, earthquake, and so on. Therefore, faced with the current situation, many people and the Government may not be able to adapt to it at once. In this battle against atypical pneumonia, of course, I absolutely agree that we must express appreciation to the medical and health care personnel, as mentioned by those Honourable colleagues who have spoken before me. I wish to express my sincere gratitude to the medical and health care personnel for their sacrifices.

Certainly, we, being members of the business community, are concerned about the impact suffered by the business sector since the outbreak of atypical pneumonia, and many employees are also worried about losing their jobs. We may have to monitor the situation closely in this month or the next. Over the last couple of days, in the programme "Close Encounter of the Political Kind" (政事有心人) of the Hong Kong Commercial Radio, Mr WONG Yuk-man raised a question about how we could show sympathy and care to victims in this atypical pneumonia incident, as we know that as of today, 157 people have died and 1 589 people have contracted the disease, and while 791 of them have been

discharged from hospital, 798 people are still hospitalized. Certainly, within the Government there are many procedures and regulations. It may be difficult for the Government to instantly do something for these victims.

Yesterday, Mr Tommy CHEUNG drew my attention to the question of whether it was possible for the industrial and business sector to take the initiative to do something for people who died of the disease and those who have been infected. I made dozens of telephone calls this morning mostly to explore with the industrial and business sector the possibility of raising money to set up a fund, so that the families of the deceased can be given a sum of money and the families of those who are still hospitalized can also be granted some subsidies. For those who have been discharged from hospital but have yet fully recovered, as they may not be able to resume work immediately, the possibility of providing them with some money was also discussed. I am very glad to learn that friends from the industrial and business sector have responded very positively to this proposal. Sometimes when I ask for their assistance to do something for the sector or for the Liberal Party, I must do a lot of explaining before I can secure their support. But today, although I made only some 20 telephone calls, they responded very quickly.

(THE PRESIDENT resumed the Chair)

Yesterday, I discussed the details with Mrs LAM of the Social Welfare Department (SWD). Director LAM was of the view that if we could raise a certain amount of money, the SWD would be willing to vet applications and make payments on our behalf. We proposed that for cases of death, \$50,000 to \$200,000 would be granted for each case, subject to the decision of Director LAM of the SWD (Dr YEOH is also aware of this). The decision would rest with Director LAM and her colleagues. We also proposed a monthly allowance of \$3,000 to \$8,000 for people who are still hospitalized as well as those who have recovered for a period of three months. Certainly, the singletons will get less, whereas those with families may be granted \$8,000. We hope that this incident can be resolved three months later. The SWD was very modest, saying that since the money would be contributed by the industrial and business sector, the sector should set guidelines for the SWD to follow. I broadly explained our thoughts and ideas. As for the specific mode of operation, we certainly hope that the Government will handle it.

The business community has always acted promptly. I think it is most imperative to act quickly, and the criteria must be lenient. So, about two hours ago, I got in touch with Mr Raymond OR of the HSBC. Since tomorrow is a holiday, we will therefore open with the HSBC on Friday an account for the "Business Community Relief Fund for Victims of SARS" (specifying that it is for the "victims"). I believe the money will reach Director LAM next Monday.

Director LAM considered that it is good to involve more members of the business community, so as to gain more recognition from the community. So, we proposed a three-level scheme of donations — \$1 million, \$500,000 and \$250,000. The response has been quite unusual, because in the past when we solicited donations, more donors would make donations in smaller amounts, but with regard to this fund, those who donated \$1 million account for the largest number of donors, with less donors donating \$500,000 and the least number of donors donating \$250,000. So far, the industrial and business sector has already raised \$17 million for this fund. I mentioned this to Mrs LAM earlier on, and she said that with a fund of \$17 million, grants could be made in accordance with the criteria mentioned by me earlier. Certainly, the number of deaths may continue to rise. As to the question whether a case of death can still be granted \$50,000 to \$80,000, it would have to be decided by her then. Since the number of discharged patients now begins to rise, her view is that regarding discharged patients and patients in the course of recovery, she could more specifically look into whether the monthly subsidy should continue to be pitched at \$3,000 to \$8,000.

I must briefly mention something that I did at the suggestion of Director LAM. To make this move more credible and to drum up more support from the business community, I telephoned the Financial Secretary asking whether deduction could be granted for donations to this fund. The money in question is not much, and the business community might as well donate that 10-odd percent of money eventually. But I believe this can serve to enhance its credibility. Having thought about it for a while, the Financial Secretary endorsed the idea right away. Of course, he must talk to the Inland Revenue Department, but the Government has responded very quickly this time around.

Finally, Madam President, to conclude, that the Liberal Party and the industrial and business sector can get this done in one day is a token of care and support from the industrial and business sector. As stated in the original motion, all Hong Kong people must do their part, and I hope that the industrial and

business sector can take a leading role in caring for and supporting the victims. Thank you, Madam President.

**DR YEUNG SUM** (in Cantonese): Madam President, since mid-February when a mainland professor in medicine was admitted to the Kwong Wah Hospital, Hong Kong has been fighting against Severe Acute Respiratory Syndrome (SARS) for more than two months. The longer this battle drags on, the more losses to be suffered by Hong Kong in terms of lives, wealth and other areas. On the question of how much longer this battle will go on before we can prevail, the performance of the Administration, that is, our commander in this battle, is a decisive factor.

In battling against the epidemic, Hong Kong has a crack regiment in the front line, for the 50 000-odd front-line employees of the Hospital Authority (HA) have been dedicated to their work wholeheartedly over the last two months. All Hong Kong people very much appreciate their efforts and are grateful to them. The people of Hong Kong are also deeply saddened by the death of Mr LAU Wing-kai, a nurse of the Tuen Mun Hospital, who contracted SARS in the course of discharging his duties. Thanks to the efforts of front-line medical workers, we have made achievements of world standards very swiftly in respect of the identification of virus, diagnostic test, treatment protocol, and so on.

Nevertheless, the Administration has not provided adequate support for these front-line medical and health care personnel, and there have been problems in respect of resources, information, management, and so on, causing front-line workers to be exposed to a lot of dangers. As of yesterday, 23% of the 1 572 infected patients are front-line medical staff. Front-line medical workers dare not go home, and they are even not provided with sufficient protective gear when they rescue dying patients in the hospital. On 22 March, there was already a shortage of protective clothing at the Prince of Wales Hospital, but improvements were made only last week. Moreover, as SARS has tremendously increased the workload of the HA, the HA has required hospitals in various clusters to cut one third of their non-emergency services, and to use the resources so saved for handling SARS cases. At the meeting of the Panel on Health Services on 14 April, the Government undertook to purchase places from private hospitals. But this has not yet been realized. Nor has the Legislative Council received the funding application from the Government.

Apart from treatment at hospitals, preventive efforts at the community level are equally important. But in this regard, the Administration has again adopted stalling tactics. From 17 March when the Dean of the Faculty of Medicine of The Chinese University of Hong Kong said that SARS had already spread to the community to 10 April when home confinement was implemented by the Department of Health, there was a delay of three full weeks. The epidemic at Amoy Gardens reached its peak on 24 March, but the main findings of the investigation were published only on 17 April, and a full report has yet to be published so far.

In the battle against the epidemic, immigration control is an important line of defence, but this has proved to be the weakest link. In mid-February when news about an epidemic outbreak in Guangdong broke, the Administration said at the time that a notification mechanism was already in place. But the fact is that there were already SARS cases in November last year in Guangdong Province. The Government of the Hong Kong Special Administrative Region had all along been kept in the dark, and it was only in mid-April that an expert conference could be held in Guangdong. On the immigration front, as the epidemic in the Mainland has yet been brought under control, the screening of passengers arriving in Hong Kong is basically a very important area of work. But on 17 April, the measuring of the body temperature of passengers at the Airport was only applicable to people departing from Hong Kong. It was only on 24 April that the measuring of body temperature was applicable to people arriving in Hong Kong from the Mainland. However, the arrangement for installation of infra-red scanners for body temperature checking is still making slow progress, and full implementation will be possible only in mid-May.

Madam President, I have pointed out these delays by the authorities in fighting the epidemic not to bring up old scores again. In fact, the Democratic Party has no intention whatsoever to bring up old scores, as we have all along supported the Government in this battle against SARS. We only hope to identify the institutional problems, so that improvements can be made. From the work of the Government over the last few months, we can see that under the bureaucratic system of the Government, the responsible officials had been overly circumspect, invariably making detailed assessments in respect of all issues before they dared to take actions. At ordinary times, this may perhaps be considered a prudent approach.

But in times of a battle, this obviously does not work. In this battle, Hong Kong needs a competent, resolute and bold person who dares to take drastic steps to champion for a cause. It is true that the Chief Executive, Mr TUNG, is very hardworking, and he is very concerned about this issue. But in this fight against the epidemic, the public feels that Mr TUNG indeed lacks the ability to do what he wishes to do. On the contrary, the work progress has even been dragged down by his very involvement. The fact that he lacks an adequate understanding of the operation of various departments and different areas of medical work, but has intervened in everything, put forward unrealistic demands and rashly made overoptimistic remarks is more of a hindrance than help. Such being the case, why does he not let go, so that those with the ability can take up the job? For example, we have the well-experienced Mr Donald TSANG. Why can he not play an important role and be made responsible for handling this crisis? This is, in fact, an aspiration of the people. According to an opinion poll conducted by The Chinese University of Hong Kong, about 60% of the respondents considered that the Chief Executive absolutely could not be considered as having done his job properly insofar as his leadership in the fight against the epidemic is concerned. About 55% of the respondents even demanded his stepping down. If the Chief Executive very much likes to take part in it, and since he has the support of the Central Authorities, he should wholeheartedly dedicate himself to liaising with the Central Authorities, while the more concrete work could perhaps be passed down to his capable subordinates. This may be a better option.

Madam President, in this epidemic outbreak, we can see several important points. First, the medical policy of Hong Kong may require further reforms. Recently, the Government has actually placed strong emphasis on primary health care. But since the majority of the provision is spent on hospitals, resources for handling disease transmission, immunization and primary health care are basically far from adequate. Given frequent exchanges between people in Hong Kong and the mainlanders at present, the borders cannot be closed casually. This is something that we cannot and should not do. Therefore, how to make a good job of primary health care and disease prevention has become a very important issue. The Democratic Party proposes that the Government should expeditiously establish a disease prevention centre in the hope that similar incidents can be handled properly in future.

Furthermore, from this incident we also see the spirit of unity as mobilized by the community of Hong Kong, which is very encouraging in times of



adversities. However, the last point is that the people have come to see that when the performance of the Government, particularly the leader, is not up to the mark, Hong Kong people should be allowed to replace their leader by ballots through peaceful means, so that the Government's information and power to make decisions can be released to the community. Only in this way can the people see twilight amidst adversities. It is hoped that the Government can implement constitutional reforms as soon as possible, so that the people can choose their own leader by peaceful means.

Thank you, Madam President.

**MR CHAN KWOK-KEUNG** (in Cantonese): Madam President, the phrase "we shall overcome" has boosted the confidence of the people, making them all the more determined to fight against the disease. The whole community has responded enthusiastically. Even officials from the three Departments and 11 Bureaux have taken part in the cleaning up of districts. Everyone is working towards a common goal.

Although atypical pneumonia has claimed the valuable life of a male nurse, this cannot dampen our morale. On the contrary, the unreserved contribution made by him has awakened the concern of the community for the medical and health care personnel. Apart from thanking the many medical workers in words, we must take actions to show our support. The Legislative Council should urge the Government to provide sufficient protection for the medical and health care personnel all the time, such as sufficient protective clothing, masks, and cleansing products, and so on.

It was only after the death of a male nurse of the Tuen Mun Hospital that Mr FUNG Hong, the Cluster Chief Executive (New Territories East) of the Hospital Authority (HA), admitted that there had been a shortage of materials in the beginning, and that there had been cases in which the middle management had mistakenly withheld the protective gear for medical workers because they did not understand the situation. I hope this will not recur in future. I understand that the authorities have already been working tirelessly in this incident, but the safety of their staff should be given top priority. There should be no compromise, however small, on the ground of a shortage of materials.

Some time ago, the medical workers trade union under the Government Employees Association reflected to me that front-line primary medical workers had complained about the protection provided to them by hospitals. They considered that the management had not fully taken care of some non-professional medical staff of hospitals. In this connection, the trade union and I had a meeting with the Chairman of the HA, Dr LEONG Che-hung, to reflect their views. Finally, Dr LEONG undertook initially that the relevant primary medical workers would be taken care of.

Recently, the hospitals have to recruit a large number of ward assistants and ancillary health care personnel, who are mostly employed on contract terms. Although they do not have the professional qualifications of the general medical workers, they have contributed their efforts in this battle against the epidemic, so they hope that hospitals can treat them as part of the team. They hope that the Government will not only provide full protective gear to them, but also consider their needs and interest, rather than ignoring them because they are employed on a temporary basis. If these back-up workers show symptoms of infection, I hope the authorities can grant them paid leave. I understand that considerable resources have already been expended by hospitals. But these workers are also fighting in the battlefield. The authorities must not discriminate against them, and should, for the time being, put aside the budgetary concerns and grant them paid sick leave. Meanwhile, the HA should also grant its pregnant employees paid leave, and the decision should not be premised purely on the criteria of 13 weeks of pregnancy. I hope that even the most minimal impact on the pregnant employees can be avoided.

This epidemic is bearing down on us menacingly. This year is an extremity indeed. All the people have to pay a price for this epidemic. It is indeed necessary for the Government to dig into its pocket. So, I very much support the measures proposed by the Government to save the market at a cost of \$18 billion. The thousands of new jobs to be created are indeed a timely relief, providing job opportunities for domestic helpers, cleaners and construction workers. Linking cleaning with employment and household repairs with jobs can indeed kill two birds with one stone.

The retail, catering and tourism industries have asked their staff to take unpaid leave, which is tantamount to temporary suspension of work. As wage earners live from hand to mouth, what can they do? According to the views

reflected to us by trade unions, in the retail industry alone, almost all members of the industry must take two to three days of unpaid leave each month, and some are even paid only 70%, 80% or 90% of their salary.

Fortunately, the Government has made a provision to the Employees Retraining Board to provide 10 000 training places. Each trainee will be given a monthly study allowance of about \$4,000, in order to address the problem of unemployment or semi-unemployment in these industries. However, I hope the Government can expeditiously announce the eligibility and arrangement for receipt of this allowance, so that those people who are dismissed in the retail, tourism and catering industries will not have to wait for too long.

Insofar as this incident is concerned, the Government appreciates the seriousness of the matter and has therefore taken exceptional measures to save the economy. This is wise indeed. Particularly, the setting up of a guarantee fund to grant loans to small and medium enterprises so that they can pay their employees can prevent a surge of retrenchment and closure among catering establishments, retail shops, cinemas and karaokes, enabling employers and employees to ride out the difficulties together. This is indeed a measure of boundless beneficence. The epidemic has ravaged us like roaring winds and raging waves. Faced with the tough waves of atypical pneumonia, we must help each other for we are in the same boat. Employees and employers must forge a harmonious relationship. I urge employers not to come up with policies like reducing the contributions to Mandatory Provident Fund schemes or asking their employees to sign letters of undertaking at this time. They must work with their employees earnestly to reinvigorate the consumer market. Only in so doing can the problems be tackled at root. With the lips gone, the teeth will be cold. We must remember this lesson!

Thank you, Madam President.

**MR HOWARD YOUNG** (in Cantonese): Madam President, first of all, I would like to express my highest respect to people in the medical sector who have committed themselves to studying on tackling atypical pneumonia and the front-line medical and health care personnel in Hong Kong, particularly Mr LAU Wing-kai, a nursing officer who unfortunately died last week because of contracting the disease while taking care of patients.

Mr LAU's act has precisely reflected front-line workers' demonstration of their fearless sense of duty in the face of the deadly virus in taking care of each and every patient round the clock devotedly. They merit once again our heartfelt gratitude. I was most moved by Mr LAU's widow, who has not forgotten to, even in great grief, say words of encouragement to the colleagues of her and her late husband to remind them not to lose heart. She has fully demonstrated a most respectable virtue.

Equipment for the front-line warriors is crucial to winning the battle against atypical pneumonia. In order to win this epidemic of the century, I hope the Government can do whatever it can to provide front-line medical workers with adequate protective gear, enhance their protection against further infection and avoid dampening their morale.

As atypical pneumonia is a new virus, the medical sector was short of means against it initially and the number of infections rose at one point swiftly, leaving the public and tourists in a great panic. Consequently, overseas tourists stopped coming to Hong Kong, and the public dared not venture out and spend. Four major industries, namely tourism, catering, retail and entertainment, were hard hit, and their businesses dropped drastically. Meanwhile, a travel advisory was issued by the World Health Organization (WHO) against Hong Kong. Being one of the major economic pillars of Hong Kong, tourism suffered a severe blow. As a great number of tourists decided to seek a refund or postpone their trips, the turnover of travel agencies fell more than 80%, hotel occupancy dropped to less than 10%, and air passenger throughput fell more than 70%. Initially, the industry still harboured some hope for the golden week starting from 1 May. Its hope was completely dashed following the Mainland's announcement of abolishing the 1 May long holiday. Not only was inbound tourism affected, outbound tourism was harmed as well. Following the imposition of respective travel restrictions on Hong Kong travellers by Thailand, Malaysia and Taiwan, the entire industry was plunged into an unprecedented difficult situation.

As businesses were extremely bad, many operators who could not sustain any longer chose to wind up their businesses. In a bid to rescue themselves and save expenditure, enterprises were one after another forced to ask some of their staff to accept pay cuts or take turns in taking annual leave or unpaid leave. Some enterprises even opted to suspend business. Under the current economic situation, some fortunate employees are still given partial payment of wages.

Those who are not so fortunate can only live on their own savings. Let me quote the industry to which I belong as an example. The incomes of outbound tour leaders and inbound tour guides come mainly from tips from tourists. The meagre number of tours has made it difficult for them to support their living.

Mr James TIEN, Chairman of the Liberal Party, made the point that the \$17 million raised under the "Business Community Relief Fund for Victims of SARS" launched by him should be able to offer some measure of assistance to the family members of those who are directly affected or killed by atypical pneumonia. What about other people in Hong Kong? What can be done to help them?

I do agree that stimulating spending provides a way out to all industries, whether hard hit or not. This is also the theme of the "We Love Hong Kong Campaign" launched by the Tourism Coalition of Hong Kong this week for the purpose of encouraging people to spend. However, money is needed before we can spend, how can we go spending without money? Although a salary tax rebate proposal was announced by the Government as part of its initiatives to save the market last week, the amount of tax rebate is subject to a ceiling of \$3,000 and will not be released until August. When it comes to stimulating spending, I share Mr CHAN Kwok-keung's view that this is fundamental to the rescue attempt. However, my view is somewhat different when it comes to the Mandatory Provident Fund (MPF) schemes. I support the temporary suspension of MPF contribution, as this will relieve some of the pressure on employers and give employees more money to spend. It is even possible that an additional liquidity of between \$10 billion and \$20 billion will be made available for spending in the market. I believe this will have a positive effect on reviving the economy. Now that Hong Kong economy is like a pool of stagnant water. Taking self-salvation measures is the only way to extricate Hong Kong from this predicament. At the same time, we should encourage more people to go out for shopping and dining, watching movies and travelling. Tourism encompasses both inbound and outbound travels, which are essentially the same in the sense that they constitute some kind of spending. However, tourism can in turn stimulate Hong Kong economy, provide impetus to other industries, boost job opportunities, and prevent the economy from remaining stagnant. I hereby call on Honourable Members and other members of the community to take the lead to spend in the month of May, turning the lost golden week into a month for self-salvation.

Madam President, as Hong Kong and the Mainland are interdependent, we greatly support co-operation between China and Hong Kong in battling against atypical pneumonia. We are pleased to see that the Hong Kong Special Administrative Region Government has responded swiftly to the assistance offered by the Shenzhen Municipal Government in installing additional mainland-produced infrared temperature monitors at sea, land and air control points in a bid to boost the confidence of the international community in our quarantine and epidemic-battling efforts, and enable our community to expeditiously regain its vitality and resume our life and order to normal.

Madam President, I so submit.

**MR LEUNG FU-WAH** (in Cantonese): Madam President, all the people in Hong Kong have since mid-March been living in the shadow of Severe Acute Respiratory Syndrome (SARS), with every one of them constantly keeping a high degree of alertness. With wearing masks and frequently washing hands seemingly becoming a habit in the daily lives of the people, Hong Kong was dubbed "the city of masks". The epidemic, though not going far enough to knock Hong Kong out of control, has dealt an unprecedented blow internally to our public medical system, the community, the people's livelihood and economic activities, and externally to air transport, tourism, trade and commerce, and so on. In order to win this battle against SARS, we must rely on the provision of quality medical and health care services by front-line medical workers, and more importantly, on the solidarity, concerted efforts of the SAR Government and the whole community in order to achieve the target of battling against adversity.

As SARS wreaks havoc around the world, the number of global infections has so far exceeded 5 000, with the accumulated death toll passing 350. As for Hong Kong, the accumulated number of infections has exceeded 1 570, including some 350 medical workers, and a death toll exceeding 150. Several days ago, a 38-year-old male nurse working at the Tuen Mun Hospital became the first health care worker to die of SARS in the course of duty. While his death is regrettable, his passion for his work and his spirit of sacrificing himself to save others are admirable.

In addition to this nurse who has died unfortunately in the course of duty, tens of thousands of front-line medical workers are now making their best efforts in battling against SARS. Without showing the slightest intention to flinch from

this battle, they still guard their posts steadfastly, taking care of their patients attentively and providing them with the best services. As they are the vanguards of the current SARS battle, it is imperative that they be provided with adequate medical facilities and protective gear to ensure that they are free from SARS infection and that their morale in combating SARS is not to be dampened.

Furthermore, research staff at the two major universities in Hong Kong have, for the purpose of identifying the source of the epidemic and effective treatment protocol, devoted themselves in research round the clock, without any rest and sleep. I am very pleased that their research has borne fruit and proved to be immensely useful to us in understanding the outbreak of the epidemic and future treatment. Despite criticisms of the two universities having failed to undertake research jointly has led to wastage of resources or delay in research, we should understand that there are two sides to everything. As the saying goes, "no progress can be made without competition". The two universities have succeeded in identifying the virus in such a short time probably because of the competition between them to be the first one to crack it. Conversely, should their search be undertaken jointly in the absence of competition, it might not be able to bear fruit so swiftly.

In this battle against the disease, the entire Hospital Authority, including the management and front-line medical workers, albeit some of them are working in silence amid fear, worry and grievances, have indeed made their greatest efforts and demonstrated their spirit of sacrifice, and this is evident too all. At this moment, one must refrain from making criticisms and pursuing responsibilities, or linking everything to demands for constitutional changes, or solving everything by universal suffrage, or causing someone to step down to make way for a replacement. In doing so, not only will the morale of the SARS combat team be undermined, the confidence of the whole community to unite in battling SARS will be affected as well. People only know how to make typical demands to handle the atypical pneumonia incident will only give others the impression that they are "old-fashioned and stubborn". We object to the typical call made by Mr Howard YOUNG earlier for a suspension of MPF contribution.

In a bid to give relief to the serious blow dealt by SARS to the local economy, a \$11.8 billion relief package was announced by the SAR Government last week. Despite the criticism that, in comparison with the \$1 billion relief initiatives introduced by Singapore earlier, the relief package proposed by the

SAR Government has come too late, I consider it necessary for the Government to think carefully before introducing these measures. The introduction of measures in a hasty and rash manner will on the contrary not necessarily offer genuine assistance. I hope that, with the concerted efforts of the Government and the whole community, we can kick the SARS virus away from Hong Kong and the global community expeditiously. It is also my belief that Hong Kong economy can make a rapid recovery.

Madam President, Premier WEN Jiabao remarked to this effect yesterday, "I think we need understanding, support and solidarity, and this is more important than anything else! Perhaps we can better understand this after the disaster is over." After repeated questioning by reporters, the Premier reiterated, "I have said that what matters most at this moment is understanding! Support!"

I earnestly hope all members of the community can work in unity and give one another encouragement to ride out this once-in-a-century disaster.

Madam President, I so submit.

**DR LO WING-LOK** (in Cantonese): Madam President, people watching televised news late last night will definitely not forget in one news report that a chartered Dragonair flight parked on the apron at Chek Lap Kok and, after the door of the plane swung open, we waited for a very long time before seeing a medical worker in full gear and a little girl finally walked down hand in hand from the plane. I was deeply moved at that moment. It was the very thing all people in Hong Kong expected the SAR Government to do. Why? In times of danger, we expect the Government to take care of every member of the community. In this case, for instance, the Government has done everything possible to arrange for the little girl to be brought home from Taiwan. Hong Kong people will surely be extremely grateful to the Government if it can save us from perils.

Likewise, on the medical front, the people expect the Government to act as their last refuge. In times of peace and prosperity, we may not necessarily think in this way. At that time, people may expect the Government to satisfy all their medical needs, and probably the Government shares the same thinking too.



Our limited medical resources have therefore unknowingly dwindled as a result of the Government's determination to provide the public with a variety of medical services. This has caused problems to the persistently low-key public hygiene services and preventive medicine in terms of insufficient resources and limited development. When faced with the outbreak of a major disease and the necessity to play the role as the public's rescuer, the Government appears to be tired, exhausted, and somewhat confused.

Without the foundation of a strong and powerful public hygiene system, even if we had the biggest, perfect hospital system, we are merely building a castle on the sand. Comes the outbreak of a major disease, the whole castle might collapse because of the pressure thus brought. I hope this will not happen. This is now time we carried out the foundation grouting works for the castle to reinforce our medical and health sector. This is our priority task, not a long-term commitment. To control the spread of the disease, community-wide preventive work must be conducted and investigations carried out in society. Insufficient resources might affect the epidemic situation and prevent the disease from being brought under rapid control.

The Hospital Authority recently published some statistics and indicated that Hong Kong recorded the best figures in the world for the rate of infection among medical and health care personnel in Hong Kong was merely 20% of the total number of infections. The Hospital Authority was actually misleading the community. In some places, such as Singapore and Canada, their infection rates of medical and health care staff were 75% and 90% respectively. Why? Does this imply that preventive measures are particularly poor in Singapore and Canada? This is not the case. It is because both Singapore and Canada have succeeded in confining the disease to hospitals, with very few people in the community being infected. On the contrary, Hong Kong has failed to confine the outbreak of the disease to hospitals. As a result, there were massive outbreaks in the community. This is particular so in the case of Amoy Gardens, where a number of residents there have been infected. The contracting of the disease by members of the community has therefore resulted in the low infection rate of the medical workers against the total number of infected people. The far lower rate of infection of medical workers in Hong Kong compared to other countries indeed reflects a failure, not a success, of Hong Kong. I must appeal to the relevant parties to refrain, as they are used to, from packaging figures merely for the purpose of singing their own praises.

I would also like to say a few words about the heroes in our hearts: medical and health care personnel. Standing aloft on the altar, the medical workers find themselves carrying too heavy a burden. Being ordinary people, they do things that ordinary people do. It is just perfectly normal for them to discharge their duty faithfully in serving their patients. No one wants to be a hero. Actually, there is an even bigger wish in their hearts, that the public can understand what the medical treatment can bring. Treatment might not work perfectly and the result might not be as satisfactory as desired. In the event that the treatment does not work satisfactorily, medical workers hope the public can appreciate their difficulties and consider their situation with an open mind. Therefore, the medical workers do not really wish to be heroes. A community where a large number of people have to come forth as heroes is not going to be a peaceful community. I hope the community can regain peace expeditiously.

Thank you, Madam President.

**MRS SELINA CHOW** (in Cantonese): To begin with, Madam President, I would like to join other colleagues in expressing our unanimous gratitude to the medical and health care personnel in Hong Kong. Actually, not only have our medical and health care personnel earned the respect and admiration of the people of Hong Kong, the fighting ability of the people of Hong Kong as well as our frankness and courage have won high praises of people from faraway places such as the United States and other parts of the world. Owing to the atypical pneumonia incident, we have come to understand the philosophy of "one world" because viruses are no longer segregated by frontiers, culture or race. Nowadays, barriers between societies have completely broken down. The attitude of "showing no concern to things of no personal interest" can no longer exist. In retrospect, when the news about "vinegar boiling" and other stories breaking in Guangzhou was discussed in this Chamber a couple of months ago, we seemed to feel that it was so very distant and that it had nothing to do with us. Of course, we now understand that it is closely related to us indeed.

Madam President, I would like to say a few words on the role played and responsibilities assumed by the media throughout the incident. Hong Kong is a highly liberal society. Thanks to our liberal media, everything is more transparent in Hong Kong than in many places in the world. Even when the epidemic first started, there was news coverage of what happened in the Prince of Wales Hospital and infection of hospital staff. Actually, we understand that

the Government has adopted a very frank attitude. Although I share some colleagues' view that the Government seemed to have lacked foresight in handling certain matters, it has never concealed anything. Nor has it tried to hide the truth from the public. Members should recall that the Director of the relevant Bureau has been constantly explaining and reporting to the press right from the beginning. Following the same approach, our country has now caught up with us.

Though the media has enabled us to enjoy so much freedom in acquiring information, it has very often brought us panic and anxiety because of its manner of coverage. Members will feel increasingly anxious by just looking at those headlines, choice of words and styles of writing. Anyhow, I still believe Honourable Members, being a member of Hong Kong, prefer an extremely open media with a very high degree of transparency. I believe Hong Kong people share the same preference even though they are sometimes scared by the media.

However, we could not help asking this question when some people tried to express their thoughts or comments through the media: Are they making their analysis and comments in a fair and objective manner? In such a liberal society as Hong Kong, I absolutely agree that we should give play to our role as a critic and commentator, and this is crucial. However, there is now apparently a trend of "sacking someone". Since the Secretary, Dr YEOH Eng-kiong, was criticized by some people of failing in his duty, he had been confronted by the same question of whether or not he would resign every time he met with reporters. Recently, even Dr KO Wing-man was asked whether or not he would be sacked or would resign. It is indeed inconceivable that even the Hospital Authority cannot escape the bad luck of "being sacked". A Member of this Council has actually proposed to sack the Hospital Authority. Of course, someone will invariably hit a big headline when he raises a proposal to fire someone. I believe the proposal of "sacking the Hospital Authority" alone has been repeatedly shown 50 to 60 times on Cable TV.

Of course, I am not saying that the Hospital Authority has done a perfect job. I believe Honourable Members do have something to criticize the Hospital Authority. But can the problems be solved by simply "firing the Hospital Authority"? In my opinion, it is very easy to make the headlines by making a statement of "firing someone". But I consider this not constructive. I find it really strange that the Member in question might demand some people to be sacked one day. However, when those people proved to be useful on the

following day, he might say that it was no longer necessary for them to be sacked as they had proved their worth. Was he taking the matter too lightly?

Madam President, as a representative of the retail sector, I must say a few words on "rescuing the market". I very much support the initiatives swiftly proposed by the Government to rescue the market. However, I must state clearly that the retail sector does not consider the initiatives very useful. Just as Ms Audrey EU mentioned earlier, while the trade agrees that a tax rebate might in some measure help bring relief to the hardship of the people, it would not bring any serious benefit to the trade or encourage Hong Kong people to spend locally, so to speak. In this connection, I hope the Government can come up with good prescriptions to seriously address our ills.

Thank you, Madam President.

**MR NG LEUNG-SING** (in Cantonese): Madam President, without a doubt, it is impossible for this motion to go down on record without expressing our gratitude to all people and organizations taking part in fighting atypical pneumonia, particularly the medical and health care personnel. I would also like to take this opportunity to express my deepest condolences on the death of those people whose precious lives have been unfortunately claimed by Severe Acute Respiratory Syndrome (SARS), including medical workers who helped save the lives of others and rescue the injured.

To me and most of the people in Hong Kong, SARS is an unprecedented natural disaster and crisis. To effectively counter the invasion of the disease, all sectors of the community must work in solidarity and make concerted moves. To fight this battle that calls for no gun shots, the entire community must maintain the highest degree of alertness and mobilization. Our strategy must be premised as a matter of priority on curbing the disease rapidly and effectively. Undoubtedly, the epidemic has not only threatened the lives of the public, it has also dealt a serious blow to the economic activities of the community. It is therefore evidently imperative for appropriate measures to be introduced to provide financial relief and encourage spending. However, I must point out that, regardless of their effectiveness, these measures are only meant to stop bleeding temporarily. The fundamental cure lies in an all-out effort to bring the epidemic situation under control. Only when the epidemic is brought under

control can our socio-economic development be brought back to the right track. Without a hygienic and safe community and environment, the internal and external trade and commerce of Hong Kong will continue to be obstructed, making economic recovery even more unpredictable.

In performing its task, the Government should therefore follow the major direction of engaging primarily in battling the epidemic and offering financial reliefs as a supplementary measure. Despite the sign that the number of confirmed cases has slightly dropped recently, the Government must continue to strengthen its vigour and efficiency in fighting against the epidemic, make prudent judgement, complete its evaluation of contingency classification, and make good preparations for its contingency work. At the same time, it must not harbour any wish of counting on luck. It should even be prepared to sacrifice its short-term economic benefits. As Premier WEN Jiabao said, the outbreak and spread of the epidemic will unavoidably incur socio-economic losses. However, we must rightly address the matter by broadening our vision and not be mindful of short-term gains or losses. For instance, actions must be taken expeditiously to introduce strict quarantine measures at air, land and sea ports, and the confinement policy must be strictly enforced in communities, and so on. Such measures, albeit may affect the flow of passengers and goods as well as socio-economic activities temporarily, must be implemented expeditiously and unreservedly. At the same time, the Government must not make any attempt to water down the magnitude of the impact of the epidemic on the community. Nor can it relax its stringent preventive measures, publicity and education, for the sake of encouraging socio-economic activities to resume normal. Otherwise, the risks will only spread further. Despite recent disputes on the suspension of classes and teaching, I am still of the opinion that it is risky for secondary schools, primary schools and kindergartens alike to resume classes when there is insufficient data showing that the epidemic situation has obviously improved.

In addition to minimizing contact at community level, the Government must not relax its measures to quarantine, confine and track down suspected patients. On the contrary, the measures must be implemented as meticulously as possible and a strict approach should preferably be taken to prevent omission. Otherwise, the scope of infection in the community might expand further, thereby making it more difficult to trace the means of transmission and infection and to control the epidemic in concrete terms. Worse still, the pressure on the medical workers and medical facilities will increase too. We must understand

that both the community and hospitals are in the front line of this battle against the epidemic. To contain the spread of the epidemic in the most effective manner, we must rely on the joint efforts of the community and hospitals in taking a two-pronged approach to put in place a uniform mechanism to deploy manpower and resources in a systematic manner and formulate a comprehensive contingency plan. On the part of hospitals, the Hospital Authority must strengthen its ability as a co-ordinator and commander, prioritize and clarify the distribution of a variety of resources, make good preparations for contingency classification, introduce radical improvements to the environment and facilities of hospital wards, reduce the concentration of patients, and provide sufficient protection to the medical workers to ensure their safety. At the same time, measures must be taken to protect patients from cross-infection and, drawing on experience, provide against an unfortunate repeat of a sudden outbreak *en masse*.

As the spread of the epidemic knows no frontiers, co-operation among different places is most crucial. A letter jointly sent by me as a Hong Kong Deputy to the National People's Congress (NPC), the President of this Council and other Deputies was sent to the Chairman of the Standing Committee of the NPC in mid-March to call for strengthened reporting and co-operation between the Mainland and Hong Kong in the prevention and treatment of the disease was taken very seriously by the leadership of the Central Authorities. At present, various provinces, cities and autonomous regions in the Mainland have, building on their experience and lessons learnt, begun to tackle the epidemic with vigorous policies and measures. That the reporting mechanism is operating in an open and transparent manner is believed to be conducive to Hong Kong and the Mainland in making joint efforts to curb the disease. During a meeting with the Chief Executive, the Chinese President and Premier indicated that a variety of support could be provided. In this respect, the compatriots of the SAR can also feel the attention and care given to Hong Kong by the Motherland. The Mainland is so vast that there are bound to be differences between regions in terms of economic conditions. I believe Hong Kong as part of the Motherland should also play an active role in helping and complementing the Mainland in terms of sharing information, experience, skills, materials, capitals, and so on. After all, Hong Kong is inseparable from the Mainland as the two places share the same fate with respect to eliminating the epidemic, bringing our socio-economic development back to the right track, and so on.

Madam President, I so submit.

**MS EMILY LAU** (in Cantonese): Madam President, I rise to speak in support of Mr LAU Kong-wah's motion and the amendments proposed by Mr LEUNG Yiu-chung and Dr LAW Chi-kwong.

To begin with, as mentioned by other colleagues before, I have to join all Honourable Members in paying tribute to the medical and health care personnel for their great courage. Despite Dr LO Wing-lok's remark that they have no intention to be heroes, they have indeed done a lot for the community. No doubt the SAR Government, being not short of money, should have ample resources. Yet members of the public have been donating money very generously when fund-raising activities are conducted on the streets for the purchase of supplies for the medical and health care personnel. I am perfectly convinced that the SAR Government has ample resources, and that members of the public can pay tribute to the medical and health care personnel in other ways. I do not want the medical and health care staff to have an impression that the SAR Government is running out of money and that it has to raise money from the public for the purpose of purchasing masks, goggles and gowns. I believe such an impression is totally distorted.

Speaking of paying tribute to the medical and health care personnel, I agree with Mrs Selina CHOW who said earlier that this is not unique to Hong Kong. Madam President, I noticed during a recent overseas trip that the incident was reported with bold headlines in four European countries, with some newspapers having devoted several pages to cover the story in detail. Many people raised questions about this incident with great concern. Some of them even questioned (no doubt they considered our medical and health care personnel extremely courageous) why our medical and health care personnel were poorly equipped. Their questions were mainly concerned with the reasons for the poor provision of supplies like masks to the medical and health care staff. Some of them even remarked, "Why do they not stage a protest? Why do they not protest for being treated so poorly?" I believe the people of Hong Kong understand the reasons for this.

I also agree with Mrs Selina CHOW who said that the media in Hong Kong — even including the Secretary, Dr YEOH Eng-kiong, and other officials — have not tried to hide anything. The Mainland might have concealed many things, for a lot of data have yet to be published. Madam President, I think transparency is crucial. It will be impossible for us to win back the confidence of the public and the international community, if there is any

"indication" — let me quote this word used by Mrs Anson CHAN in reference to the airport fiasco — or if we do not tell the truth. Of course, apart from holding discussions with frankness, we must do our best as well. I personally see this incident as a catastrophe. This is the first time in decades that Hong Kong is plunged into such a miserable situation. Madam President, I hope we can exert our utmost, but that does not mean we cannot make criticisms.

Earlier on in the debate, a Member made an allusion to me for accusing the Secretary, Dr YEOH Eng-kiong, of failing in his duty. The incident actually took place on 26 March at a special meeting of the Finance Committee. The Secretary remarked on that day that an announcement would be made a couple of days later. It was nine o'clock in the morning. Most Members had not said a word, and I was still wearing a N95 mask. I asked the Secretary what he had done and added that people would consider him being negligent of duty should he fail to expeditiously disclose what had been done. The Secretary obviously had lost his temper no sooner than I finished my sentence.

I have no fear of accusing any person of failing in his duties. Nevertheless, Madam President, you do know my record. I firmly believe investigations are indispensable to every case and conclusions should not be drawn before the investigations are over. We must not try to incriminate someone immediately after making an accusation against him. For this reason, I personally hope that when the time is ripe — of course I am not talking about a very distant future — a thorough investigation can be conducted into this incident, not necessarily for the sole purpose of apportioning blame, to examine from a holistic angle why the matter has been handled in that way. Today, I was told by a member of the public that no more investigation would be required whatever happened to Hong Kong if no investigation was conducted into this incident. We may come back to this point later because this motion is not about investigation. I also believe some colleagues do not think it is now the right time to conduct an investigation. Yet I still consider the investigation essential.

It has recently come to my notice that the World Health Organization (WHO) — a lot of comments made by the WHO will be quoted — has praised Vietnam for being the first country to have successfully bring the epidemic under control. Why was Vietnam so successful? The answer is very simple: swift action. It is probably easier to do so in a totalitarian state. Yet I believe all countries, or even the SAR (I will not describe Hong Kong as democratic though it might be less totalitarian compared to certain countries), if confronted by a



formidable enemy, can take actions swiftly when necessary. Certainly, swift actions can hardly be taken if the Chief Executive is too circumspect with almost everything.

Madam President, under the accountability system which is now in place, the Chief Executive is accompanied by a crowd of accountable, principal officials. Under such circumstances, I believe we can, subject to this Council's support, tackle things jointly in a quicker manner. However, it has never occurred to me that the executive authorities have any intention to consult us when they plan to do something. Nothing like this has ever happened before. What has been done is Members from seven political parties taking swift actions to discuss the matter and make some suggestions. Why should such a clear line be drawn? I have repeatedly pointed out in this Council that, given full support, particularly support from this Council, even very difficult tasks can very often be accomplished. With confinement, for example, we raised the point that it was essential a long time ago.

Therefore, Madam President, I hope the SAR Government can learn a lesson from this incident. Just as Mr NG Leung-sing said, no one knows whether this incident will come to an end. In responding to the appeal made by Mr HUI Cheung-ching earlier for the Secretary to invite people from other parts of the world to visit Hong Kong, the Secretary offered the right answer by asking this question: How dare we ask other people to visit Hong Kong when every one of us is still wearing a mask? How can we expect people from abroad to have confidence in us while we lack confidence ourselves? As such, Madam President, I hope this incident can be settled expeditiously.

As Secretary Stephen IP is seated here in this Chamber, I must say that I hope the unemployment rate will not rise too high. Under such a difficult situation, I hope the SAR Government can do whatever it can to help the unemployed. While some people have been told to take leave, some have no idea whether they can ever get back to work again. This is a very extraordinary period. Many people consider the initiatives to rescue the market not enough. I hope there can be another opportunity for the seven or eight parties to sit down and talk. I also hope the Secretary can give us a satisfactory response. I so submit.

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

**MR CHAN KAM-LAM** (in Cantonese): Madam President, Amoy Gardens was once a focus of attention subsequent to the outbreak of atypical pneumonia in the community in mid-March. Being a District Council member of the district, I witnessed panic among the people and complete closure of businesses soon after a number of residents of Amoy Gardens had contracted the disease one after another. Like turning into a ghost town, the entire district was so miserable that one could hardly bear the sight of it. Fortunately, thanks to the series of efforts made, no more new cases were reported at Amoy Gardens, Lower Ngau Tau Kok Estate, Tung Tau Estate, and the entire Kwun Tong and Wong Tai Sin Districts over the past couple of days. We trust the Hospital Authority, all medical and health care personnel in Hong Kong and the medical schools of the two universities have done everything they can in conducting research on this new epidemic of the century and seeking treatment methods, and their efforts have made some measure of achievement. In this connection, the Democratic Alliance for Betterment of Hong Kong (DAB) would like to express our heartfelt gratitude to them. Our deepest condolences are also extended to members of the public as well as the medical and health care workers who have unfortunately died of the disease. At the same time, we wish recovering patients an early recovery.

Madam President, atypical pneumonia has caused far-reaching impact on Hong Kong and the rest of the world. In this battle against atypical pneumonia, different countries have used different tactics. While some have responded very quickly and vigorously, some have fought the battle calmly. As a prominent example, Malaysia adopted a blockage policy towards Hong Kong when the disease first broke out, because it simply did not want to see Hong Kong people carry the virus into Malaysia. It was not until the territory started to take the temperature of inbound and outbound travellers that Hong Kong people were once again allowed entry into Malaysia. Days ago, an extreme measure was taken by Taiwan quite suddenly and, as a result of that, a great deal of inconvenience had been caused to Hong Kong travellers arriving in Taiwan, who were ordered to put themselves into confinement. We were also told today that Hainan and Shanghai decided to adopt a segregation policy towards Hong Kong travellers. The DAB perfectly understands that some countries and places are prepared to take certain preventive measures to protect themselves. However, we think it is most important for preventive work to be carried out thoroughly. Having done this, the introduction of a blockage policy might become unwarranted. We would also like to recommend countries throughout the world to take joint measures to take the temperature of inbound and outbound travellers to prevent the disease from spreading among countries.

The DAB has been positive in confronting atypical pneumonia by doing a lot of work in various districts while the epidemic wreaks havoc in Hong Kong. As mentioned by Mr IP Kwok-him, Vice-chairman of the DAB, we distributed masks, bleach and disinfection napkins in the communities. We even launched a territory-wide cleansing day and, with the support of a great number of voluntary workers, we performed house cleansing for single elderly and handicapped persons. Even our Chairman and Vice-chairman took part in the cleansing work to help clean the homes of the elderly. When the epidemic first broke out at Amoy Gardens, we immediately convened a residents' meeting to urge residents to pay attention to their domestic and personal hygiene and co-operate with the management company of the housing estate to maintain the general cleanliness of the estate with a view to preventing the virus from spreading further in the community. As a token of our appreciation of the medical and health care personnel, we have ordered some protective gear as a gift to the Hospital Authority. Of course, we are very much concerned about the immunization work carried out in our neighbouring regions. In this connection, we visited Guangzhou and Shenzhen to learn more about their prevention work. Furthermore, we launched a campaign to call on the public to "prevent atypical pneumonia carefully and spend boldly". As for business operators affected by the epidemic, we adopted a pragmatic and rational approach to help them seek the understanding of their landlords and strive for rental concessions.

In sum, we feel that what we require is the concerted effort of all people in Hong Kong to battle against the epidemic. I find it extremely regrettable that during the two months since the outbreak of the epidemic, some people have failed to join the people of Hong Kong in fighting wholeheartedly against the disease. On the contrary, they calculated secretly how they could find excuses to criticize the Government. In particular, some people who sought to "act against China and stir up troubles in Hong Kong" tried to give impetus to the tide of "opposing everything the Government and Mr TUNG do" on the pretext of tackling the atypical pneumonia incident. Given the current circumstances, we are of the opinion that all mutual accusations, mutual suspicions and acts of dividing the community will not help the joint effort to battle against the epidemic and to tide Hong Kong over its difficulties. At this very moment, what matters most is for the people of Hong Kong to demonstrate their spirit of helping one another.

Recently, the tourism sector launched a promotional activity named "We love Hong Kong — the May 1 Golden Month" in a bid to encourage the people of Hong Kong to stay and spend in the territory to rescue the economy. This is a very good start, and the DAB is fully supportive. It was earlier reported by the media that a "SARS kamikaze" organized by the DAB made a deliberate attempt to go dining at Amoy Gardens. Actually, what we hoped to achieve was to send a message to the public that, so long as our personal hygiene and preventive work is properly done, our everyday social activities can be continued as usual without panic.

The number of atypical pneumonia cases has gradually dropped over the past couple of days. We are expecting the epidemic to go away expeditiously.

Thank you, Madam President.

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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you may now speak on the three amendments. You have up to five minutes to speak.

**MR LAU KONG-WAH** (in Cantonese): Madam President, today, all Members are unanimous in our expression of gratitude to the medical and health care personnel. I am also grateful to the three Members for proposing their amendments and adding their viewpoints. Meticulous as always, Dr LAW Chi-kwong has advocated the proper way of calling the virus. Astute as always, Mr LEUNG Yiu-chung has pointed out the inadequacies of the Government. Sentimental as always, Mr Michael MAK has spoken on the feelings of the medical workers.

The fact is that there can be no perfect strategy to fight a battle, and crises may elude even the prophet many a time. One should rightly be critical, but while well-intentioned criticism is advice, malicious comments are nothing but sarcasm. They cannot be of any help. In the face of this calamity, I sincerely hope that all in society, including the Members here, can rise to the adversity with one heart, one heart, one heart.

**SECRETARY FOR HEALTH, WELFARE AND FOOD:** Madam President, first of all, I would like to thank the Honourable LAU Kong-wah for moving this motion. Our community owes a lot to our medical and health personnel and we have our different ways to express our appreciation to them for so selflessly devoting themselves to the care of patients with Severe Acute Respiratory Syndrome (SARS). We are also most grateful to all members of the community and organizations who have taken part in the battle against SARS.

SARS has posed a major challenge to our health care system and to our community, probably being the greatest challenge in recent Hong Kong. We are faced with a hitherto unknown virus which, in the past 50 days, has a disastrous effect on all our aspects of life, infecting an increasing number of people in Hong Kong day after day. Worse still, over 300 of our health care workers are among the unfortunate victims of this illness.

Our health care workers have exemplified the best of the qualities of human kind. However, like every man and woman in the street, they are susceptible to the disease, but they have persevered in their work selflessly, devoting their efforts to caring for the sick. Many have even sacrificed their personal and family life by self-imposed confinement or living away from home, for fear of infecting family members in the unfortunate event that they themselves became infected. The ultimate sacrifice is serving with their lives. I would like to pay tribute to each and everyone of our colleagues working in the field and to Mr LAU Wing-kai for their contributions to the health and well-being of our community in their life-time.

Madam President, our health care workers not only have our moral support and words of appreciation, they have our total and full support in terms of resources. We have made available temporary quarters for front-line Hospital Authority (HA) staff who are involved in handling SARS cases. On 31 March 2003, the Administration proposed, and the Finance Committee approved, the allocation of \$200 million for treatment of SARS patients, strengthening infection control and public health education. The Chief Executive announced on 23 April that the Administration would seek the Finance Committee's approval to allocate \$1.3 billion for medical research and enhancing public health to control the disease, and another \$200 million to provide training on infectious disease control for health care professionals and assistance to health care staff infected with SARS.

A great deal of resources have been mobilized and devoted in the fight against SARS. Public hospitals have suspended non-urgent operations and some out-patient services. Physicians and nurses have been deployed from extended care hospitals to acute hospitals. Arrangements are being made to move some infirmity patients to convalescent institutions or homes. The HA has already designated about 3 000 non-intensive care beds for SARS patients and related uses. Some 1 300 doctors (28% of all the doctors in the HA) and 4 500 nurses (23% of all nurses) are currently engaged in taking care of patients with SARS. There are in addition also thousands of other health care workers who are involved in this fight against SARS.

To strengthen its health care team, the HA has been recruiting additional health care staff, both locally and overseas, with a major focus for professionals with intensive care experience and expertise. The HA has also been concluding early contract renewal with some of its medical staff in order to sustain the manpower resources.

The Government and the HA attach great importance to strengthening measures to protect health care staff in the fight against SARS. In this connection, the HA has been giving top priority and has made vigorous efforts to improve the ward environment to minimize cross-infection, ensure adequate supply of protective gear and step up infection control.

With the assistance of the Electrical and Mechanical Services Department and other experts, the HA has conducted a thorough examination of all the wards in use for treating SARS patients. The HA is conducting urgent enhancement works for wards with a view to improving the overall air-exchange rates, and altering the pattern of airflow. Side-rooms and operation theatres are being converted into a negative-pressure environment. Where appropriate, the layout of ward settings is being rearranged to reduce the risk of cross-infection.

Procurement of protective gear, such as goggles, masks, jackets and trousers, gowns, disposable caps and gloves, is centrally co-ordinated to ensure continuous supply and to meet demand in accordance with assessed priorities. The HA keeps stock of and procures higher level protective gear for use by staff in areas of higher risks.

The HA has also introduced measures to strengthen infection control training and enforcement, enhance monitoring of infection control practices

through a system of cluster-based infection control teams and hospital-based infection control wardens, facilitate experience sharing among health care staff, and step up surveillance on unsuspected cases in non-SARS wards. Measures to improve the safe use of medical equipment, such as the introduction of viral filters to resuscitation equipment, have also been introduced.

While we are providing appropriate medical care to those infected with SARS, an equally important task is to contain the spread of the disease through various preventive measures which involve early detection, proactive contact tracing, prompt home confinement and effective containment.

We have created an online notification system which enables the Department of Health (DH) to act as soon as the patient is suspected to have SARS to facilitate early detection and treatment of the household contacts of patients. The Commissioner of Police has also made available the information system which enables us to identify hot spots in the community and activates an investigation for environmental factors that will lead to outbreaks in the community.

To reduce the risk of further spreading of the disease in the community, as Members are aware, we announced on 10 April that all household contacts of confirmed SARS patients are required to confine themselves at home for monitoring and treatment up to a maximum of 10 days. Staff of the DH will conduct medical checks on these individuals confined to their homes and observe closely their health conditions. If they need assistance to meet their daily needs, the Social Welfare Department (SWD) and the Home Affairs Department will help.

From 25 April, we have extended the confinement to all household contacts of suspected SARS patients. We understand that this requirement may bring inconvenience to some families. However, it is necessary to broaden the coverage of home confinement at an early stage to reduce the risk of the disease spreading to a minimum. We also appeal to the community's understanding and forbearance as compliance with the home confinement requirement has so far been satisfactory.

Also as part of the Government's strategies to contain the spread of SARS, all outbound passengers departing at the Hong Kong International Airport were required to have their body temperature taken since 17 April. Any outbound

passengers with a body temperature of over 38 degrees Celsius is required to seek medical advice. Those with fever or symptoms suggestive of SARS are not permitted to board a plane. To further prevent the spread of SARS, with effect from 24 April, all inbound and transit passengers arriving at the airport are required to have their body temperature taken.

We have also started measuring the body temperature of inbound passengers arriving in Hong Kong via Hung Hom and Lo Wu with effect from 24 April. Starting from 26 April, passengers arriving at all immigration control points, including those at land border and ferry terminals, are required to have their body temperature taken. Moreover, Shenzhen and Hong Kong have each installed 15 infrared temperature scanners at both sides of Lo Wu Control Point on 26 April to screen incoming passengers. Each side will also install some 200 infrared temperature scanners at the immigration counters at all border control points to check the body temperature of all incoming passengers. The installation is expected to be completed by mid-May.

In addition to the above preventive measures, we have been promoting the public's awareness of their health and environmental hygiene by issuing health advice on preventive measures against SARS, including personal and environmental hygiene measures and how to increase one's immunity by adopting a healthy lifestyle. The public will continue to learn about these messages through various channels: press releases and articles in newspapers and magazines, television and radio, the Internet and widely distributed posters and pamphlets, including multilingual pamphlets for ethnic groups. We have also developed sector-specific guidelines for different sectors and building management companies to take the necessary precautions and to respond to reported cases appropriately.

We have set up a 24-hour health education hotline and a hotline designated to answer enquiries from the public. In collaboration with other organizations, we have organized health talks to keep the public informed of the disease and preventive measures and to allay their fears. To effectively contain the disease in the light of changing circumstances, we will provide new guidelines and services to the public whenever necessary.

The Government has also made every effort to disseminate information on SARS to members of the non-Chinese community in Hong Kong, in consultation with the consulates and local community organizations.



As a result, about 600 000 leaflets in the native languages of a number of nationalities were produced and distributed. The languages include Dutch, French, German, Hindi, Indonesian, Italian, Japanese, Korean, Malay, Nepali, Sinhala, Tagalog, Thai and Urdu.

In addition, arrangements were made for health messages in native languages to be broadcast on the radio.

To arouse the awareness of the public to the importance of environmental hygiene, and to clean up various environmental hygiene black spots, a mass scale community participation event, namely, the Territory-Wide Cleansing Day, was held on 19 and 20 April this year. The campaign, comprising over 70 operations and promotion activities, covered all districts and a variety of venues, engaging all sectors including government departments, local organizations and voluntary agencies. I would like to thank all members of the community, the District Councils and all organizations that participated in the event. It is obvious that the event has demonstrated the determination, the concerted effort and solidarity of the community in fighting the disease.

Proper building maintenance and management is essential to a safe and healthy environment. The Government has appealed to all the Owners' Corporations (OCs), owners' committees and residents' associations of private buildings as well as major property management companies to check the drainage works of their buildings or the buildings under their management to ensure that the works are well maintained. A set of guidelines has been issued to facilitate the maintenance and repair of drainage works. The Buildings Department (BD) will carry out audit checks on these buildings to ensure that the inspections arranged by OCs or management companies are properly carried out and any necessary repairs are followed up.

Staff of the BD have already commenced a survey on the drainage works of buildings without OCs or not under the management of a property management company. At the same time, they provide individual owners of the buildings with copies of the guidelines to help them carry out more detailed checks on the drainage works and sanitary fitments within their own buildings. If any defective drainage works are identified, they will require the building owners concerned to follow up the matter and carry out any necessary repairs. When warranted, the BD will carry out any necessary repair works in the first instance and recover the costs from the owners concerned afterwards. Owners

in need of financial assistance in carrying out the inspection or any necessary repairs of drainage works may apply for a loan under the Building Safety Loan Scheme.

We understand that some people, including some members of the public, those who have been infected with the disease, friends and families of those yet to recover, and certainly our doctors, nurses and health care workers, have experienced emotional distress in the last couple of weeks. To address their anxiety, we have arranged for clinical psychologists to provide advice on psychological management of SARS through the media, the SWD's website and various channels. They also produce psycho-educational materials targeted at the public and specific groups, including people under home confinement, service recipients of small group homes and rehabilitation centres, and those whose family members, friends or relatives have died of SARS.

Moreover, the SWD and non-governmental organizations (NGOs) have strengthened their hotline service to provide emotional support to those in need. NGOs providing children and youth welfare services offer support for students during the class suspension period. The SWD has drawn up specific guidelines for operators of welfare units to promote understanding of SARS and help its prevention.

Earlier this afternoon, in my reply to an oral question, I have explained the recent work of the Guangdong Province — Hong Kong Expert Group on Prevention and Treatment of Infectious Atypical Pneumonia. I will not repeat it here. Suffice it to say that exchange between the health authorities in the Mainland and Hong Kong has been and will continue to be accorded paramount importance. Also at his meeting with the Chief Executive, President HU pledged the Central Government's full support for any requirements that the Hong Kong Special Administrative Region may require from the Mainland.

Madam President, obviously it is very distressing for us when our health care workers get sick, especially in the context of Mr LAU Wing-kai who had suffered from SARS and died as a result of it. However, I can pledge that the Government will do all it can to ensure that we protect our health care staff from this very unfortunate infection. The Secretary for Economic Development and Labour will now speak on the package of relief and economic revival measures to help the community. Thank you.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, Secretary Dr YEOH has talked earlier on the government efforts in fighting SARS, and now I would like to add some remarks on the assistance provided by the Government to sectors hit by SARS. I would also like to make use of this occasion to pay my tribute and express my gratitude to the medical and health care workers of Hong Kong.

Since the outbreak of the epidemic in March, all trades and industries in Hong Kong have been adversely affected in one way or the other. The tourism, retail, catering and entertainment sectors are the hardest hit. Many small and medium enterprises (SMEs) have encountered cash-flow problems as their business suffers a significant downturn. Some have even been forced to close their business, hence adding to the number of unemployed people. In view of this, the Government has recently launched a package of relief measures to reduce business costs, increase temporary jobs and places for short-term training courses, provide loan guarantees, and so on. This multi-pronged approach taken by us is aimed at helping the affected employers and employees to tide over the difficulties.

With respect to lowering costs, the Government has announced a waiver of rates payments, reduction of water and sewage charges, and a reduction in trade effluent surcharge for a period ranging from one quarter to four months. There are also plans to lower the rentals for commercial tenants of public housing estates and other properties managed by government departments. Such catering establishments and retail stores will enjoy a 15% to 30% rent reduction. This will benefit restaurants, market stalls and retail outlets for a period of one quarter. This commercial rent concession will cost the Government \$1.09 billion. For the tourism, catering and entertainment sectors affected by the epidemic, as well as hawkers, taxis, minibuses, school buses and other coaches, we have proposed to waive their licensing fees for one year at a total cost of about \$280 million. To further reduce business costs, the Government will not propose any adjustment to various government fees and charges before the end of October this year.

In addition, the Financial Secretary and the Secretary for Housing, Planning and Lands have liaised with the developers' associations with a view to convincing them to take actions similar to those taken by the Government to help tenants who are caught in difficulties. Individual developers have responded and introduced relief measures. I have approached the two power companies

and the gas company and expressed the hope that they can take steps to help trades hit by the epidemic. I am glad that the gas company made a swift response yesterday in announcing that the deadline for tariff payment by their clients in the catering and hotel industries could be extended by two months. In other words, clients from these industries may pay their tariffs at the latest within 90 days. This will ease the pressure on these industries. I believe the two power companies will also give positive consideration to relief measures to help their clients in need.

Many other public corporations are taking steps to reduce the business costs of the trades and industries. For example, the Kowloon-Canton Railway Corporation has launched a three-month rent concession plan for commercial tenants along its railway lines. The Airport Authority announced last week that the charges for long-term aircraft parking would be reduced and airlines, airport retailers, caterers and franchisees would be granted interest-free deferred payment terms.

To ameliorate the unemployment problem and assist in the implementation of community-wide cleansing initiatives, we will create new jobs and training places at a cost of \$430 million. Measures in this respect include: first, 3 000 temporary street cleansing jobs will be created in the Food and Environmental Hygiene Department for six months to clean up Hong Kong at a cost of \$150 million; second, we will create 2 500 temporary environmental hygiene workers in non-government organizations (NGOs) to provide free cleaning service to the homes of needy elderly and the disabled, and the plan will last three months at a cost of \$50 million; third, we will create 2 000 temporary jobs in NGOs for three months to provide free minor maintenance and repairs services for the elderly and the disadvantaged, and the jobs costing some \$52 million will be offered to unemployed construction workers qualified to carry out minor maintenance and repairs works; and fourth, we will enhance the employment opportunities for 4 000 local domestic helpers (LDH) who have received training under the Employees Retraining Board (ERB)'s Integrated LDH Scheme at a cost of \$30 million and encourage them to take up cross-district jobs and in the evenings so as to minimize the mismatch in districts and work hours.

In addition, as the epidemic has dealt a serious blow to the catering, retail and tourism industries, many workers in these industries have become unemployed or are about to lose their jobs as business shows a serious downturn. Previously, these workers might wish to receive training and upgrade their skills,

but they were prevented from doing so due to their busy working schedule. For these workers who may be temporarily out of work and wish to upgrade their skills, the Government will provide, in the light of demands, special two-month tailor-made skills enhancement training to be run by the ERB and the Skills Upgrading Scheme Secretariat. Trainees will receive special allowances up to \$4,000 monthly for a period of two months. It is expected that about 10 000 employees who used to be employed in the catering, retail and tourism sectors before becoming unemployed will benefit from such courses. A total cost of \$150 million will be spent on this scheme. When all these measures are in place, a total of about 21 500 people will benefit.

We are very concerned about the large number of businesses which have encountered cash-flow problems owing to the significant business downturn since the SARS outbreak. We are convinced that employers should be assisted to tide over the difficulties so that massive closures and layoffs can be avoided. Therefore, we will introduce a Government-guaranteed Loan Scheme with a commitment of \$3.5 billion for sectors hardest-hit by the epidemic such as the tourism, catering and retail sectors, as well as cinemas and karaoke establishments. We will provide guarantees for short-term low-interest loans to the sectors for payment of employees' salaries, relieve temporary cash-flow problems and retaining the existing posts. Under the Scheme, the guarantee limit for restaurants and hotels is \$1 million, that for companies in the tourism sector is \$500,000; and that for retail establishments, cinemas and karaokes is \$300,000. Assuming the average monthly salary of each employee in these sectors is \$10,000, then the \$3.5 billion commitment of the Scheme can serve to cover the monthly salary of 100 000 employees for three months.

Some Members also mentioned earlier that some other sectors were also affected by the epidemic. They were of the view that the Government should devise some measures to help them tide over the difficulties. As we pointed out in the meeting of the Finance Committee held last week, our package of relief measures is especially designed for the four sectors hardest hit by the epidemic. As there are close to half a million workers in these four sectors, if no immediate relief is offered to them, many SMEs may close down or lay off their staff. The loans offered to these sectors can only be used for the payment of employees' salaries. The employers will need to meet other expenses themselves as we cannot be expected to take care of all the operating costs of companies in these four sectors.

In fact, representatives from certain sectors have engaged in talks with the related bureaux or departments on relief measures to be undertaken. The Environment, Transport and Works Bureau and other related departments have discussed with the transport sector and will soon come up with some contingency measures such as relaxing the no-stopping restrictions for taxis on some peak-hour clearways and shorten the general afternoon peak-hour no-stopping period. In addition, as the taxi trade has experienced a serious downturn in business since the epidemic outbreak, the Financial Secretary has taken the initiative to contact the banks to see if it is possible to allow for a repayment of the interest of the loans advanced to workers in the taxi trade minus the principal for a certain period. The Financial Secretary has met representatives from the banking sector on many occasions and expressed the hope that the banks can take actions to relieve the cash-flow problem of their clients who have run into financial hardship after the SARS outbreak. For my part, I met representatives from the hotel sector to listen to their views on how to relieve the difficulties confronting the sector.

Madam President, in times of adversity as these, the Government and all sectors should join hands to fight the epidemic. For employers and employees, they should be understanding and sympathetic to each other so that they can work together to tide over this difficult period. Like all Honourable Members, I call upon the people of Hong Kong to unite and take positive steps to overcome adversity. Together we can win this battle.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now invite Mr LEUNG Yiu-chung to move his amendment to the motion.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, I move that Mr LAU Kong-wah's motion be amended as printed on the Agenda.

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

"To add ", front-line cleansing workers" after "That this Council expresses gratitude to the medical and health care personnel"; to add "as the numbers of infections and deaths remain persistently high, and the

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

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEUNG Yiu-chung to Mr LAU Kong-wah's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Dr LAW Chi-kwong, as Mr LEUNG Yiu-chung's amendment has been passed, I have given you leave to revise the terms of your amendment, as set out in the paper which was circularized to Members on 29 April. In accordance with the House Committee's recommendation which I have also accepted, when you move your revised amendment, you have up to three minutes to explain the revised wording in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

**DR LAW CHI-KWONG** (in Cantonese): Madam President, I move that Mr LAU Kong-wah's motion, as amended by Mr LEUNG Yiu-chung, be further amended by my revised amendment, as set out in the paper which was circularized to Members on 29 April.

Madam President, the only small regret I have for this further amendment is that I cannot amend the term "atypical pneumonia" to "Severe Acute Respiratory Syndrome" because Mr LEUNG Yiu-chung also mentions the term "atypical pneumonia" in his amendment. However, for the purpose of records, I hope to make myself clear on that point in my speech, for I believe we all know that the atypical pneumonia that we are talking about is in fact Severe Acute Respiratory Syndrome.

As for the rest of my amendment, they are broadly similar to those in my original amendment to Mr LAU Kong-wah's motion. I hope that the Government can adopt some decisive measures to deal with the problem, such as the deployment of more medical and health care personnel to fight the epidemic; taking comprehensive measures to stop the further spread of the epidemic through; improving the maintenance and management of buildings; employing more staff; vigorously promoting health education and public hygiene work; and providing support and information for ethnic minorities, and so on. The above are the contents of the amendment proposed by me.



Thank you, Madam President. I hope Honourable Members can lend their support to my amendment.

**Dr LAW Chi-kwong moved the following further amendment to the motion as amended by Mr LEUNG Yiu-chung: (Translation)**

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

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Dr LAW Chi-kowng's amendment to Mr LAU Kong-wah's motion as amended by Mr LEUNG Yiu-chung, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Mr Michael MAK, as Mr LEUNG Yiu-chung's and Dr LAW Chi-kwong's amendments have been passed, I have given you leave to revise the terms of your amendment, as set out in the paper which was circularized to Members on 29 April. You have up to three minutes to explain the revised wording in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

**MR MICHAEL MAK** (in Cantonese): Madam President, I move that Mr LAU Kong-wah's motion as amended by Mr LEUNG Yiu-chung and Dr LAW Chi-kwong, be further amended by my revised amendment, as set out in the paper which was circularized to Members on 29 April.

Madam President, Honourable Members, I am glad ..... I should only say I am pleased, not I am glad, because Members who have spoken today are all fully supportive of our front-line medical and health care personnel in fighting the atypical pneumonia epidemic. On behalf of my constituents or front-line medical workers, I wish to tell Members that we will charge forward in the hope of winning this battle. We also hope Hong Kong will never get into the out-of-control and unprofessional situation now facing Taiwan. I ought to say we will definitely not let this happen. I am perfectly sure we can expeditiously win this battle.

My amendment mainly seeks to establish a research fund in order to gain a fuller understanding of and control the epidemic. Although the Secretary has indicated that a provision of \$1.3 billion will be set aside for the purpose of epidemic prevention and conducting relevant medical research, as well as strengthening public hygiene, the actual usage of the provision is still not clearly known. I hope the provision can function like a fund so that it can continue to accumulate. As we are now confronted with a new disease which is still not clearly understood, I hope the fund can enable constant research to be conducted on the means of transmission and methods of treatment. In particular, the research should focus on the present treatment protocol of combining Ribavirin with serum and hormone or steroid, the efficacy of Chinese medicine, and the development of vaccines. Alternatively, it may focus on the approach to be taken should the epidemic become endemic, as some people have warned, though I am aware that Dr LO Wing-lok thinks this is not going to happen.

Anyhow, I hope we know how to administer treatment to combat the virus in the event of an epidemic outbreak in the future to spare our medical and health care personnel from extreme suffering and harm, like they are experiencing at the moment.

Thank you, Madam President.

**Mr Michael MAK moved a further amendment to the motion as amended by Mr LEUNG Yiu-chung and Dr LAW Chi-kwong: (Translation)**

"To add "commit sufficient resources for front-line medical and health care personnel fighting the epidemic, to establish a research fund in order to further understand and control the epidemic, as well as to" after "this Council also urges the Government to"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr Michael MAK's amendment to Mr LAU Kong-wah's motion as amended by Mr LEUNG Yiu-chung and Dr LAW Chi-kwong, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you may now reply and you have up to four minutes 47 seconds.

**MR LAU KONG-WAH** (in Cantonese): Madam President, the motion proposed by me today has given Members an opportunity to express all of their feelings. My feeling is: Adversity is the true touchstone. At this critical moment, the only assistance we can offer is to curse less and encourage others more; and to criticize less and support others more. Curses and criticisms can also be transmitted by respiratory droplets, and they will only suppress and undermine morale; encouragement and support can however lead to solidarity and mutual assistance and boost morale.

I have a wish: All front-line personnel, management and even the Secretaries in command and the Chief Executive, in brief, the whole team, can persevere and fight on despite all the hindrances along the way. The people will support them wholeheartedly.

I have a dream: People can throw away with their masks as soon as possible, so that they can show their smiles to one another. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAU Kong-wah, as amended by Mr LEUNG Yiu-chung, Dr LAW Chi-kwong and Mr Michael MAK, 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): Honourable Members, it will be 10 pm in less than two minutes. Usually, I have to decide now whether or not to continue with the meeting today. Since I think that we will be able to finish the rest of the Agenda around midnight, and also since tomorrow will be 1 May, the Labour Day, I now rule that this Council shall continue with the meeting.

Second motion: Labour Day.

## LABOUR DAY

**MR LAU CHIN-SHEK** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

In the past month or so, atypical pneumonia has more or less impacted on the life of every citizen in Hong Kong. It has also become the focus of television and news coverage, and even conversations between family members, colleagues and friends. In fact, I did discuss with my colleagues from the Hong Kong Confederation of Trade Unions (CTU) after being allocated the time slot for today's motion debate on whether a motion on atypical pneumonia should be proposed. It was eventually decided that we should, as we usually did in past years, propose in this Council a motion on protecting workers' rights on the eve of Labour Day.

This decision was made not because the CTU considered atypical pneumonia unimportant. On the contrary, we consider tackling the epidemic a priority task for every member of the community. Nevertheless, we also believe preventive work must be properly carried out in order to prevail over atypical pneumonia. It is equally important that all people of Hong Kong must stand firmly at their posts and exert their utmost in order to prevent our daily life and the operation of the community from being knocked out by the virus. As Chairman of the CTU, I believe what is most needed to be done at this very moment is, as set out in the motion proposed today, to continue doing our best to promote the right to decent work.

Madam President, the notion of "decent work" was put forward at the 87th International Labour Conference in June 1999. To achieve the so-called right to "decent work" is to ensure that every individual, regardless of gender, race, colour, language, religion, social class and other status, can enjoy the right to reasonable work in conditions of freedom, equity and human dignity. In brief, "decent work" comprises four elements: first, full employment and development opportunities; second, basic labour rights; third, employees' rights and social protection commensurate with the level of economic development; and fourth, social dialogue.

Article 6 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to work and every government shall take appropriate steps to protect this right. In the opinion of the International Labour Organization (ILO), these steps should cover macro-economic policies and sound vocational guidance and training programmes. This is particularly necessary at the present moment when economic transformation is taking place and when the dualistic tendency of the labour market is worsening. There is thus an even more pressing need for the Government to provide training programmes, allowance for low-skilled workers with little promotional opportunities to enhance their employment and development opportunities.

Madam President, the second element of "decent work" is related to basic labour right, which is essentially composed of three parts. First, the core labour right as defined in the International Labour Conventions Nos. 87 and 98 is the right to freedom of association and collective bargaining; second, fair and equitable treatment, including protecting employees against unfair dismissal and employment discrimination because of such factors as age, gender, race, religion, disability, sexual inclination, and so on; and third, a secure and hygienic working environment.

Madam President, full employment does not necessarily guarantee the enjoyment of a reasonable standard of living by workers and their family members. The ILO considers that every government is duty-bound to take steps to ensure the enjoyment by workers of treatments and rights commensurate with the level of economic development, and to provide the needy with social security. These steps should include: first, ensuring the incomes of the workers are sufficient to meet their basic daily expenses; second, ensuring the work arrangements can balance the workers' family lives, personal development and other aptitudes, and the operational needs of enterprises; third, providing the sick

and workers suffering work-related injuries with income protection and living allowances; and fourth, providing financial support to unemployed workers.

The fourth element of "decent work" is related to social dialogue. Dialogue is not only an essential element in democratic societies, it helps employers and employees build up partnership, and is in itself also a means to achieving the other three elements constituting "decent work". Therefore, every government is duty-bound to give impetus to employers and employees as well as other interest groups at community, trade and enterprise levels to initiate dialogue for the purpose of resolving differences and reaching consensus.

Over the past couple of years, Madam President, Hong Kong has economy remained in the doldrums. We have been dealt unexpected blows one after another every time we thought the moment of darkness had gone and the dawn would soon appear. The disappointment, frustrations, helplessness and anxiety felt by wage earners in general are evident.

A number of workers have been thrown out of work as the unemployment rate rises again. Even for those who manage to keep their jobs, they may be required to face reduced wages, longer working hours, and even accept all sorts of unreasonable demands by their employers for the sake of retaining their rice bowls. Today, Hong Kong can be said to be experiencing a severe deficit of "decent work". This is also what we owe the workers in Hong Kong. At present, the Government's prime task is not to resolve its fiscal deficit, but to expeditiously reduce the "decent work" deficit.

Madam President, the atypical pneumonia may be horrible, yet, it has served to enlighten us that our own lives are essentially closely interwoven with the lives of others in the community. To prevent virus infection, we must not only do our part, but also care for the physical well-being of our loved ones. At the same time, we have to sincerely hope that every stranger in the community is free from infection, in the full knowledge that we are in the same boat. By the same token, the future and well-being of all of us, including employers, employees and people from whatever trade and business, are closely interwoven.

Madam President, I am always convinced that even though the wealthiest men in Hong Kong can be found on the chart of the richest men in the world, Hong Kong can still not claim itself to be well-off if we still have one worker who cannot make both ends meet because of an excessively low income. Even

if Hong Kong possesses the most advanced production equipment in the world, it can still not claim itself to be civilized if we still have one worker being forced to accept sweatshop-style conditions of work. Even if Hong Kong ranks first in terms of economic output, it can still not claim itself to be successful if this achievement is built on non-stop work of 12 or even 13 or 14 hours daily.

To promote "decent work" to ensure every individual can enjoy the right to reasonable work in conditions of freedom, equity and human dignity should be the common goal for by every member of the community.

Madam President, I understand not every Member in this Council agrees entirely to all the elements embodied in the notion of "decent work". However, I do believe no Member completely denies this notion. In fact, Hong Kong has done quite good in certain aspects such as disease and work injury protection. In some other aspects, a consensus has been reached in principle among members of the community, only that there is still divergence in terms of the details and timetable of implementation in the provision of a secure and hygienic working environment. As for other aspects such as collective bargaining, the minimum wage and regulation of working hours, and so on, Madam President, I do not expect all contradictions can be resolved in a single motion debate. But still I hope today's debate represents the first significant step towards opening a dialogue on "decent work".

Madam President, I so submit.

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

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

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

**PRESIDENT** (in Cantonese): Mr LEUNG Fu-wah will move an amendment to this motion. Mr Andrew CHENG will move an amendment to Mr LEUNG Fu-wah's amendment. The two amendments have been printed on the Agenda.



The motion, the amendment, and the amendment to amendment will now be debated together in a joint debate.

**PRESIDENT** (in Cantonese): I will first call upon Mr LEUNG Fu-wah to speak and move his amendment to the motion. Then, I will call upon Mr Andrew CHENG to speak and move his amendment to Mr LEUNG Fu-wah's amendment. Members may then debate the motion and the amendments. After Members have spoken, I will first put Mr Andrew CHENG's amendment to Mr LEUNG Fu-wah's amendment to vote. Then, depending on the result of the vote, I will put Mr LEUNG Fu-wah's amendment, either in its original form or in the amended form, to vote.

I now call upon Mr LEUNG Fu-wah to speak and move his amendment.

**MR LEUNG FU-WAH** (in Cantonese): Madam President, I must first state clearly that I have sought to amend the wordings of Mr LAU Chin-shek's motion not because I oppose his motion. I do so merely because I wish to make a motion which has been discussed by the ILO for years more specific and localized. It might be for the same reason that Mr Andrew CHENG seeks to introduce an amendment to mine. What he has actually done is to elaborate the details of Mr LAU Chin-shek's motion in a more concrete manner. I support the original motion and the amendment in its amended form.

Madam President, a similar motion was moved by me on the eve of Labour Day in the past two years in a row. On 24 April 2002, I moved a motion on "safeguarding the reasonable and legitimate rights and interests of employees" to call on the Labour Department (LD) to take positive measures, including better performing its role as a law enforcement agent by strengthening law enforcement and punishing employers contravening the Employment Ordinance to ensure the legitimate rights and interests of employees are protected. According to a follow-up report compiled by the Administration, in the first quarter of this year, 104 prosecutions were instituted by the LD against employers for defaulting on payments of wages. In 2002, that is, the whole of last year, there were 198 such cases, representing an increase of 85% over 2001. The authorities concerned have described this prosecution policy as "resolute". Doubtless, this represents the highest figure of prosecutions ever instituted by the

LD against default on payments of wages. Let us refer to the following figures: in 2002, the LD handled 35 254 labour dispute cases and claims. As stated before, 139 out of 198 cases of prosecution against defaulted payment of wages were successful. In 2001, the number of labour dispute cases handled by the LD stood at an equally high level of more than 31 000. However, only 75 summons were issued that year and the figure was obviously less than last year. Therefore, the 198 cases truly represent a peak. It is hardly convincing that only less than 1% of employers involved in the 30 000-odd labour dispute cases handled in the past several years contravened the law. Labour unions certainly support the Administration's claim that "the Labour Department attaches great importance to cases of contravention related to default wages". At the same time, it is hoped that the LD can, without wronging or conniving anyone, perform its role in law enforcement in a practical manner.

Madam President, an imbalance has emerged in the supply and demand situation in the course of economic transformation. Due to the impact the recent outbreak of atypical pneumonia, Hong Kong economy has been badly hit, with unemployment and underemployment continuing to worsen. Consequently, much unfairness and unreasonableness, such as strengthened labour intensity, indefinite work stoppage, reduced pay and benefits, and so on, has been further brought into light. It has always been the case that the rights of grass-roots employees will bear the brunt of economic depression. With retrenchment, pay cuts and reduced benefits becoming commonplace, there is an increasingly prominent tendency for employees of such industries as construction, storage and terminal, transport, and so on, to be forced to become self-employed, making it impossible for them to enjoy the most basic labour protection under the Employment Ordinance. Here I would like to share with Honourable Members a variety of cases received by labour unions in which injustice is not redressed. In one example, a dozen drivers responsible for providing a major supermarket with delivery service were required to provide vehicles, pay for the fuel, and even deliver goods to customers. What can they do to make their claims now that the subcontractor has disappeared? There is no responsibility on the part of the supermarket because the service has been outsourced, and there is no employment relationship between the supermarket and the drivers. According to the contractor awarded the outsourced service by the supermarket, however, it has no relations whatsoever with the drivers because the service has been outsourced to the "disappeared" subcontractor and the company is totally unrelated to the incident. Naturally, such a contractorship has nothing to do

with the LD. Actually, the drivers can earn only \$20 or so per order after deducting all the costs and expenses involved. Although we managed to get in touch with the sub-contractor after 10 days or so, and the drivers finally managed to get back the money owed them, such a backward labour situation in which, despite all those worries, there is no guarantee of returns is emerging in society. Moreover, this tendency is becoming increasingly prevalent among an increasingly number of industries and trades.

Let me cite cargo handling by barges as another example. Some river trade vessels with limited capacity are required to unload their cargo upon arrival in Hong Kong. Given that long-term employment relations no longer exist in the trade, all dockers are hired as outsourced workers, with former employees turning into self-employed persons. Originally, workers should feel quite happy about having work to do, it is however most unfortunate that they have to pay for the insurance premium themselves.

Following the September 11 incident, there was a dramatic increase in all sorts of insurance premiums. Some workers reflected to me that the amount of premium charged by certain insurance companies was even higher than the pay they received for an entire construction project. Without insurance cover, workers have to work "counting on luck" and accept work offers even though they have to risk receiving no compensation in the event of accidents.

Perhaps government officials will say subcontracting and self-employment are the products of free economy market, and it is impossible for the Government to intervene. Nevertheless, I would like to tell Honourable Members that the Government has indeed set a bad example by failing to manage outsourcing contracts properly and thereby facilitated exploitation by intermediaries. It was revealed by the information obtained by my office from the Housing Department (HD) that some outsourcing contracts for management of public housing estates expired in the first quarter of this year, and the management contracts for all the 17 housing estates were renewed. However, the total expenditure on the contracts is less than that on previous ones. Of course, it is not at all surprising that the combined value of the contracts is less than before, given the persistent deflation. However, it is revealed in the 17 contracts that the minimum income of cleaning workers is \$4,460, while foremen and employees of comparable ranks can earn up to \$13,000. Some contracts have even shown that a minimum wage of \$6,000 to \$8,000 is offered.

Members should have immediately found it problematic because it is simply impossible for a cleaning worker to earn such a high income now! Officials of the HD have admitted that contractors are allowed under the contracts to outsource their cleansing work, though they are required to provide employment contracts for monitoring purposes. According to a rough calculation on basis of the Government's outsourcing prices, cleaning workers should be able to receive an average of \$200 to \$300 a day. However, the market income of a cleaning worker is only \$3,000 to \$4,000 a month. It is indeed easy to imagine the seriousness of exploitation by intermediaries.

The Government can definitely not use supply and demand in a free market as an excuse again to respond to this situation. Owing to inadequate monitoring on the part of the Administration, these workers are sacrificed as their rights and interests are exploited by intermediaries. Can the Administration take one more step because merely examining the employment contracts is definitely not enough? For instance, can the Mandatory Provident Fund (MPF) contribution proof be used as evidence for monitoring purposes? I have received some concrete cases. For instance, a security guard company set its monthly basic salary at \$3,000 with \$3,500 as housing allowance. In doing so, the company is required to pay only \$150 in MPF contribution on the basis of \$3,000. Though the employees are not required to make MPF contribution, they actually receive \$170 less monthly from their employers as MPF contribution.

I believe Honourable Members will not find the cases cited by me unfamiliar. The growing number of self-employed persons and outsourcing caused by economic depression and globalization must not be taken lightly. The Government must no longer stubbornly stick to its old mindset of letting the market to adjust itself freely. Instead, anticipatory consideration must be given and the laws must keep pace with the times in the interest of according workers the maximum protection of their rights and interests.

Madam President, not only are the Government and employers responsible for protecting employees' rights and interests. In reality, the general public in their capacity as employees will very often become employers themselves and impact directly on the livelihood of some workers. For instance, when renewing the outsourced management contracts, owners' corporations often resort to price-squeezing in order to reduce expenditure, but how much can

actually be reduced? While a reduction of tens of thousands of dollars for the whole contract can only save each owner tens of dollars a month, a direct blow will be dealt to hundreds of grass-roots cleaning workers and security guards. Management companies will definitely transfer their loss onto their workers. It is indeed not surprising for the companies to make use of the opportunity to slash \$180 from the earnings of their workers. I believe it has not occurred to Honourable Members that saving \$20 to \$30 in management fee a month will make living much more harder for the workers they meet day and night!

In the battle against atypical pneumonia, we can see members of the community demonstrate the noble human virtue of mutual support and care. I hope the Government and people from all walks of life can continue to, through making concerted efforts and caring for each other, show greater sympathy for the grass-roots workers and build a more harmonious labour relationship.

Madam President, I so submit.

**Mr LEUNG Fu-wah moved the following amendment: (Translation)**

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

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEUNG Fu-wah to Mr LAU Chin-shek's motion, be passed.

I now call upon Mr Andrew CHENG to speak and move his amendment to Mr LEUNG Fu-wah's amendment.

**MR ANDREW CHENG** (in Cantonese): Madam President, I move that Mr LEUNG Fu-wah's amendment be amended as set out on the Agenda.

Madam President, when Mr LEUNG Fu-wah began his speech, he said that he understood the original intention of my proposed amendment to his amendment. He also realized that my amendment is made in response to his amendment to the wording of the motion moved by Mr LAU Chin-shek with a view to deleting the words "the right to decent work". I believe many representatives of trade unions, as well as I, being the spokesman of the Democratic Party on labour policy, all share the same view. I think Mr LEUNG Fu-wah will agree also that many grass-roots employees or wage earners are indeed working without any dignity against this background of an economic downturn and the epidemic. What we are doing is to further elaborate on the wording in Mr LEUNG Fu-wah's amendment by adding the four major recommendations made by the International Labour Organization (ILO). It is our hope that on this eve of the Labour Day, the right of our workers to decent work can be fully manifested.

Madam President, tomorrow is the Labour Day and at this moment, Hong Kong is under the threat of an epidemic and for the workforce which numbers more than 3.5 million, their labour rights and working opportunities have been affected. The present occasion is a good one for us to examine the progress of labour rights protection in Hong Kong and how their rights can be taken care of when efforts are being made to salvage the economy.

Madam President, at this time when the atypical pneumonia epidemic is raging and the economy remains sluggish, we can see that wage earners in Hong Kong are not enjoying any right to decent work. Their labour rights, job opportunities, social protection and social dialogue are all insufficient and that there is a severe imbalance between the positions of the employers and employees.

In terms of labour rights, the ILO calls on the countries of the world to improve on the conditions of work. These include the provision of a safe and healthy working environment. Take the atypical pneumonia epidemic confronting us as an example, there are at least four inadequacies in the protection offered by the existing legislation.

First, there is no ceiling on the number of daily and weekly working hours. At this time when the epidemic is raging, people working as medical and health care workers and cleaning workers have to work long hours overtime. This will affect their health and family life.

Second, the existing legislation carries no stipulation that workers should be given a certain period of rest after working for some time. With the long working hours and the absence of any statutory rest period, the mental and physical health of workers will be jeopardized. In the long run, this will lead to occupational diseases and a reduction in productivity. The health of workers will not be protected if no legislation is made to stipulate rest periods for them.

Third, although it is the employers' responsibility to provide a safe workplace for employees, at times of poor employment opportunities like now, most employees are reluctant to take the initiative to complain. The protection offered by law is that workers may refuse to work if they feel that their personal safety is at risk. As atypical pneumonia is an extremely contagious disease and that the present quarantine policy is only restricted to family members of patients, the chances of employees being infected by their colleagues are very high because the time they spend in their workplace is even longer than the time they spend at home. However, the existing legislation does not offer any protection in this respect. Even if employers know that some of their employees are infected by atypical pneumonia, they are not obliged to notify all the other employees. For the employees, even if they know that they will bear the risk of being infected, they have no right to refuse work.

Fourth, if pregnant women are infected by atypical pneumonia, the damage to the babies is very great. However, the existing legislation does not have the flexibility to deal with this situation. Even if certain jobs would expose the employees to great risks of infection, there is no protection in law and the pregnant women can hardly take leave. On top of that, the guidelines issued by the Labour Department do not have any statutory effect.

Madam President, all of these are just some examples found in the present epidemic. There are still many inadequacies in our laws on labour rights. The kind of standards prescribed by labour legislation are minimal only. In practice, since most of the companies in Hong Kong are small and medium enterprises, the standards found in labour laws will become the maximum protection which employees will hope to get. So there would still be a long way for companies in Hong Kong to go even if they are compliant with the requirements in law.

In terms of employment opportunities, according to a report made by the ILO, not only should improvements be made to the abilities of the workers, but they should also be afforded more opportunities to obtain a job to maintain a

decent living. What the authorities should do is not only to tackle the problem of unemployment, but also that of underemployment. Due to the influence of the epidemic, many trades in Hong Kong are operating with much difficulty and the employees are forced to take no-pay leave and accept pay cuts. Casual workers are faced with the problem of underemployment. At present, the employees have a very low bargaining power and as the existing legislation does not specify any period of notice that should be given for pay cuts, many employees are forced to compromise in very short notice given out of the wish to remain in employment. When the employees are laid off, the severance pay they get is hence reduced. What should be done under the present circumstances is to increase the number of jobs and hire more people to do cleansing work, undertake the inspection and repairs of buildings, and so on. This will help those underemployed to lead a life of dignity.

Madam President, social protection is meant to ensure that when workers are out of work, sick, old, injured or dead, that their welfare will be protected. Unemployment assistance is a very important issue under the present circumstances, but the unemployment assistance provided by the Government is very limited and it is mainly in the form of Comprehensive Social Security Assistance (CSSA). The greatest problem with unemployment assistance under CSSA is its very strict eligibility criteria. In addition, the defects of the system also make it difficult for many CSSA recipients to break away from the CSSA net. What the unemployed in Hong Kong lack is an unemployment insurance system financed by contributions from the Government, the employers and the employees. The kind of protection found in the existing legislation is also inadequate in many respects in terms of the protection for sick employees and retirees.

With respect to social dialogue, if it is effective, it can resolve conflicts and facilitate policy implementation and hence achieve social equality and stability. It is unfortunate that Hong Kong lacks a sound system of collective bargaining and the related legislation was abolished in 1997. The principal territory-wide negotiation mechanism we now have is the Labour Advisory Board and that can best be regarded as a quasi-collective bargaining mechanism composed of the Government, the employers and the employees. It does not have full collective bargaining functions and it is mainly led by the Government. There is no bargaining and dialogue between employers and employees to resolve disputes between themselves. In the absence of a sound mechanism for dialogue, many labour disputes have not been properly dealt with.



Madam President, do I have 10 minutes to speak? May I disregard the sound made by the timer just now? As a matter of fact, I am coming to the end of my speech.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, the Clerk just reminded me that since you are making an amendment to an amendment, you have only seven minutes to speak. Now the time limit of your speech is over. Please be seated.

**MR ANDREW CHENG** (in Cantonese): Madam President, do I have only seven minutes to speak?

**PRESIDENT** (in Cantonese): Yes, and you have spoken for seven minutes and 22 seconds.

**MR ANDREW CHENG** (in Cantonese): Sorry, Madam President. I thought I had 10 minutes. I was coming to the end of my speech, though.

**PRESIDENT** (in Cantonese): Sorry, Mr CHENG, would you please sit down.  
(*Laughter*)

**Mr Andrew CHENG moved the following amendment to Mr LEUNG Fu-wah's amendment: (Translation)**

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

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr LEUNG Fu-wah's amendment, be passed.

**MS LI FUNG-YING** (in Cantonese): Madam President, every year around the Labour Day, Members from the labour sector and trade unionists like me would make a strong call on various occasions to arouse concern for the predicament of grass-roots workers and to demand the Government to perfect measures to protect labour rights. A little more than an hour from now will be the Labour Day. Madam President, in this year's debate, I do not wish to stress on proposals related to major principles. I would like to talk about the plight of the working class at this time of an economic downturn, a raging SARS epidemic and labour legislation full of loopholes.

The Chinese & Western Food Workers Union is a member of the Federation of Hong Kong & Kowloon Labour Unions to which I belong. During the week before the Easter holidays alone, the Union received more than 300 cases of workers seeking help as food establishments closed down or suspended their business. Many of the restaurants and food establishments which continue to operate have requested their workers to slash their wages by 20%, 30% or even 50%. There are also some tourist guides who do not have any tours to guide for more than a month and they have to get by with their basic salary of \$2,000. Also some drivers of tourist coaches and school buses have complained to us that they have not had any work for more than a month. There is no end to this tunnel of no-pay leave and they are really having a rough time.

In such circumstances, what kind of protection does our labour legislation provide to the grassroots? Can workers say no when their boss says that they will have to take no-pay leave or have their salary slashed by 50%? The Employment Ordinance clearly stipulates that employers are required to pay statutory compensations to workers when they suspend their business or lay off their workers owing to their inability to pay salaries. Why is it that the law is rendered a useless piece of paper upon the employers' request that the workers should tide over the difficult times with them? Now I would like to call upon the Government to step up its enforcement efforts and impose heavy penalties on employers who contravene the law. I must stress that if the laws cannot protect the bargaining power of the employees, the exhortation to tide over the difficult times together would become a high-sounding slogan which rationalizes all attempts to withhold and reduce wages, suspend the payment of wages, suspend work and exploit the rights of the working class.

Madam President, the cleaning industry should be a thriving industry at this time when the SARS epidemic rages. But the fact is that workers in this industry are having a hard time as those from other industries. It should be a good thing when there is a demand for cleansing and when cleaning companies are trying hard to find workers. But those temporary workers from the cleaning contractors of the Government are complaining all the time to the trade unions and even to the media that they have to work for more than 10 hours a day without any proper protection against the virus and specified resting time. And the daily wage they get is only \$80 to \$150.

In this fight against SARS, not only should we pay our tribute to the medical and health care workers, we should also do the same to the cleaning workers in the hospitals and the infected places, for they have been loyal to their jobs at this critical moment and have worked hard to prevent the spread of the epidemic. What kind of protection does our labour legislation provide to these grass-roots workers? They are working for more than 10 hours a day and earning a daily wage of some \$100 or so which is so meagre that it verges on being an insult. They have to do the disinfection work without adequate protection. I do not wish to argue with the Government on this occasion on the monitoring of outsourcing work. What I want to point out is that if we do not amend the relevant provisions in our labour laws to include workers employed on a temporary or hourly basis into the employment laws, and if we do not legislate to ensure workers have reasonable working hours and wages, the problem will never be solved. Here I would like to call upon the Government once again to amend the labour laws immediately and refrain from procrastinating.

Madam President, a little more than an hour from now will be the Labour Day, but with such a heavy burden of life to bear, grass-roots workers are not likely to enjoy a holiday which belongs to them. With the worsening economy, the plight of grass-roots workers is becoming more noticeable. All along the labour sector has not asked for free lunches but a just society. They want to get rid of the situation where workers are mercilessly fleeced in the name of free market. Nor do they want to see the gruesome laws of the jungle that should apply only to beasts operating in a society of humans. But unfortunately, this remains only an ideal being pursued by the labour sector. The famous Chinese writer LU Xun has a well-known saying to this effect: "If things are not given vent to, they will only die off in silence." I do not want to see the great working class at large left with just these two options. What is more, I do not want to

see the SAR Government force the working class to choose between giving vent to their grievances or die off in pathetic silence.

Madam President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, every year when the Labour Day draws near, we will have a motion on labour rights. I think this year's debate will be all the more impressive because of the raging atypical pneumonia epidemic. Some people think that whenever any disaster strikes in the community and the economy is affected, those who feel the pinch first would be the bosses, but I wish to point out that this is only half of the story. The other half is that those who feel the impact the pinch most profoundly are the labourers. It is because though the bosses will feel the impact quickly, they will also make the fastest response. They will shift a burden which is too heavy to bear to the employees and in this atypical pneumonia incident, it has been no exception.

Those employees who are hard hit by the incident can be divided into three categories. The first one are those who are forced to take no-pay leave when the boss closes their business. For this kind of people, their income over the past month has fallen by at least 10% or more. Some even did not make any income. The second category are those who are directly hit by the epidemic, for example, those who are quarantined because their family members have been infected, but they are not compensated in any way. Or they are those pregnant women who go to work every day in fear of being infected and passing on the virus to their babies, but they cannot stop working because of their financial burden. They have been subject to mental distress. The third category is those workers whose workload has increased during this epidemic outbreak, and they are the cleaning workers. Most of them work overtime without any compensation and they have to bear the extra risk caused by the epidemic. They have to bear all the medical costs themselves once they are infected and their jobs may be lost.

From the life experience of these three categories of workers as the atypical pneumonia epidemic rages in the community, we can see that they do not enjoy the right to decent work. The crux of the matter and the root of the problem lie in the inadequacies of the labour laws. And an even greater culprit

is the outsourcing system and the distorted labour relations. That is to say, under the existing practice, workers are forced to become self-employed and this has made it even harder for them to survive the epidemic.

For a person who has signed a normal employment contract, if he is forced to take no-pay leave, he will be deprived of his income and it would be very difficult for him to get reinstated. However, even if their company is closed in the end, they can be compensated, for they have signed a normal employment contract. Although they are in pitiable conditions, they are better than those self-employed workers who will not get any compensation. For when the latter's company is shut down, they will be instantly forced out of work and they will never get any compensation at all.

In addition, if someone's family members are infected and he has to be quarantined, the only kind of protection offered by the Government is the guidelines which require the employer to give compensation. But as these guidelines do not have any legal effect, Madam President, both you and I know very well that the scrupulous employers will give their staff compensation whether or not there are guidelines, but unfortunately, these guidelines are meaningless for those unscrupulous employers. These guidelines are non-existent to them, for they are not binding. These powerless guidelines are indeed useless. The worst are those workers employed by government contractors or those forced to become self-employed. Their plight is all the more pitiable. As I have just said, not only will they not get any protection, it will be useless even if they have a basic salary. For the basic salary they get is despicably low and for these workers, the only option for them is to accept the reality as they will have no income if they do not work. The Government must do something about this situation, for if the conditions of the workers of outsourced work or the self-employed are allowed to continue, the working conditions for the other wage earners will only go from bad to worse. So at this juncture, we must set this distorted labour relation right and increase the bargaining power of the working class to fight against any exploitation by the employers and to make the right to decent work a reality.

With regard to full employment and related developments, we can see that the Government has only done some work in retraining in recent years. Although we cannot say that nothing has been done, the question is that it has only done half the job in some areas while nothing is done in other areas. Recently, the Government has changed the working hours of these workers from

a whole-day basis to a half-day basis. In such circumstances, it is impossible for these workers to get the extra allowance that they expect to get. We can see that obviously the Government is just doing something superficially but not really helping those workers in need in a substantive way.

I also feel that workers' basic rights are constantly being undermined and the protection offered by the Government is still inadequate in such areas as industrial safety, environmental hygiene and healthy workplace, and so on. It is unfortunate to see that government efforts in these important areas are still not that satisfactory. So I would like to make use of this occasion offered by the eve of the Labour Day to urge the Government to make more efforts in these areas. In addition, I think in such times of economic hardship, the social security system is the last refuge for many people. So I hope that the Government can add an unemployment assistance to the social security system so that the unemployed can get some protection.

Madam President, I would like to point out that both amendments stress a harmonious labour relationship, but to achieve harmony, it should not be built only on the goodwill of both parties, but also on an institutionalized basis for dialogue, that is, negotiations should be conducted on the basis of the rights and responsibilities recognized by law. For without the protection afforded by laws, such negotiations would only become a mere contention of forces to see which party is stronger and no rational discussion of the problems would be possible. Therefore, we have always been urging for legislation to establish the right to collective bargaining.

Madam President, finally, I believe it is only when workers enjoy the right to decent work that they will see a ray of hope to carry them forward the fight against adversity.

**MR CHAN KWOK-KEUNG** (in Cantonese): Madam President, the original intent of the Labour Day is to strive for workers work conditions that include eight hours of work, eight hours of rest and eight hours of learning every day. But with the persistent recession in Hong Kong, the labour sector has found it very hard to make any progress towards achieving this aim. For many years, employees have not been able to enjoy reasonable working conditions and even the most fundamental protection given by the law is beginning to melt and disfigure due to merciless battering and pounding.

Recently, trade unions in the retail sector have pointed out that since March, many employees have been forced to take no-pay leave for at least two or three days a month and a pay cut of 20% is commonplace. These arrangements are not very much different from dismissing the employees and making them lead a miserable life. If employers really find it hard to run their business, they should discuss their difficulties with the employees in the hope that they can ride out the rough seas since they are in the same boat. But the employers are forcing their staff to sign undertakings, accept pay cuts and take no-pay leave. The wage earners are so dismayed that they wonder time when things will turn for the better and they can get a fair pay.

All the employers are asking of their staff is that they should face the reality, but are they fair to them? With the fall in the number of visitors to Hong Kong recently, many companies providing services to the airport are cutting their staff and in just a month's time, close to 100 people have been sacked. These companies are saying that the cleaning workers for the cabins are redundant and so more than 30 people are laid off. Other companies are saying that with the fall in passenger volume, there will not be a need for so many staff and so more than 30 people who are responsible for pushing the luggage trolleys have been fired.

While those who are out of work are unhappy, those who have a job are also unhappy. Many big companies here hire people on a part-time basis, for example, the supermarkets, the Hong Kong Jockey Club, and so on. It has been reported that some supermarkets give an hourly wage to their newly employed cashiers. The hours of work for such staff are often reduced as the supermarkets want to keep them as reserve workforce, yet they are not willing to give them enough welfare and protection. Once a female cashier complained to my colleagues that in the month of April, her total working hours were only something more than 10 hours and she found it hard to get by. Recently, some part-time staff of the Hong Kong Jockey Club heard about plans to close down many off-course betting centres. In other words, these part-time staff who have worked with the Hong Kong Jockey Club for many years are vulnerable to losing their jobs any time. Should this happen, they will not get any severance pay or other compensations, for they do not meet the requirements of full-time continuous employment under the Employment Ordinance.

The Labour Department has stated that it has actively looked into the issue of introducing legislation to protect part-time workers. But it has all been thunder but no rain.

According to information of the Housing Department, in the first quarter of this year, 17 public housing estates or Home Ownership Scheme estates have renewed their management contracts. Salaries for cleaners and security guards in both the old and new management companies have been reduced by 4% on average. The outsourcing system of the Housing Department will easily lead to exploitation and the practice of awarding the contracts to the lowest bidder has the effect of victimizing workers it is commonplace to see their meagre wages being further slashed.

The motion points out that workers should enjoy the right to decent work and this shows how deplorable the kind of working conditions for wage earners in Hong Kong are. Some employers are giving mean wages to the workers and they are exploiting them in all sorts of mean ways. The amendment moved by Mr LEUNG Fu-wah further adds to the demands made by the Hong Kong Federation of Trade Unions to which we belong. We demand that the Government should make efforts to enhance the awareness of labour protection so that employers will know that a harmonious labour relationship can be forged only if both parties work together for it. Employers and employees are like partners to a marriage and it is sad to see their marriage break up and the employees cannot get the alimony to which they are entitled, so to speak. It is because some employers do not want to take up the responsibility and so the Protection of Wages on Insolvency Fund has become the source employers draw on to pay this alimony. Hong Kong is like a family and if labour relations go sour, the entire family will break up! The employers should take the initiative to mend this broken relationship, and the employees are waiting eagerly for this day when harmony in the family can be restored.

I so submit.

**MR FREDERICK FUNG** (in Cantonese): Madam President, the Labour Day on 1 May every year may not mean anything to some people, but to millions of wage earners in Hong Kong, it signifies respect for the labourers and it is an occasion which calls on the community to be concerned about labour rights and to strive for the right to decent work.

As defined by the International Labour Organization (ILO), the right to decent work encompasses the four elements of sufficient working opportunities,



basic labour rights and employees' rights, social protection and social dialogue. If we examine the current labour legislation in Hong Kong against this definition, we can find out that there is still much room for improvement. If basic labour rights, employees' rights and social protection are to be put into practice, I think the authorities will need to implement these three major pillars to labour, that is, legislation should be made to set up a minimum wage, the maximum working hours and the right to collective bargaining. These three elements are important policies affecting the living of the wage earners.

The so-called minimum wage is to ensure that the wage which workers earn after hard toil is commensurate with a reasonable level under the prevailing economic conditions and that such a wage will meet the requirements of a basic living. Many people oppose this idea of a minimum wage. The common arguments advanced are that it will lead to a reduction in the number of jobs and push the jobless rate higher. It is also not to the advantage of new members of the workforce who are inexperienced and also those low-skilled workers. It is also argued that the business of the small and medium enterprises will be adversely affected. However, many empirical studies made recently have pointed out that such a kind of inferred relationship is open to question and subject to serious constraints. I do not wish to repeat these arguments now as I have discussed them before. In addition, many Western countries pursuing free market economy have had a system of minimum wage in place for a long time and both the Hong Kong Association for Democracy and People's Livelihood (ADPL) and I do not see why the Hong Kong Government does not take this into consideration.

As to the maximum working hours, they are also important to labourers. The findings of a general household survey conducted by the Census and Statistics Department show that the current mean weekly working hours for workers are 48 hours, but figures of the fourth quarter last year show that 786 000 people had to work 60 hours weekly and the number accounted for 24.1% of the working population. The figures show an increase of 27.5% as compared to those of two years ago. It can be seen that more and more workers are being squeezed to the last drop of their juice. They are under great working pressure and their health is consequently seriously affected. Findings of a study made by the national cancer research centre in Japan show that people who work more than 60 hours a week and frequently suffer from insomnia are 100% more prone to contracting heart diseases than the average man. A survey done by the

Ministry of Health and Labour in Japan last year showed that as at end March last year, 143 people in Japan died of overwork. The number represents an increase of 68% compared to that in 2001. This shows a direct relationship between the length of working hours and a person's health. Likewise, long working hours will affect the employee's relationship with his family members. The longer the working hours imply less time spent with family members and more estrangement from family members. Hence, the healthy development of a family is affected.

International Labour Convention Nos. 87 and 98 have long affirmed the rights to freedom of association and collective bargaining. These rights ensure workers' associations and trade unions can hold discussions with employer organizations on an equal footing. When the Government held talks with civil servants on the issue of pay cut in recent years, I am sure it must have been convinced that collective bargaining is an attractive thing. When both the ADPL and I urge the Government to do more to implement and publicize the right to collective bargaining, people who oppose to the idea point out that as Hong Kong is a free economy, the introduction of the right to collective bargaining is an intervention of market operations and it will put off investors, hence jeopardizing economic growth and affecting our competitiveness. However, if we look at our competitors in the Asia-Pacific Region, such as Japan, South Korea, Taiwan, Singapore, Malaysia, Thailand and the Philippines, they all have recognized the trade unions' right to collective bargaining. Some of these places have even enacted laws to protect it. So, both the ADPL and I think that the economic growth and competitiveness of a place do not have any causal relationship with the recognition or otherwise of the right to collective bargaining. Moreover, the introduction of which are fair and convenient set of procedures for collective bargaining may also have the double benefit of giving institutionalized protection to the employees and an institutionalized party of negotiation to the employers.

All in all, the three major pillars of labour, that is, minimum wage, maximum working hours and the right to collective bargaining, can offer protection to the basic living of the working class and a sense of respect and recognition of the wage earners. These wage earners are only aspiring to get a fair amount of way commensurate with the amount of efforts they make, in much the same way as the Canto-pop star Sam HUI sings in his hit song "Eight Tails of Work for Half a Catty of Pay".

As for the two amendments, as Mr LEUNG Fu-wah's amendment has deleted the allusion to "the right to decent work" from the original motion, both the ADPL and I think that in so doing will remove the core of the original motion, so we have reservations about this amendment.

I so submit. Thank you, Madam President.

**MR TOMMY CHEUNG** (in Cantonese): Madam President, it has become a convention for Members from the labour sector to propose motions on the occasion of the Labour Day or around that time, and on each occasion the Liberal Party will explain our stand clearly, that is, we have all along supported protection of the reasonable and legal rights of employees. The laws of Hong Kong offer sufficient protection for basic labour rights. Many provisions in the Basic Law provide safeguards for labour rights, freedoms and treatments. On top of these, many International Labour Conventions are applicable to the Hong Kong Special Administrative Region. Moreover, there are many ordinances protecting labour rights in the laws of Hong Kong, and the Employment Ordinance is one such example.

Over the past few years, as Hong Kong and the world are hit by recession, the profit margin of many companies in Hong Kong has dropped greatly. Many companies are in the reds and pay cuts, layoffs and closures are inevitable. Labour relations have as a result become tense.

It is fortunate that with the efforts made by the Government and the Labour Advisory Board (LAB) over the years, the labour legislation in Hong Kong can be said to be quite satisfactory. Coupled with that is the well-established channels of voluntary consultation and the mediation service provided by the Labour Department. Most of the employers in Hong Kong are law-abiding and most of the employees are dedicated to their work and they are sympathetic to the hardships encountered by their employers. For this reason, labour relations in Hong Kong have been relatively harmonious. Therefore, the Liberal Party does not agree with the idea of hastily introducing new labour legislation, for not only will that lead to worries that conflicts between employers and employees will intensify, but that if the laws become more cumbersome, there will be greater cost implications for the employers. When business gets difficult, more small and medium enterprises (SMEs) will close down and that is definitely not a good thing for the workers.

The wording of the original motion offers no cause for complaint, and on the part of the Liberal Party, we also fully support the principles and spirit of protecting labour rights. The words "decent work" in the English version according to the definition of the International Labour Organization (ILO), are the four strategic objectives mentioned in Mr Andrew CHENG's further amendment to Mr LEUNG Fu-wah's amendment, that is, promotion of the right to work, employment, social protection and social dialogue. According to some ILO texts, a usual approach to achieving these four objectives is enabling workers to enjoy reasonable wages and working hours, basic social protection and the right to collective bargaining. One cannot help but think that administrative measures will be adopted or legislation introduced to set a minimum wage or the right to collective bargaining, and so on.

With respect to this, the Liberal Party has repeatedly made our position known in this Council, and that is, we oppose the enactment of laws to impose a minimum wage. The reason for this is simple. Though it looks as if a minimum wage system can ensure the income level of those low-skilled and low-income workers, if we think about it more carefully, we will find that in fact minimum wage is only a kind of sugar-coated poison and it is very likely to make workers worse off than before.

For a start, 98% of the companies in Hong Kong are SMEs and most of them do not have a huge capital and they are small companies employing not more than 20 people. Most of these companies have been struggling for survival in recent years, and coupled with the double-impact of the United States-Iraq war and atypical pneumonia, they are really in a predicament. Many Honourable Members have spoken on the plight of these SMEs in the previous motion on the whole community battling against adversity. The constituency which I represent is one of the hardest hit sectors, so I need not dwell more on that.

Moreover, an overwhelming majority of employers will not effect a pay cut or lay off their staff out of sheer avarice. They are indeed forced to do so to trim costs because of the economic slump and the financial stringency. The Liberal Party is convinced that if a minimum wage is imposed, it would only further reduce the vitality of SMEs and the number of jobless people will only soar. In the end, a minimum wage may become the maximum wage and the conditions of the workers will become even more deplorable.

By the same argument, we do not support legislating on collective bargaining, for that will cause confrontation between employers and employees. The most effective way and a win-win solution to this is to promote and encourage voluntary consultation among the parties.

As I have said, most of the employers are law-abiding and it would be unfair to these good employers if laws are enacted, the result being increased operating costs, to prevent abuse by a minority of unscrupulous employers. Moreover, foreign investors will be put off and that will further erode our competitiveness.

The Liberal Party reiterates that we are a hundred percent in support of protecting the legitimate rights of workers and we also agree that the authorities should step up enforcement efforts to ensure that employees can enjoy protection of their rights under existing labour laws and that heavy penalties should be imposed on those employers who contravene the law.

At a time when the Hong Kong economy is caught in unprecedented difficulties, both employers and employees should join hands and tide over the difficulties together. Therefore, we support the idea that people from all walks of life should make concerted efforts, care for each other and build a more harmonious labour relationship instead of resorting to legislation and administrative measures to achieve such a goal.

Madam President, I so submit.

**MR TAM YIU-CHUNG** (in Cantonese): Madam President, tomorrow will be the Labour Day, also a paid holiday. But the story behind this holiday was a very difficult one. Time and again before 1997, I can still remember, I asked many questions and put forward many requests on this holiday in the former Legislative Council, and workers and trade unions also staged their struggles outside the legislature. Unfortunately, we were flatly turned down by the British Hong Kong Administration. It was not until after the reunification in 1997 that the day was finally made a holiday with the support of the Preparatory Committee and the Special Administrative Region Government.

There will be all sorts of functions and activities tomorrow, so everyone can take his pick and enjoy the holiday in the way he wishes to, in apt reflection

of the various rights and freedoms enjoyed in Hong Kong. But the current economic conditions, especially the high unemployment rate, are not at all favourable to employees in Hong Kong. The difficulties in securing employment and excessive labour supply have led to the continuous drop of wages and salaries, heavier work pressure and longer working hours. Some employees have even been forced to become self-employed persons. Faced with such conditions, we employees must unite and defend our rights and interests, and we must also work hard to enhance our own value and adapt to the changing circumstances. At the same time, I also hope that employers can remember their social obligation and look at things with vision instead of trying to take a mean advantage, laying off their senior employees and plunging people into panic. If they do all this, how can anyone be willing to spend money or have the confidence to buy properties? The resultant vicious cycle will only worsen our economic conditions.

On the part of the Government, it should continue to adopt "priority to employment" as the basis of all policy considerations. In addition, it also needs to step up enforcement. The problem of illegal employment is still rampant despite sustained enforcement actions. As disclosed by the Secretary for Security in her reply to my supplementary question today, there has been a marked increase in the number of illegal workers over the past three years. The number of illegal workers arrested was 5 715 in 2000, 7 400 in 2001, 11 900 in 2002 and 3 388 in the first quarter of 2003. The rate of increase is very alarming, and since such illegal workers are mostly employed as construction, personal care or cleaning workers, they have snatched the jobs of many local workers. The Government must promptly review enforcement situation of relevant laws and explore various feasible measures, such as offering reward to people who report on illegal workers, stepping up publicity on the reporting hotline, enhancing inspections, clamping down on employers hiring illegal workers and seeking the support of the relevant mainland departments, so as to curb the problem. The Government must also take sterner measures to stamp out the problem of illegal deployment of foreign domestic helpers, so as to assist in clearing the way for local grass-roots workers who wish to work as home helpers and elderly care workers.

Moreover, it is necessary for the Government to review the penalties under the existing labour legislation. The penalties imposed on law-breaking employers under the Employees' Compensation Assistance Scheme are, for example, far too lenient. Currently, the maximum fine for an employer who

evades his statutory liability is just \$12,000. Such a level of penalty is simply nothing to an unscrupulous employer. Since the fine is so small, even if the Labour Department steps up enforcement, not too much deterrent effect can be achieved. This is not just the opinion of the labour sector; even employers' associations also hold the same view.

In this extraordinary period, the Government should also take steps to encourage employers and employees to discuss things among themselves, to understand one another, and to join hands to overcome the current difficulties. When a company experiences a low ebb in its development, it should attach more importance than ever before to communications with its staff, to the people-oriented approach, so as to arouse initiative and enthusiasm. That way, all in the company, regardless of ranks, can be motivated to join hands to work things out. If a company can allow its staff to take part in discussions related to their own well-being, the latter will feel that they are being taken seriously. If a company can let its staff know more about its financial conditions and development prospects, the latter will better realize the difficulties and be more willing to appreciate the difficult situation faced by the management. When both sides can work with one heart, understand each other and discuss things among themselves, they will have greater confidence in solving their problems and riding out their difficulties together. Cordial labour relations will be an effective means of promoting the protection of employees' rights and interests.

I so submit.

**MR MICHAEL MAK** (in Cantonese): Madam President, tomorrow will be the Labour Day. Many thanks to Mr LAU Chin-shek for moving this motion, which arouses our concern for labour rights and interests. To my functional sector, labour rights and interests are especially meaningful this year, or it may even be said that it is an issue of conspicuous significance. I thus hope that the issue can receive the proper concern and attention of Members.

As a Member representing the health care sector, I wish to take this opportunity to say a few words on the labour rights and interests of my health care colleagues. In this outbreak of atypical pneumonia, that is, Severe Acute Respiratory Syndrome (SARS), health care personnel all risk their lives and exert their utmost to serve the public. But, to our utter disappointment and dismay, the Government and the authorities concerned, being the major

employers of my health care colleagues, have even failed to effectively protect their basic right to occupational safety and health. These "wage earners" are really facing enormous perils.

Health care personnel in Hong Kong are hardest-hit by the SARS outbreak. As at today, totally 358 health care workers have been infected. But, even today, many health care personnel are still complaining about the shortage of personal protective gear. As I mentioned earlier on, I have conducted a questionnaire survey. The findings show that 82% of the respondents think that the institutions they work for have failed to provide enough resources to deal with the SARS outbreak, and personal protective gear, such as gowns, goggles, bouffant caps, masks and gloves are in the shortest supply. Other resources in short supply are related to manpower, training, temporary quarters, counselling services and medical equipment. Health care personnel are fighting against the epidemic in the front line, but they are not even provided with enough basic personal protective gear. The authorities have not taken out any special medical insurance policy for health care personnel, nor have they provided them with any satisfactory labour compensation scheme. So, how can the authorities protect the safety of health care workers and relieve their psychological pressure?

Quite a number pregnant women infected by SARS have been forced to undergo abortion or deliver their babies by Caesarean Section. Some of them are on the verge of death, and the others have even lost their valuable lives. Hospitals are high-risk places, so the authorities must allow all their pregnant staff to take paid leave, so as to ensure the safety of these staff and their unborn babies. However, the Hospital Authority (HA) offers special leave with pay only to employees who are in their first 13 weeks of pregnancy. Those who are not will have to take unpaid leave. This measure of the HA has obviously driven its pregnant staff into a dilemma. Understandably, for the safety of their unborn babies, they would want to avoid going back to work at the high-risk hospitals, but if they take leave, they will receive no pay, and this will mean an immediate livelihood problem. Many of these health care personnel have been forced to return for work in some so-called low-risk hospital areas either because they own negative equity assets or because their spouses are unemployed or underemployed. But as I have asked, are there really any places in a hospital that can still be called low-risk? I therefore call upon the relevant authorities to protect the right of pregnant women and offer special leave with pay to all their pregnant employees.



Dialogues between management and staff are an indispensable element of "decent work". However, so far, there have not been enough channels for front-line health care personnel to reflect their views to the HA management. This is a good proof that the communication between management and staff is marked by problems. For this reason, we now frequently hear health care workers air their grievances in radio phone-in programmes. And, my office also receives many e-mail complaints from health care personnel every day, talking about their frustrations at work. I hope that the authorities concerned can put in place some effective channels of communication through which front-line health care personnel can put across their views and aspirations direct to the management.

There has always been a shortage of health care personnel, but the Budget this year still proposes to reduce their total number from 19 529 to 19 499, highlighting the Government's failure to anticipate potential dangers. As a result of the SARS epidemic, the health care profession, already facing a manpower shortage, has been pushed to the brink of burning out. The ones who will suffer ultimately will be health care professionals and members of the public. It is hoped that the fiscal deficit will not make the Government lose its head and cut its expenditure indiscriminately. It must draw up a long-term and visionary manpower policy to deal with the shortage of nurses, one option being the provision of more nursing degree places.

Last year, I asked the Education and Manpower Bureau a written question on the employment situation of health care graduates. According to the statistics provided in the reply by the Secretary for Education and Manpower at that time, on average, only 22% of all prosthetics and orthotics graduates could land jobs related to their disciplines in the preceding two years (19% in 2000 and 25% in 2001). The corresponding percentage for radiology graduates was 57% on average (60% in 2000 and 54% in 2001). As for occupational therapy graduates, the percentage was lower than 80% on average. The Government has spent so much resources on training up all these professionals, but it has not bothered to make full use of their knowledge and expertise.

Finally, I hope that the authorities concerned can take the lead in protecting the various rights and interests of the health care sector. It must not set a bad example for other employers and must deliver a correct message. I so submit.

**MR AMBROSE LAU** (in Cantonese): Madam President, Hong Kong has all along been rated the freest economy in the world, and its labour market has been operating in accordance with free market principles. The Government has at the same time put in place a series of legislation under which the basic rights of employees, such as statutory holidays and annual leave and sick leave with pay, are protected. There are also laws on occupational safety to protect the health and safety of workers.

The Hong Kong Progressive Alliance (HKPA) is of the view that owing to the economic restructuring of Hong Kong and the impacts of the financial turmoil, and particularly because of the blows dealt by the outbreak of atypical pneumonia, the Government must seriously ensure the reasonable and legitimate rights and interests of Hong Kong workers. In the 1970s and 1980s, when the economy of Hong Kong was all the time booming, the unemployment rate remained persistently low. But ever since our economic structure started to shift its emphasis from manufacturing industries to services industries, the workers of Hong Kong have had to face the consequence of restructuring — a high unemployment rate. The high unemployment rate now is largely attributable to the financial turmoil and the outbreak of atypical pneumonia, which have both dealt severe blows to the local economy. Some employers have resorted to suspension of operation, wage cuts, and so on, to reduce their losses or maintain their businesses. Naturally, one cannot rule out the possibility that some employers may be trying to capitalize on the occasion to lay off employees, cut their wages, lengthen their working hours or increase their workload. However, the HKPA is of the view that while employers faced with a changing business environment may have no alternative but to control costs by laying off staff and cutting their pay, all parties should be prepared to make concessions and accommodate others' needs at a time when our labour relations are facing such extraordinary difficulties. And, despite the difficulties they are facing, employers should refrain from layoffs and business closure as much as possible. On the part of employees, they should back up their employers' reasonable measures to sustain their business. If employers can keep their business running, retain the jobs of their employees and maintain business and employment prospects, both themselves and their employees will benefit in the long run. Whenever an employer comes up with any workable costs control initiative which will affect his employees, he should first hold discussions with them and then proceed with their consensus. Labour relations are much more than a simple relationship between employers and employees. They also involve a co-operative relationship under which all stakeholders should help one another out. Employers and employees are interdependent.

The HKPA maintains that the Government's support for small and medium enterprises (SMEs) should be the key to ensuring the reasonable and legitimate rights of all Hong Kong workers. SMEs represent over 90% of local businesses, numbering some 290 000 and providing 1.4 million jobs to the local people. If huge numbers of SMEs close down because of the current epidemic, the high unemployment rate will soar even higher. For this reason, the Government must offer assistance to SMEs as an important means of ensuring the reasonable and legitimate rights of Hong Kong workers.

The measures introduced by the Government recently to relieve the plight of the people are meant mainly for the tourism, catering, retail and entertainment industries, which are hardest-hit by the epidemic. Short-term loans with the Government as the guarantor are extended to these industries for the purpose of paying staff salaries and wages. In addition, the Government has reduced the licence fees payable by the industries concerned and it will also enhance the service quality and training of these industries. The HKPA agrees that all these measures should merit support as they represent a breakthrough in the Government's labour market policies, but it must be added that they are not powerful enough. Reducing the threat of unemployment is the key to ensuring the reasonable and legitimate rights of workers. Therefore, when trying to arrest the rise of the unemployment rate, the Government should provide different forms of assistance to SMEs.

Madam President, harmonious labour relations form the basis of social harmony. Employers and employees should co-operate with one another and accommodate one another's needs. During this difficult and critical period, they should help one another out and join hands to discharge their social obligations. The Government should adopt an impartial and fair attitude to ensure that the reasonable and legitimate rights of Hong Kong workers are protected. It should also act as a mediator in labour relations, so as to foster social stability and harmony and employer-employee co-operation. That way, we can all work together to combat the epidemic and restore the normal functioning and development of our economy.

At present, the epidemic is still plaguing Hong Kong, and all trades and industries are facing the worst of times. But this is also the best time for Hong Kong to build up a consensus and make employers and employees realize that

they must join hands and help one another. Mutual support and concerted efforts are the only means through which both employers and employees can turn the crisis into an opportunity and deliver themselves from the predicament.

Madam President, I so submit.

**MR ALBERT HO** (in Cantonese): Madam President, the International Labour Conventions drawn up by the International Labour Organization sets down various standards relating to issues like labour administration, employment and occupational safety and health. Currently, the International Labour Conventions applied to Hong Kong number about 41, covering such labour issues as conditions of work, employment policies, employee compensation, labour relations and occupational safety and health. Article 39 of the Basic Law provides that the provisions of international labour conventions as applied to Hong Kong shall be implemented through the laws of the Hong Kong Special Administrative Region (SAR).

At the same time, Hong Kong is also a signatory to the International Covenant on Economic, Social and Cultural Rights. But with respect to labour matters, there are still many areas which cannot meet the standards set down in this Covenant. Many of the requirements contained in the Covenant are not only closely related to but are also consistent with the concept of decent work under discussion today.

In 2001, the United Nations Committee on Economic, Social and Cultural Rights expressed concern about the absence of protection against unfair dismissal and the lack of regulations on statutory minimum wage, working hours, paid weekly rest, rest breaks and compulsory overtime pay in Hong Kong. The Committee recommended the SAR to review its policy in relation to unfair dismissal, minimum wage, paid weekly rest time, rest breaks, maximum hours of work and overtime pay rates, with a view to bringing such policy into line with the SAR obligations as set forth in the Covenant.

The Committee was concerned that many individuals, including women who were homemakers, persons with disabilities and older persons, were not covered by the Mandatory Provident Fund (MPF) schemes. The Committee

also recommended the SAR to adopt a comprehensive pension system that would provide adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities.

The Committee was also concerned that the Public Order Ordinance of the SAR might restrict trade union activities, such as peaceful campaigns to promote labour rights. Therefore, the Committee recommended that the Public Order Ordinance be reviewed with a view to amending its provisions to ensure freedom of trade union activities as provided for under Article 8 of the Covenant.

The concerns and recommendations of the international community should also be the concerns of today's debate topic, the concept of decent work. The issues of labour rights, employment opportunities, social protection and social dialogue mentioned by Mr Andrew CHENG encompass the concerns and recommendations of the international community. Labour rights cover paid leave, rest breaks, maximum working hours and overtime pay. And, social protection as a strategic objective covers the retirement protection provided to self-employed persons and old people.

There have been lots of ongoing discussions in Hong Kong on paid leave, rest breaks, maximum working hours and even the inadequacy of the MPF schemes. And, during the debate today, Mr Andrew CHENG has again discussed them in great detail. Therefore, I am not going to repeat what Mr Andrew CHENG has said on behalf of the Democratic Party.

I wish to point out in my speech that the labour policy of Hong Kong is implemented in the main through its various labour legislation. Although the labour laws of Hong Kong have implemented some of the provisions of International Labour Conventions, the protection provided is still inadequate, with the result that the international community, including the Committee on Social, Economic and Cultural Rights, have all expressed concern. I hope, and I also urge the Hong Kong Government to conduct reviews and make improvements in all these respects. The motion today reiterates the protection for which the international community and Hong Kong as a society have long been striving. It also reiterates the obligations and standards which Hong Kong as a society has failed to implement for so long.

With these remarks, I support the motion.

**MR JAMES TIEN** (in Cantonese): Madam President, ever since the time of the first-term Legislative Council, Members representing the labour sector have been moving a motion on protecting labour rights every year around the Labour Day on 1 May. The relevant motions and amendments moved over these few years have been rather specific in wording, mostly covering collective bargaining, minimum wage, continuous contract and unfair dismissal. That is why the Liberal Party has remained opposed to all these motions throughout the years.

The original motion this year "urges the Government to ensure that all workers in Hong Kong enjoy the right to decent work", and Mr LEUNG Fu-wah's amendment urges all to "make concerted efforts, care for each other and build a more harmonious labour relationship". The Liberal Party thinks that all this can be supported.

Mr LEUNG Fu-wah's amendment mentions "through enhancing the consciousness of the need to safeguard labour rights". By "enhancing", does he mean the enactment of more legislation? If yes, we do have some reservations. However, having listened through his speech, I cannot find any reference to this. He simply referred to a number of specific cases.

Madam President, when it comes to labour relations in Hong Kong nowadays, the Liberal Party thinks that solidarity, as also mentioned by Mr Ambrose LAU, is most important under the current situation. We have also said that with the support of Labour Department officials, the Labour Advisory Board has managed to ease the many tense labour disputes. Society in Hong Kong is certainly harmonious. In other places, if the situation is as bad as that of Hong Kong now, with many people thrown out of job, with many employers caught in difficulties, with the raging of atypical pneumonia, and with many employers telling their employees to take no-pay leave, will the people there still so willingly discuss things with their employers and accept the necessary arrangements, in very much the same way as the people of Hong Kong do? The employers and employees in Hong Kong are all very pragmatic in their handling of problems. As long as they can still manage, employers will not ask their employees to take no-pay leave, nor will they ask their employees to accept reduced wages. This is the good side of the story.

Quite a number of Members who spoke before me have referred to many specific cases. Overall, I would think that there are bound to be some individual employees who have to deal with this kind of employers; to put it the

other way, there are bound to be employers who behave like this. But I think in general, employers and employees in Hong Kong are both very scrupulous, and unless there is no alternative, no one will ever do the unusual things described by the Members earlier on.

In his motion today, Mr LAU Chin-shek makes special reference to decent work. The United Nations no doubt has set down a series of definitions in this respect, but even Mr LAU Chin-shek himself admits that issues like minimum wage and collective bargaining are rather contentious in Hong Kong, and that there are very divergent viewpoints. That is why he said that he had not included all these specific issues in the motion. Well, I would think that in the context of Hong Kong, which upholds principles of free economy, it is most imperative that economic development be sustained.

A few years ago, when the unemployment rate was between 3% and 4%, the voices fighting for labour rights were surprisingly much louder. It was argued that when employers and the commercial sector made profits, they should offer more to employees. And, people even asked whether legislation should be enacted if employers were reluctant to offer more to their employees. Such voices were much louder then than they are now.

Nowadays, the unemployment rate is extremely high; many employers are facing severe difficulties, and the number of bankruptcy cases has been rising over the past two years. For example, there were already 8 920 cases of bankruptcy in the first quarter of this year, a number much larger than the 4 000 cases recorded in the same period last year. Unexpectedly, labour relations are more harmonious in the increasingly difficult business environment. Many employees themselves can see that the business of their employers is worsening. The business of restaurants is poor. Employees are very understanding towards their employers who can make no profit and even have to incur losses. Employees are understandably worried that they may receive no wages. But they can also see that while their employers also receive no wages, they still have to incur losses because they must pay rents and wages despite poor business. Employees can appreciate the difficult situation of employers, so they negotiate with them, and with mutual agreement, problems are handled more satisfactorily — some employees accept reduced wages while others simply take no-pay leave. This may be a characteristic of Hong Kong. If this characteristic can be enhanced and maintained, our economy may recover more

quickly. This is our hope. I must of course add that this hope is founded on the assumption that the dollar-peg is to continue. As for other aspects, we can only rely on the adjustments of rents and wages. This is also the only alternative we have.

Madam President, this is the very first time over so many years that the Liberal Party renders its support to motions and amendments like the original motion and the two amendments today. Thank you, Madam President.

**YEUNG YIU-CHUNG** (in Cantonese): Madam President, as I said during past debates on related topics, it is the intrinsic duty of any government to protect the reasonable and lawful rights of employees. The stance of the Democratic Alliance for Betterment of Hong Kong (DAB) on this has never wavered.

If we look at the recent manpower initiatives of the Government of the Hong Kong Special Administrative Region (SAR), we will see that it has really stepped up its enforcement actions to protect the rights and interests of employees. To strengthen actions against employers defaulting on payment of wages and abusing the Protection of Wages on Insolvency Fund, the Government has set up a new investigation panel and an inter-departmental task force. Early this year, government officials disclosed that in view of the increasing number of cases involving wages in arrears, the Labour Department would call meetings with the Judiciary and explore whether it was possible, at the time of instituting criminal proceedings against an employer defaulting on payment of wages, for the Magistracy to provide some kind of one-stop proceedings whereby actions can be initiated to recover the wages in arrears for the employee concerned, so as to shorten the time required to recover the wages in arrears. The DAB is of the view that besides continuing to step up enforcement, the SAR Government should review the labour legislation of Hong Kong from time to time to keep them abreast of the times. The handful of unscrupulous employers must not be allowed to capitalize on the loopholes of the legislation and injure the interest of employees.

I can remember that in the special meeting of the Finance Committee on the expenditure estimates this year, Secretary Stephen IP pointed out that there had been continuous improvement in the occupational safety and health situation in Hong Kong in the previous year. But he also stressed that the concerted efforts of the Government, employers, contractors, employees and trade unions



were required if a safety management culture was to be firmly established. The DAB maintains that occupational safety and health as well as the protection of workers' rights and interests are quite similar, in the sense that while it is definitely important to step up enforcement against law-breaking employers, it is even more important to enhance people's awareness of workers' rights. If employers having such an awareness are in the majority, then, no matter how poor our economic conditions are, it will not be necessary for the Government to drastically increase the resources for enforcement.

The economic sluggishness in recent years has led to a sharp rise in the unemployment rate, and, coupled with the uncertainties created by the atypical pneumonia outbreak, there have been spates of no-pay leave, retention of posts without pay, layoffs and even closures. As a result, some individual foreign securities firms have projected that the unemployment rate of Hong Kong will climb to 10.6%. The protection of employees' rights and interests has indeed become a very worrying issue these days. The DAB is also concerned about the possible worsening of the problems connected with self-employed persons.

There has been a marked increase in the number of self-employed persons in recent years. This drastic increase from 143 000 in 1998 to 232 000 last year is partly the result of the fact that many unemployed persons have sought to start their own businesses, but basically, the main reason is that some employers, in a bid to cut costs and avoid their obligations to provide staff benefits, have required their employees to turn themselves into self-employed persons. This problem is especially serious in the construction industry.

Actually, the Government has already made some efforts to deal with this problem. The Labour Department has persuaded the insurance industry to amend its relevant code of practice and determine the employment status of an injured construction worker in the light of the actual circumstances, instead of simply considering his registered status under the Mandatory Provident Fund schemes. However, this rare and valuable measure is confined to the construction industry and occupational injury compensation. Workers forced to become self-employed persons are totally deprived of statutory holidays, paid annual leave, long-service payment, severance pay and paid maternity leave. But the Government has not intervened and made any improvement. The DAB now urges the SAR Government to examine this issue as soon as possible and do its utmost to ensure that employees in Hong Kong will not be oppressed by any unscrupulous employers.

However, just to be fair, there is actually very limited room for government intervention in all these problems. Most importantly, all strata of society, especially employers, must cultivate an awareness of labour protection. The concerted efforts and mutual accommodation of employers and employees are the only way that can truly ensure the protection of workers' reasonable and lawful rights and interests, the only way that can foster harmonious industrial relation.

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

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

**MRS SOPHIE LEUNG** (in Cantonese): Madam President, originally, I did not intend to speak. It is a bit puzzling that even now, I still hear some Members who are school headmasters talking on and on about unscrupulous employers — I have been a Member for five to six years, and since the first day of stepping into this Chamber, I have hoped that Members will not label any one side as being entirely in the wrong, but boast of the other as being totally sacred. Such remarks are very heartbreaking.

How can we speak like this when we are at the same time asking others to show mutual understanding and solidarity and to support one another?

I do not wish to dwell on this point anymore, and I simply wish to call upon Members to look at Hong Kong in a holistic and sensible manner. The problems of Hong Kong as a whole are not the fault of any single person. So, do not ever think that one can become a hero just by lashing out at a handful of people, or by taking a bad one for all.

Madam President, I actually wish to do the opposite and make a few points. I see that the Secretary for Economic Development and Labour is present today. He has been in this post for quite some time already, so he has had to deal with many employment-related problems, and he has in fact made lots of efforts. I wish to make three points only, and I wish that he can do some thinking from these perspectives. Many people from the labour sector are also here today, but I suppose they would not mind what I am going to say, for I have already indicated to the President that I will support the motion.

Still, I hope that they will listen to what I have to say. What we are now facing is the problem of regionalization, that is, the integration of different regions and areas. Hong Kong can no longer afford to go on its own way and ignore what are happening around it. All our enterprises are in fact competing with their external rivals. If we still insist that the high salary levels in Hong Kong should be maintained, then we must consider whether capitals will still remain in Hong Kong. How are we going to retain the capitals? This is not just a question for employers; everybody in Hong Kong must think about it.

The second point. Under the general trend now, all enterprises already have to live with fair competition, why then should our workers not have to do so? If Europe and the United States are to be dragged in for the sake of comparison, then I must point out that even in a country as vast as the United States, most of the people have not got a passport, have never left their hometowns and have never left their country. They similarly have to look for jobs in their own country. So, the situation in the United States should belong to another category. Hong Kong is such a tiny place, so with the onslaught of regionalization, we cannot afford to focus on ourselves only.

The third point. I have already talked about the JIT trend in this Chamber. The 21st century will be a century marked by the JIT trend. What is meant by JIT? It means "Just-in-time employment". I suppose my labour sector friends should be more familiar with this concept than I am. I hope that they can see clearly what this monster is all about, because with the onset of JIT, all forms of protection and high salary levels must give way unless we are prepared to let our economy slip downward forever. Thank you, Madam President.

There is still one point more, though. I hope that in the next couple of years, the Secretary can explore how we are going to tackle the problems related to these three points, instead of simply allowing employers and employees to argue bitterly. Also, I do not wish to hear in this Chamber any more malignant remarks about any handful of people. Thank you, Madam President.

**MS EMILY LAU** (in Cantonese): Madam President, I rise to speak in support of Mr LAU Chin-shek's motion.

Honestly, I wish to commend the Liberal Party in my speech. Though Mrs Sophie LEUNG looks a bit upset, I must still praise the Liberal Party. This is the first time that they have ever supported a motion of Mr LAU chin-shek. This is good, especially when the economy is in such a poor shape, with lots of people being thrown out of job and suffering poor treatment in many respects. I hope that both employers and employees can handle the situation satisfactorily, or else I am afraid the Secretary will have a very busy time. I am indeed very delighted to see that the Liberal Party is prepared to support Mr LAU Chin-shek's motion.

Madam President, I intend to tell only one true story, something which actually happened in this Chamber. Last year, when we were discussing the Accountability System for Principal Officials, some Members said they did not know under which Policy Bureau "labour" should be put. "Labour" and "the environment" were considered "orphans" at that time. The Chief Executive simply shuffled and reshuffled them. Many people advocated that there should be a separate bureau for "the environment", but their advocacy was not accepted in the end, and "the environment" was put under one of the many bureaux.

At the beginning, there were talks about putting "labour" and "industry and commerce" under one single bureau. Miss CHAN Yuen-han also spoke on this idea. She is not in the Chamber now, and I do not wish to repeat her points here. But then, afterwards, "labour" was separated from "industry and commerce", and it was argued that it should be grouped with economic development. So, on and on, people argued about under which bureau "labour" should be put.

In the midst all this, Mr CHAN Kam-lam of the DAB hit on a very bright idea. He said that he had come up with an idea never before contemplated by anyone. He reasoned that "labour" should be grouped with civil service affairs. Madam President, well, I really wanted to give him a big hand at that time. I supported his words so much, and I also agreed to the DAB's view. Why? As we all know, the people of Hong Kong are very good to civil servants, so if "labour" is grouped with civil service affairs, all the treatment enjoyed by civil servants will presumably apply to the several million workers. I thought this would really be wonderful. Sadly, just minutes later, Mr CHAN Kam-lam hurried back to withdraw his own proposal.

Many people have in fact asked me why there should be a separate department for just about 100 000 civil servants, while all other Policy Bureaux have to serve the entire population in Hong Kong. I must say that this may well be a unique feature of Hong Kong.

Madam President, I just wonder whether the day will come when all workers in Hong Kong are treated like civil servants in terms of pay, fringe benefits, and so on. Civil servants are no doubt under immense pressure now, and I personally do not think that their pay and conditions of service should be so different from those offered in the private-sector market, but I still think that there is a huge gap between the benefits enjoyed by ordinary workers and civil servants. So my point is since we are treating our civil servants so well, we should also extend the same treatment to the rest of Hong Kong people. We need not always use foreign countries as the yardstick; all will be fine if we can offer to ordinary workers the same treatment enjoyed by civil servants — their right to bargaining with the Government, strikes and negotiations, and so on. Members can see that in many cases, we simply cannot do anything at all, and I sometimes do feel rather frustrated as a result. Having said that, however, I must add that there is nothing wrong for civil servants to unite together to defend their own interests.

It is just 10 to 20 minutes before the Labour Day. I hope that a set of standards can be put in place to regulate the treatment for the local working classes. I mean besides the set of international standards, there can be a set of local ones. I also hope that our set of standards can be brought up to par of the international ones as soon as possible.

I so submit.

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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr LAU Chin-shek, do you wish to speak?

(Mr LAU Chin-shek indicated that he did not wish to speak)

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, 1 May, the Labour Day, is around the corner. Many Members say that this time every year, a motion related to labour matters will be moved in the Legislative Council. Members belonging to the Liberal Party have just said that they support Mr LAU Chin-shek's motion. This is indeed an apt reflection of the co-operation between employers and employees, something which is very good. I must also give Ms Emily LAU my thanks. She said something I have never heard of, but I think she is right in saying that labour affairs should be grouped under the portfolio of the Civil Service Bureau. I agree to this viewpoint, and I will discuss with Mr Joseph WONG, the Secretary for the Civil Service tomorrow. *(Laughter)* Mr Frederick FUNG has just left the Chamber. Earlier he talked about those employees who had to work long hours under heavy pressure, expressing the concern that they were exposed to high risks. Well, I think all of us here are also facing very high risks, because we too have to work long hours. It is almost midnight now!

This year must have been a very tough one for both employees and employers. The outbreak of Severe Acute Respiratory Syndrome (SARS) has dealt a serious blow not only to tourism, retail businesses, the catering trade and the entertainment industry, but also to practically all other trades and industries. All of us are very concerned about the plight of workers. In these difficult times, the Government will certainly do its utmost to protect the rights and interests of employees, so that workers in Hong Kong can all enjoy reasonable and lawful rights and interests, including the right to decent work.

We agree that employees should enjoy the right to decent work, but I am sure Members also know that the definition of this right actually varies from one economy to another. In fact, the International Labour Organization also recognizes the need for different places to take account of their unique social culture and economic background in the implementation of administrative and legislative measures to improve their own labour standards. In the case of the Hong Kong Special Administrative Region (SAR), the Government aims to ensure that employees can work in safe and healthy workplaces, enjoy labour rights in keeping with the times, stay on good terms with employers and command their trust and respect. We maintain that the strict enforcement of labour legislation and publicity on labour relations are of very great importance, for all this is the best way to enable employees to gain the respect of employers and enjoy their rights and interests. This is also consistent with the objective of promoting the right to work, employment opportunities, social protection and social dialogue.

On the right to work, we will review from time to time the social and economic progress of Hong Kong and seek to improve employees' rights and interests, including the right to occupational safety and health. The Government also consults the Labour Advisory Board frequently and seeks to improve employees' rights and interests through the tripartite efforts of employees, employers and the Government.

One example is the amendment of the Occupational Deafness (Compensation) Ordinance in the 1997-98 Legislative Session to expand the scope of the Occupational Deafness Compensation Scheme and improve its operational procedures.

In the 1998-99 Legislative Session, we also amended the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance to increase the amounts of compensation payable to injured employees and Pneumoconiosis patients.

In the 2000-01 Legislative Session, we again amended the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance to improve death compensation and the claims mechanism and to raise the ceiling of funeral expenses. Besides, in the 1999-2000 Legislative Session, we also amended the Employment Ordinance to make it clear that the taking part by an employee in a strike is not a lawful ground for an employer to terminate the employee's contract of employment without notice or payment in lieu.

In the 2001-02 Legislative Session, we amended the Employees Compensation Assistance Ordinance, introducing a series of reform measures aimed at restoring the long-term financial stability of the Employees Compensation Assistance Scheme.

In the current Legislative Session, we have raised the maximum medical expenses per day provided under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance, so as to cope with the recent adjustments of public-sector medical fees. The Second Reading of the Occupational Deafness (Compensation) (Amendment) Bill will resume next week. The object of the Bill is to improve the Occupational Deafness Compensation Scheme by adding four new specified noisy occupations, increasing the amounts of compensation and providing reimbursement of expenses incurred in relation to hearing assistive devices.

With respect to occupational safety and health, it is the policy of the Government to encourage self-regulated safety management at workplaces. In the long run, the Government will continue to vigorously promote occupational safety and health in Hong Kong through a three-pronged approach of enforcement, education and publicity. We will continue to review from time to time the ordinances on occupational safety and health, namely, the Factories and Industrial Undertakings Ordinance and the Occupational Safety and Health Ordinance, with a view to enhancing the protection for employees.

This year, our key area of work is to amend the Construction Sites (Safety) Regulations in order to implement the Construction Industry Review Committee's recommendations on improving construction site management. To improve safety in construction sites, principal contractors and all other contractors or subcontractors will be held criminally liable for any violation of safety regulations. In addition, the Occupational Safety and Health (Display Screen Equipment) Regulation will shortly come into effect for enhanced protection of users. We will also bring the container handling industry under the ambit of the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations, with a view to upgrading the safety standards of the industry.

Besides updating the various ordinances, we also need to ensure their strict enforcement. I believe the greatest concern of Members should be the problem of wages in arrears. In order to make sure that employees do get paid for the work done, we have sought to step up enforcement against employers defaulting on payment of wages. The Employment Claims Investigation Unit was set up under the Labour Department last year to conduct in-depth investigations into wage offences and streamline the procedures of case processing, with a view to bringing defaulting employers to justice as quickly as possible. Thanks to the efforts made by the Labour Department (LD), the work of combating wage offences has already achieved some effects. I was delighted to hear Members say that the relevant figures were the highest ever in the history of the LD. Naturally, although the figures are certainly very high, we can still do better. That is why I will request the LD to keep up its efforts of enhancing enforcement and prosecutions.

Many Members talked about the outsourcing of services by government departments, expressing concern about cleaning workers. In this connection, I agree that the tender documents on the outsourcing of government services



should carry clear and legally-binding terms and conditions covering wage levels, working hours, and so on. An effective internal monitoring mechanism should also be set down in these documents. Mr LEUNG Fu-wah cited the example of Mandatory Provident Fund contributions; I think his suggestion is a very good one. I agree that more should be done in this respect, and I will certainly relay his views to the Financial Services and the Treasury Bureau as well as other relevant departments, reminding them to step up monitoring in this respect in the course of outsourcing. In addition, the LD will step up its inspections of outsourcing contractors to check whether they have complied with the relevant provisions. I hope that with the concerted efforts of all, we can do a better job. Like Members, I also feel the need to pay tribute to cleaning workers. I have been discussing with the LD, and it has told me that it has been issuing reminders to cleaning contractors on the need to provide cleaning workers with proper equipment such as masks and protective clothing. We will keep up our inspections and prosecutions.

Some Members have said that because of SARS, both employers and employees are caught in a very difficult situation. They point out that many employers are required to take no-pay leave or accept discounted wages. I believe no one will wish to see all this. Some Members ask us to take strict enforcement actions. We will of course do this. Some other Members have repeatedly said that during this period of extraordinary difficulties, all should be prepared to talk things over, to accommodate others' needs, to understand one another and to help one another out, so that we can overcome the difficulties together. These Members, some belonging to trade unions and others to the business sector, have repeated this point several times. I am sure under the present circumstances, most employers will want to "keep" their companies and avoid business closure, because if they really wanted to close down their businesses, they would have done so a long time ago. Workers, on the other hand, of course want to "keep" their jobs. That is why given the current situation, all of us should talk things over. Workers should consider the idea of accepting reduced wages or taking no-pay leave under certain circumstances. If they do not do so, many more companies may have to close down and many more employees may have to be laid off. This will do no good to both sides. We certainly agree that employers should not be allowed to make use of the present situation to force their employees to accept reduced wages or to take no-pay leave. We must not forget that employees have the right to make their own choices. If they decide not to accept all these terms, and if their employers force them to do so, we will need to strictly enforce the provisions of the

Employment Ordinance. We all agree that this is an extremely difficult period. I hope that this difficult period will not last long. Some Members have pointed out that it has never been mentioned before that the loan guarantee funds must only be used to pay employees' wages. Indeed, such a restriction can illustrate clearly that we fully appreciate the difficulties faced by workers. That is also why the aim of these loans is to "keep" the jobs of workers. And, of course, employers must think about how they can pay wages to their employees. The restriction can illustrate that the Government is very concerned about the situation of workers and wishes to retain their jobs as much as possible.

Just now, I talked about tripartite dialogues and consultations. In fact, we have always encouraged effective communications between employers and employees. At the levels of enterprises and industries, we have been promoting voluntary collective bargaining. In April 1998, the Workplace Consultation Promotion Unit was set up under the LD. At the enterprise level, the Unit aims to foster effective communication on employment matters between employers on the one hand and employees and trade unions on the other. At the industry level, the LD has been trying to set up industry tripartite groups comprising the representatives of employees' unions, employers and employers' organizations. These tripartite groups can provide an effective channel through which employees can discuss issues of common concern with employers. So far, the LD has set up nine industry tripartite groups. These groups can provide an effective channel through which employers and employees can communicate directly on matters related to their industries. Employers can thus hear the voices of workers direct. This is in line with Mr LEUNG Fu-wah's appeal that employers and employees should make concerted efforts, care for one another and foster more harmonious relations between themselves. This is also in line with the International Labour Organization's principle on social dialogue.

Hong Kong is now battered by the SARS epidemic. As I mentioned a moment ago, during this very difficult period, the industry tripartite groups set up by the LD have discussed the effects of SARS on their respective industries and how best the difficulties can be overcome. They have put forward many valuable suggestions. All this can help employers and employees understand one another better.

Many Members also mentioned collective bargaining and a minimum wage. I wish to reiterate that there are in fact many divergent views on mandatory collective bargaining as a means of protecting labour rights and

interests. Even in the Legislative Council, Members also hold different views. Although some may not like what I am going to say, I must still point out that we do not think that mandatory collective bargaining should be introduced at this point in time. We are of the view that legislating on collective bargaining now will only achieve the opposite result of putting employees in a disadvantaged position, because once restrictions in the labour market increase, our appeal among overseas investors will diminish; this will in turn damage our business environment and adversely affect the creation of jobs in the private-sector market. In addition, legislation on mandatory collective bargaining is no guarantee that an agreement can always be reached. Instead, employers and employees may thus become even more antagonistic to one another. The whole mechanism may also become too rigid, to the extent of hindering negotiations between employers and employees. This subject has been debated in the Legislative Council many times before, and I do not wish to repeat the relevant arguments now.

Some Members have pointed out the need to enhance the awareness of labour protection. In this connection, the LD has been conducting various publicity activities reaching out to both employers and employees, in the hope of enabling them to know more clearly their respective rights and obligations. We have also tried to make use of specific incidents to enhance employers' and employees' understanding of our labour legislation. I suppose I need not cite any examples for illustration purposes.

As for employment, we are very much concerned about the high unemployment rate now. The Government has set up a \$3.5 billion loan guarantee fund for the special purpose of providing relief to the industries hardest-hit by the SARS epidemic. Since I already explained this in detail in the motion debate before this one, I am not going to make any repetition here. However, I still wish to say that we have actually made lots of efforts to increase the number of temporary posts and training places. We have created more than 21 000 posts, and the job has not been easy at all during this very difficult period. We hope that these posts can help relieve the unemployment situation. We will certainly monitor the employment situation and continue to offer assistance where necessary.

Madam President, some Members have talked about the need to set down a minimum wage and a maximum number of working hours for workers. The Legislative Council has also discussed these ideas many times before, and

Members do have divergent views. I believe Members should be very clear about the Government's position. I do not think that I should repeat my arguments here. If I do so, we may be unable to end this meeting until after the Labour Day. I only wish to stress that under the existing legislation, employees can already enjoy appropriate protection, and the Government will continue to carry out periodical reviews to ensure the relevant legislation can keep abreast of the times. We are convinced that as long as employees, employers and the Government can make concerted efforts, our existing policies and laws will be able to ensure employees' right to decent work. When contemplating any policy and legislative changes, we must carefully assess their impact on the economy. On the one hand, we must continue to further the rights of employees, but on the other, we must also consider the ability of employers to absorb these changes. In particular, when the economy of Hong Kong is battered so severely by SARS, it is even more inappropriate to introduce a statutory minimum wage lest this may twist the automatic adjustment mechanism of the market and in turn affect the creation of jobs.

Finally, I wish to express my gratitude to Members for putting forward so many valuable views on the eve of the Labour Day. I also wish to call upon employees and employers to co-operate with one another, to help one another out and to accommodate one another during this period of economic difficulties. I am sure that as long as employees, employers and the Government can co-operate wholeheartedly, we will be able to do a lot more for workers, to ensure that they can enjoy the right to decent work. Members belonging to different political parties seem to be in agreement on the motion topic today. If that is really the case, they will be setting an example of what I said just now, proving that it can be achieved in this legislature too. We need not always wait until the Labour Day on 1 May to do anything, and I hope that we can enhance our various efforts in this respect whenever necessary. That way, workers will be able to enjoy their reasonable and lawful rights and interests, and a more harmonious relationship between employers and employees will emerge. Thank You, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr LEUNG Fu-wah's amendment, 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): I now put the question to you and that is: That Mr LEUNG Fu-wah's amendment to Mr LAU Chin-shek's motion, as amended by Mr Andrew CHENG, 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 as amended passed.

**PRESIDENT** (in Cantonese): Mr LAU Chin-shek, you may now reply and you have up to seven minutes two seconds.

**MR LAU CHIN-SHEK** (in Cantonese): Madam President, I am convinced that decent work is not just our long-term objective, but also an issue that warrants our urgent concern at this very time when we are under the dual attacks of economic restructuring and atypical pneumonia. In the midst of the current

economic adversities, the Confederation of Trade Unions (CTU) hopes that both employers and employees can help one another out with the maximum mutual understanding. I also call upon all employees to do their jobs well, so that they can win the respect of society. I am sure that many employers and workers in Hong Kong are doing exactly this.

However, a couple of recent incidents have made me feel rather sorry. As a result of the raging epidemic, the business turnover of restaurants and food establishments has gone down greatly. Many workers are mentally prepared to share the difficulties with their employers. But the CTU has received complaints from many workers in the catering industry about their employers' requests to reduce their wages. These workers all hope that the wage reduction will be a temporary measure only, but their employers have after all refused to make any commitment to restoring their original wage levels after the epidemic. Will this undermine our concerted efforts to battle the adversities?

A large department store has recently required their employees to each provide a guarantee signed by a guarantor. The guarantor has to guarantee that the employee concerned will not commit any misconduct which causes losses to the company. If the employee does so, the guarantor will be liable for compensating the company. The guarantor also has to guarantee that even in the case of unreasonable dismissal, the employee will not claim any compensation. Is this not an insult to workers?

Madam President, one clear message carried by the Labour Day is that all workers are equal. In the battle against atypical pneumonia, both professional health care personnel and grass-roots cleaning workers have fought untiringly, illuminating Hong Kong like a rainbow in this dark period. On the Labour Day, besides expressing our heartfelt appreciation of them, we also hope to see the realization of the four main elements of decent work: adequate employment and development opportunities; fundamental labour rights; employees' rights and social protection in line with the level of economic progress; and, social dialogue.

Melted wax makes it possible for a candle to light up a place. The contributions made by millions of employees are just like the melted wax of a candle, lighting up society and making the Labour Day a real blessing. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAU Chin-shek, as amended by Mr LEUNG Fu-wah and Mr Andrew CHENG, 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, 7 May 2003. I wish you all a substantial Labour Day.

*Adjourned accordingly at two minutes to Midnight.*

## Appendix

## WRITTEN ANSWER

**Written answer by the Secretary for the Environment, Transport and Works to Mrs Sophie LEUNG's supplementary question to Question 6**

As regards the relaying frequency and related expenditure on repaving of paving blocks which was independent of excavation works, please find attached at Annex our reply for Members' information and reference.

Annex

## Statistics on Repaving of Paving Blocks

The total area of footpath constructed with precast paving blocks in Hong Kong is about 1.15 million sq m. Based on the records of footpath repaving works carried out by the Highways Department over the last two fiscal years, the statistics of repaving frequency are as follows:

<i>Total Footpath Repaved</i>	<i>Time since previous construction &lt; three years</i>		<i>Time since previous construction three to 10 years</i>		<i>Time since previous construction &gt; 10 years</i>	
	<i>Footpath Repaved</i>	<i>Reasons for Repaving</i>	<i>Footpath Repaved</i>	<i>Reasons for Repaving</i>	<i>Footpath Repaved</i>	<i>Reasons for Repaving</i>
	<i>Area (sq m)</i>		<i>Area (sq m)</i>		<i>Area (sq m)</i>	
	<i>(%)</i>		<i>(%)</i>		<i>(%)</i>	
Area = 416 960 (sq m)	4 486 (1%)*	Pedestrian Scheme; District Beautification Programme; worn, uneven and slippery surface; deteriorated due to repeated trench works and uneven due to illegal parking.	166 344 (40%)*	Cracking; uneven; pedestrian scheme; streetscape improvement; disintegrated, subsided, and repeated trench works.	246 436 (59%)*	Cracking; disintegrated; uneven; worn; pedestrian scheme and streetscape improvement.
Cost = \$189.5 million						

From the above statistics, we have the following observations:

- a. Footpaths laid in paving blocks can normally last for over 10 years.



**WRITTEN ANSWER** — *Continued*

- b. About 59% of footpath reconstruction were carried out more than 10 years after the previous construction. The percentage and time of reconstruction is considered to be normal. The reasons for reconstruction under this category were mainly due to normal wear and tear. Pedestrian schemes and streetscape improvements were two other major reasons.
  - c. About 40% of areas were reconstructed between three and 10 years after the previous construction. Among this category, a rather high proportion were works under pedestrian schemes and streetscape improvements. The remaining small proportion was due to wear and tear and repeated trench excavations.
  - d. Only about 1% of the area were reconstructed within three years after previous construction. The main reasons are due to uneven surface, damaged caused by illegal parking, pedestrian schemes and streetscape improvements.
  - e. There was no indication on the need for frequent footpath reconstruction due to poor workmanship, and in the rare case of this happening, the reconstruction cost was borne by the contractors.
- \* The percentages so quoted refer to the proportion of total footpath repaved.