

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 26 November 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.

DR THE HONOURABLE ERIC LI KA-CHEUNG, G.B.S., J.P.

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

THE HONOURABLE CHAN YUEN-HAN, J.P.

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, G.B.S.

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE HOWARD YOUNG, S.B.S., 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, J.P.

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 ABRAHAM SHEK LAI-HIM, 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, J.P.

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.

PUBLIC OFFICERS ATTENDING:

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

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

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

DR THE HONOURABLE PATRICK HO CHI-PING, J.P.
SECRETARY FOR HOME AFFAIRS

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

THE HONOURABLE AMBROSE LEE SIU-KWONG, IDSM, J.P.
SECRETARY FOR SECURITY

CLERKS IN ATTENDANCE:

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

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

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
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Amusement Game Centres (Fees) (Amendment) Regulation 2003.....	250/2003
Summary Disposal of Complaints (Solicitors) Rules	251/2003
Tung Chung Cable Car Ordinance (20 of 2003) (Commencement) Notice 2003	252/2003

Other Papers

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| No. 25 | — | Report on the Administration of the Immigration Service Welfare Fund prepared by the Director of Immigration Incorporated in accordance with Regulation 12(b) of the Immigration Service (Welfare Fund) Regulation |
| No. 26 | — | Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2002-2003 |
| No. 27 | — | Report of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2003 |
| No. 28 | — | Report No. 41 of the Director of Audit on the results of value for money audits - October 2003 |
| No. 29 | — | Accounts of the Government for the year ended 31 March 2003 |
| No. 30 | — | Office of the Privacy Commissioner for Personal Data, Hong Kong
Annual Report 2002-2003 |

No. 31 — Ocean Park Corporation
Annual Report 2002-2003

Report of the Bills Committee on Hong Kong Examinations and
Assessment Authority (Amendment) Bill 2003

ADDRESS

PRESIDENT (in Cantonese): Address. Mr Henry WU will address the Council on the Ocean Park Corporation Annual Report 2002-2003.

Ocean Park Corporation Annual Report 2002-2003

MR HENRY WU (in Cantonese): Madam President, I table before the Legislative Council today the Ocean Park Corporation Annual Report 2002-2003.

The Park remains an immensely popular facility for the people of Hong Kong, and a magnet for tourists, particularly visitors from the Mainland. However, as the annual report clearly describes, the past financial year was an extraordinary year of two very different parts — the first half, which showed the Park headed towards record levels of visitors, and a return to operating profit, driven by new and exciting programmes and events, and the second half devastated by the impact of Severe Acute Respiratory Syndrome (SARS), with mainland visitors barred from visiting Hong Kong through the end of the financial year, and the Park's staff opening the gates to a virtually empty park every day for more than three months.

Staff with management worked with patience and fortitude to minimize the impact of this catastrophe, taking many tough decisions to cut costs — including the staff taking a day's unpaid leave every week, the Park completely shutting on Mondays, operating hours being reduced and show schedules adjusted. The Park completed its year with a small deficit of \$4.1 million.

Despite the SARS setback, 2002-03 was marked by numerous successful developments. The introduction in November of four scalloped Hammerhead Sharks aroused tremendous interest among visitors to the aquarium, as only a

few facilities worldwide maintain these wonderful fish. The new "Dinosaurs Now and Then" exhibition allowed visitors to come face to face with three living descendants of dinosaurs — Chinese alligators, Chinese Giant Salamanders, and the Chinese sucker fish.

In recent years, the Park has received international awards and recognition for its service quality as well as its animal shows. This year, the Park received accreditation from the American Zoo and Aquarium Association (AZA), which was the first for any animal facility in Asia and a Brass Ring Award from the International Association of Amusement Parks (IAAPA) for the Website Ocean Park created for the Halloween Bash 2001.

Educational and conservation programmes continued to be developed in spite of SARS. More than HK\$1 million was raised during the Park's annual Conservation Day, supporting studies of Chinese white dolphins and finless porpoises in Hong Kong as well as dolphins from the Irrawady in Burma, the Ganges in Bangladesh, and in the waters around Taiwan and Cambodia. Ocean Park also provided funding support to the Hong Kong Society for Panda Conservation, which undertook to raise HK\$1 million for the new giant panda hospital in the China Wolong Nature Conservation and Research Centre.

Very importantly, we saw the beginning of work of the Government Task Force on the future development of Ocean Park and of other Tourist Attractions Aberdeen. The Park's new Chairman, strongly supported by a Board, has successfully taken up the reins from the outgoing team in working with the Task Force to develop detailed plans for the future. A special Development Group has been set up, which is currently working with a team of international consultants to prepare plans that will hopefully be presented to the Task Force early in 2004. To tie in with the development of Hong Kong as an international tourist spot, Ocean Park hopes that the Government can make an early decision, and to materialize the plans concerned as soon as possible, with the support and co-operation of the Legislative Council.

Perhaps in closing, it would be appropriate to give special thanks to Philip CHEN, Ocean Park's Chairman, and to the other seven board members. Working closely with Chief Executive Randolph GUTHRIC and the Park's executive team, together with the whole crew exercising its *esprit de corps*, the Board under Philip CHEN has focused successfully over the past three years on two key priorities: to turn the Park from losses to operational surplus, and to lay

plans for the long-term future. In short, the Park faces tremendous challenges ahead, but believes that with the support from this Council, the Government and the public, the Park can have an important local and tourist role in Hong Kong building on its more than 26 years of serving the people of Hong Kong. Madam President, thank you.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): First question.

Waste Disposal Methods

1. **MR LEE CHEUK-YAN** (in Cantonese) *Madam President, regarding waste disposal, will the Government inform this Council:*

- (a) *of the progress and effectiveness of the pilot scheme on the separate collection of wet and dry wastes launched by the Administration this year;*
- (b) *whether it has made a comparison of the various waste disposal methods, such as landfilling, incineration and recovery, in terms of their costs, requisite technologies, numbers and types of jobs that can be created, as well as their impact on sustainable development; if so, of the results of the comparison; and*
- (c) *of the measures to promote the development of the waste recovery industry, with a view to creating more jobs for the grassroots?*

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

- (a) The wet/dry waste sorting pilot scheme was launched in March this year in four housing estates in the Eastern District on Hong Kong Island. It will last for 12 months. Under the pilot scheme, dry waste is separately collected and re-sorted — this is launched in

waste recovery stations in the Eastern District in the hope that waste can be recycled after sorting.

The pilot scheme has been implemented for eight months. The average amount of dry waste collected was about 1 tonne per day, with a recovery rate of about 20%. The separated dry waste was sold to recyclers by tender, which proves that properly sorted recyclables have values in the market. The organization responsible for the pilot scheme has stepped up publicity to encourage more residents to participate in the scheme. A review will be carried out upon completion of the pilot scheme to examine the feasibility, logistics and cost-effectiveness of this form of waste recovery. Our ultimate hope is to achieve a mode of market operation.

- (b) To address the waste problem so as to achieve the target of sustainable development, we could not rely on any single waste disposal method alone, but need to have a comprehensive and consistent waste management strategy with due consideration of all relevant factors.

Waste in Hong Kong is collected by the Government and private waste collectors. The waste collected is first delivered to the refuse transfer stations for compression and then to the landfills in bulk; or delivered to the landfills direct for disposal. In order to reduce the waste requiring disposal at landfills, so as to prolong their lifespan, we have been actively promoting waste separation at source before recovery. At present, commercial and industrial waste is mainly collected by cleansing contractors and then delivered to recyclers. Moreover, the public may separate and recover waste by making use of the waste separation bins placed in public places and public/private housing estates, or through various waste separation pilot schemes, such as wet/dry waste sorting and plastic bottles collection schemes. Recovered materials sorted and collected through various means will eventually be delivered to recyclers for processing. As there are only a few local recyclers actually carrying out recycling work locally (such as waste tyres and waste paper recycling) and some small-scale operations, most of the materials recovered and processed are for export.

Waste prevention and recovery could help relieve the pressure in the handling of waste, thus prolonging the lifespan of landfills. However, the Government still needs to carefully assess the waste disposal capacity of the existing landfills, and to examine the feasibility of extending the existing landfills or developing new ones, as well as adopting new waste treatment technologies.

In this regard, the Government invited, in April 2002, expression of interest from the local and international waste management industry for various technology options to develop large-scale waste treatment facilities in Hong Kong. We also set up an advisory group, comprising mainly non-officials, in late 2002 to assist the Government in evaluating the proposals received. The group is now evaluating the various technology options from different angles and will make recommendations to the Government on viable technologies for public consultation purposes. Separately, we have commenced a study to explore the feasibility of extending the existing landfills and identifying new landfill sites.

According to the available information, the recycling industry is currently hiring some 3 000 employees, and involving another 20 000 employees/casual workers as cleansers to collect refuse. Separately, for the three existing landfills, their construction cost is about \$6 billion and the recurrent expenditure is around \$470 million per year. Moreover, about 50 professional/technical staff and 280 labourers are employed. Since landfills are the only major waste treatment facilities available in Hong Kong, and the cost of the large-scale waste treatment facilities to be developed, as well as the number and types of jobs thereby created will depend on the technologies adopted eventually, we cannot make a comparison of the various waste disposal methods at this stage.

Of course, the Commerce, Industry and Technology Bureau and I will examine whether continued efforts can be made in industrial development to further process recyclables and turn them into useful materials. This will however involve the introduction of high technology and substantial investment. I will actively examine this issue with the Bureau because only in doing so can we bring forth a new green industry. In our opinion, the green industry has good

prospects for development. In particular, this is a new industry to the Mainland.

- (c) We have put in place the following measures to facilitate and promote waste recovery, which would in turn create job opportunities in the recycling industry:
 - (i) Continuously supporting and promoting various waste recovery business and community activities, and trying out different forms of waste recovery methods, including the wet/dry waste sorting pilot scheme, and the placement of waste separation bins in public places and public/private housing estates;
 - (ii) Strengthening public education and publicity on waste recovery;
 - (iii) Providing suitable land for lease to the recycling industry.;
 - (iv) Planning for the establishment of a 20-hectare Recovery Park in Tuen Mun to provide long-term land for recycling operation; and
 - (v) Injecting \$100 million into the Environment and Conservation Fund, primarily for district organizations and green groups to organize community waste recovery projects.

Moreover, depending on the cost-effectiveness of and the supporting facilities required for wet/dry waste sorting, we will consider applying this form of waste recovery on a larger scale, which could on the one hand reduce the burden on landfills, and on the other hand provide more employment opportunities for green collar workers in the longer term.

We have also started exploring the producer responsibility schemes in various aspects. Under the schemes, it will be compulsory for producers of highly polluted products, such as batteries, to develop a recovery scheme to complement their recovery project, in which the last working procedure must be supported by technologies.

It must be noted, however, that job creation will be affected by other factors. For example, as the amount of recyclable increases, some recyclers may adopt automation and technology-intensive equipment to enhance the cost-effectiveness and viability of the business. If they no longer rely on the current labour-intensive process, the demand for manpower might decrease. Another factor that may have an impact on job creation is the possibility of displacement. For instance, recyclers with large-scale technology-based plants may drive the small recyclers out of the market, which will in turn affect the number and types of jobs available in the industry. Moreover, according to the available information, the recycling industry already has spare capacity at the moment and can handle 30% more recyclables. Therefore, we will have to carefully observe the further development of the industry and employment opportunities.

PRESIDENT (in Cantonese): Honourable Members, as the Secretary has given a detailed reply and nine Members are waiting for their turn to raise supplementary questions, I will exercise my discretion to extend the time allocated to this question.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, the Secretary actually knows very well my purpose of raising the main question, that is, to lobby the Government to handle waste by green means — methods that can not only protect the environment but also increase job opportunities. In doing so, it will be unnecessary to waste \$470 million annually on transporting all the waste to landfills. My objective is very clear.*

PRESIDENT (in Cantonese): Please raise your supplementary question.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, my supplementary question is: The Secretary was still unable to say whether my request could be met, although my objective is crystal clear. The Secretary has been wasting her time in saying that a lot of factors have to be considered.*

PRESIDENT (in Cantonese): Please raise your question quickly.

MR LEE CHEUK-YAN (in Cantonese): *May I ask the Secretary if she will adopt a green method — to make it unnecessary to transport waste to landfills — that can create job opportunities as well? The Secretary indicated in the main reply that consideration had been given to expanding the wet/dry waste recovery scheme. So, when will job opportunities be created eventually? I hope an answer to the unemployment problem will soon be available.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, I hope an answer can be available very soon too. Waste disposal presents a headache for every country and city. It is not that I did not want to answer the supplementary question raised by Mr LEE Cheuk-yan, only that we are really in the course of considering and dealing with the matter. Regardless of the means of collection eventually chosen by us, we cannot stop once we have started, can we? Recovery and sorting demand a lot of time and energy. It will be a great waste of time should no one want the sorted materials eventually. Let me cite the recovery of plastic bottles as an example. If only a very small amount of bottles can be recovered every time owing to the failure of individual districts to concentrate their efforts and a lack of storage places, recyclers would prefer not to recover the bottles, and they would simply dump the plastic bottles at refuse collection stations instead. This has indeed happened before. For this reason, we have to thoroughly consider the methods and feasibility of collecting wet/dry waste. This cannot be done overnight. The fact that the amount of waste recovered during the initial period is very small and not cost-effective has made it impossible to achieve our objective.

Mr LEE, as I discussed with you before, we have encountered difficulty in recruiting manpower. The waste recovered will be sorted by hand. This practice is adopted by many countries or cities in the world, such as San Francisco and London. This is a highly obnoxious industry. Hong Kong people are even more reluctant to do this kind of job. This explains why the mobility in the industry is very high. We have to make unceasing efforts to deal with all these problems. Besides, as I mentioned earlier, there is one issue that worries me greatly. I was told by a recycler yesterday that should the industry

switch to large-scale operation, small recyclers would be forced out of business and their employees would be unable to make a living. For these reasons, I have been emphasizing the adoption of an integrated approach. I hope we can do more than the first part, that is, the labour-intensive part involving recovery and sorting. Hong Kong cannot benefit by just completing this part because we lack the technology and green industry required to further process the materials. What we gain will therefore be negligible. However, workers will lose their jobs if recovery is conducted on a large scale. For these reasons, I have to deal with several aspects simultaneously. I hope Members can be more patient.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, my question was: How much longer will it take the Secretary to consider the matter? The Secretary said it would be very soon. But she did not say at the end when a final decision could be made.*

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

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): No.

MR TOMMY CHEUNG (in Cantonese): *Madam President, the issue relating to cooking oil used by the catering industry has been raised by me for discussion for several years. At present, cooking oil is transported to landfills for disposal. May I ask the Secretary whether the Government has started studying or made a decision with respect to the promotion of recovering cooking oil used by the catering industry and turning it into biochemical diesel oil or soap?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, food waste poses a problem too. It is similar to the one mentioned by us earlier. The sorting and disposal processes are labour-intensive and relatively obnoxious. As regards whether there is any demand for those products, no one is willing to carry out the next production process at present. Food is even more difficult to handle. We do not even

have the storage places, not to mention we have to separate oil from the food. There are attempts to apply biotechnology in the hope that food degraded can be turned into fluids to be used as fertilizers. However, this is still being tested. Both Japan and Korea are conducting experiments, but this is not an easy task. In connection with my enquiry as to whether popular application is possible, I was told by Japan that this was still not possible. Biotechnology will react to the concentration of oil in, and the components of, the food, because organism is involved. We are now trying to find answers to our questions from several small tests being conducted.

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, the Secretary said in the main reply that the establishment of a 20-hectare Recovery Park was being planned. A lot of complaints had been received in respect of the last scheme because the industry had to be supported by such infrastructure facilities as water, electricity, and so on. May I ask the Secretary whether this 20-hectare Recovery Park will be equipped with all the requisite infrastructure support facilities for use by recyclers?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *Madam President, the 20-hectare Recovery Park is under planning because there are still some problems with overall financing. Yet, we believe the problems can be resolved. Nevertheless, we still have to consider the overall demands for support facilities. 20 hectares is a large area. Whether green industries will be included or only the Recovery Park is to be built, there is no final decision yet. We are prepared to consult the Recovery Committee in December or January to examine how the plan should proceed.*

MR JASPER TSANG (in Cantonese): *Madam President, I might have to declare an interest because I did take part in the pilot scheme. The Secretary stated in part (c) of the main reply that, for the purpose of facilitating and promoting waste recovery, measures including the placement of waste separation bins in public places and public/private housing estates and carrying out public education and publicity had been taken. Nevertheless, we were often told that the effectiveness of such separation bins was very limited. Has the authorities concerned evaluated the effectiveness of these separation bins and taken measures to improve and enhance the utilization of these bins?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, one of the major elements contributing to the implementation of the three-colour recovery bins programme is to encourage the public to discard waste paper, aluminum cans and plastic bottles separately. Regarding the remark made by the Honourable Member concerning the limited effectiveness of the programme, I would say that collection has not been very efficient because of the limited capacity of the three recovery bins placed in each housing estate and the scattered location of the bins. However, at the same time, many cleaning teams in housing estates are collecting waste on their own. The waste collection task, performed separately by the Government and the housing estates, has produced satisfactory results. Moreover, some recyclers are willing to pay a certain sum of money to help waste recovery. While the amount of waste collected by the staff of the Food and Environmental Hygiene Department through the three recovery bins placed by the Government is relatively small, the amount collected by housing estates is much larger. Nonetheless, the three-colour recovery bins are educational — some people are willing to recover refuse considered to be more valuable.

PRESIDENT (in Cantonese): We have spent more than 20 minute on this question. Last supplementary question.

MR KENNETH TING (in Cantonese): *Madam President, has the Secretary considered recovering industrial waste oil? The Government is making an effort in facilitating and promoting such an initiative. I am also very pleased to learn that 20 hectares of land have been earmarked for this purpose. If the plan is to go ahead, has the Government come up with any methods to promote and facilitate the recovery of industrial waste oil?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, we have been recovering industrial waste oil through the Enviropace Limited, which is also collecting industrial waste material for recycling. Furthermore, industrial oil is now being recovered by a private organization in the Yuen Long Industrial Estate. I believe anyone wishing to join in will be able to meet all the requirements for undertaking recovery operations in the Recovery Park.

PRESIDENT (in Cantonese): Second question.

Use of Public Rental Housing Flats for Prostitution

2. **MR WONG SING-CHI** (in Cantonese): *Madam President, regarding the use of public rental housing (PRH) flats for prostitution, will the Government inform this Council of:*

- (a) *the number of such cases reported to the authorities in each of the past three years;*
- (b) *the number of Notices to Quit issued in the past three years to tenants of PRH flats on grounds that their flats were used for prostitution; and*
- (c) *the measures it will adopt to eradicate the use of PRH flats for prostitution?*

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

- (a) In the past three years, the Housing Department (HD) has received nine complaints, including five verbal and four written ones, against suspected prostitution in seven public housing flats. Two tenants have already moved out of their own accord. The HD is following up two cases, while the remaining three cases have been referred to the police.
- (b) Recently, the police took enforcement action against a public housing tenant at Choi Yuen Estate in Sheung Shui, who had let out his public housing flat for prostitution purpose. The Tenancy Agreement for public housing flats forbids tenants "to use or cause or permit the said premises to be used for any illegal or immoral purpose". The tenant mentioned above has violated this condition and his tenancy will be terminated. Apart from this case, no tenancy has been terminated over the past three years due to the use of flat for prostitution.

- (c) The HD seeks to prevent the use of public housing flat for prostitution through estate management and security measures. Estate management staff will report to the police if suspicious persons are found loitering or soliciting in public housing estates. Security guards also keep a vigilant watch on people entering or leaving the housing blocks so as to guard against unauthorized entry of strangers. In addition, the HD puts up posters and distributes leaflets from time to time to remind tenants that unauthorized occupants and illegal uses of flats are not allowed. Tenants can also report in strict confidence any suspected abuse of public housing flat through hotline or a standard complaint form. If a report on suspected prostitution activities in public housing flat is received, the HD will conduct initial investigations and visit the flat in question to ascertain the merit of the complaint. If there is *prima facie* evidence, the case will be referred to the police for further action. The HD will liaise closely with the police and provide any necessary information in support. The HD will terminate the tenancy if the case is ultimately substantiated.

MR WONG SING-CHI (in Cantonese): *Madam President, in the main reply, the Secretary said that only nine complaints had been received in the past three years. However, in my constituency, the issue has been discussed by many residents and the advisory committees of some housing estates, and a considerable number of cases had been discovered. Besides, many residents and I know nothing about the measures mentioned by the Secretary in the main reply, such as the hotline and the standard complaint form that would be treated in strict confidence. Will the Secretary conduct another review and step up efforts on this front so as to stamp out vice activities in PRH estates as soon as possible?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, as Mr WONG has just said, some estates have set up their own Estate Management Advisory Committee. These committees have held discussion on this issue and tried to find out the number of cases in their respective estates. According to my understanding, no such cases are found, but the issue does cause concern. We have therefore relied on these

management advisory committees to step up education in this respect. To address the concern raised by Mr WONG earlier, we will step up our effort to make known to residents information related to the hotline and standard complaint form by putting up posters or through other appropriate channels.

MR LAU KONG-WAH (in Cantonese): *Madam President, in part (c) of the main reply, the Secretary stated that estate management staff should investigate persons loitering or soliciting in the estates. We find this phenomenon increasingly common at the district level. May I ask the Secretary, according to the information he has, whether or not the phenomenon is common at the district level? Will the Secretary reiterate to management companies or staff of the HD that these situations are not allowed?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): *Madam President, as explained in my main reply, this is part of the estate management and security procedure. As I have said, a set of guidelines is in place, and they should know how to handle these cases when discovered. We know that residents of some estates have expressed concern about this problem. Despite the fact that we have distributed relevant leaflets and provided a confidential hotline and standard complaint form, no complaints have been received through the said channels during the past few months. I have already said that we will, in the light of Members' concern, once again remind staff of public housing estates and management companies to step up enforcement appropriately to minimize the nuisance caused to the residents.*

MR WONG SING-CHI (in Cantonese): *Madam President, the management of many public housing estates has now been contracted out to private management companies. Therefore, if these estates are still affected by the situation in question, it indicates that the performance of the management companies concerned in several specific areas of work is not satisfactory. The Secretary has stated clearly in the main reply that security guards of management companies should inquire and check clearly every stranger upon their entry into individual blocks. May I ask the Secretary whether this will be used as an indicator? That means, in case any problem arises in a certain estate, whether this indicator will be used to assess the performance of the management company concerned, and to consider disqualifying it for appointment in due course?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, it is certain that we will definitely include the above requirement as part of the performance indicator. But I have to stress that, according to our observation on the actual situation in housing estates and the reports received in this connection, this is not a widespread problem at present. Residents may become concerned about the issue because of the reports in newspapers or the spotting of some strangers, but this does not mean that the situation has run out of control now. I would like to explain further in this respect. According to my understanding, at present, most public housing estates have their own lobbies that are equipped with security facilities. Though some public areas are accessible, given the stringent security measures, such as combination lock control, it is not easy for the public to gain access to individual flats. In this connection, we have *prima facie* evidence to justify that the present situation does not seem to be out of control. Certainly, we must face the issue squarely if it does occur in future. If several complaints of this type are received, we will definitely handle them after assessment.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, regarding the existing security measures for housing estates, the stationing of security guards at the lobby of each block is the major arrangement. But the point is that no one will act openly in the lobby irrespective of the nature of their act, for the activity in question usually takes place somewhere else in the estates. At present, no staff can be spared to patrol the estates; security guards are mainly responsible for patrolling areas inside individual blocks. In this connection, will the HD consider deploying more staff, that is, to employ more security guards, to patrol areas outside individual blocks? This will prevent not only vice activities, but also other illegal activities.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, as I said just now, I think the entire issue does not only involve the problem of soliciting; it is the prostitution activity carried out afterwards that counts. Thus the activity involved cannot only take place outside the blocks but also needs to be carried out inside individual flats. I have already explained the part relating to the entry to individual flats. As reflected by the present situation, our security facilities are effective. The security measures of individual blocks are more stringent as lobby gates have to be

opened by access pin. As Mr LEUNG Yiu-chung said, security guards are stationed at the lobby of each block, they will certainly intervene and make enquiries if they find many such cases. Of course, if they find the situation serious, as I have said, they will contact the police. If we find the number of these cases increasing, we will contact the police, and corresponding measures will be taken to minimize the nuisance caused.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, the Secretary has not yet answered my question. Though we can handle the situation within housing blocks, how can we monitor or keep watch on cases occurring in areas outside housing blocks? We need more staff to handle those cases. As such, will the Secretary employ additional staff? This is the supplementary question raised by me just now, but the Secretary has not yet answered it.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): *Madam President, if these situations are found in areas outside the housing estates, I think I have to ask my colleague, the Secretary for Security, to take a look at it. Certainly, if the cases take place inside any housing blocks, as I have said, the handling of such cases is part of the duties of estate management staff and security guards. I trust the present establishment will enable them to maintain adequate patrol of the areas inside housing blocks.*

MR FREDERICK FUNG (in Cantonese): *Madam President, I have heard of a situation that may possibly occur in housing estates and would like to know how the Secretary will face or handle it. A tenant of a single-person flat claimed that a relative from the Mainland visiting Hong Kong needed to stay in his flat temporarily. However, the woman from the Mainland living in that flat for the past three months has actually been engaging in prostitution activities. In this case, the woman would not be considered as a stranger. The tenant concerned may even submit a formal application to the HD for allowing his relative visiting Hong Kong to stay in his flat for two to three months. The HD does approve cases like this, allowing relatives of Hong Kong people from the Mainland to live in the flat for a short period during their stay in Hong Kong. However, if the relative concerned engages in prostitution activities in the flat, how can the HD or the authorities tackle the problem?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I believe officials are not required to answer hypothetical questions in this Chamber.

PRESIDENT (in Cantonese): Secretary, please be seated first. Mr FUNG, you have raised a hypothetical

MR FREDERICK FUNG (in Cantonese): *My supplementary question is not a hypothetical question, but a possible situation.*

PRESIDENT (in Cantonese): As you used the phrase "may possibly" right at the beginning of your question, the Secretary was led to perceive that your supplementary question is hypothetical.

MR FREDERICK FUNG (in Cantonese): *Madam President, I can submit the case concerned later.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, if there is such individual cases, and if we have sufficient evidence to suspect it — despite the fact that she lived there, the number of visitors showing up and the frequency of visit were far too high — we will investigate it when we are in reasonable doubt, and will contact the police if deemed necessary. We will look at the whole incident and see whether it has to be referred to the police.

PRESIDENT (in Cantonese): Last supplementary question.

MR LAU KONG-WAH (in Cantonese): *Madam President, part (a) of Mr WONG Sing-chi's question asked about the number of cases reported to the authorities in the past three years. In part (a) of the Secretary's main reply, it was said that nine cases had been received in the past three years and those cases were under investigation. However, it has not mentioned the number of cases*

discovered or investigated by the HD or the management staff. Have no cases been discovered or investigated in the past three years? If there are no such cases, it means that the authorities rely solely on reports by the public. Does it then imply that management staff have not conducted effective patrol?

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

Madam President, we have received only nine complaints in the past three years. According to the information I have at hand, no reports have been made by the HD. What are the reasons? I cannot give a definite answer now as to whether negligence or lack of attentiveness to our duties on our part is involved, or whether the problem was in fact not so serious in the past. Recently, with the increase in the number of mainlanders visiting Hong Kong, the problem in this respect is highlighted. I do not have any sufficient justification to say so now, and I do not know whether this is in any way related to the problem. Therefore, the answer is that we are not certain whether the situation did exist in the past, or it is caused by our lack of attentiveness, or that it in fact is not serious.

PRESIDENT (in Cantonese): Third question.

Mainlanders Settling in Hong Kong

3. **DR LAW CHI-KWONG** (in Cantonese): *Madam President, I have learnt that 45 234 mainlanders came to settle in Hong Kong last year, with an average of only 124 people per day, which is far below the daily quota of 150 One-way Permits (OWPs). Moreover, the relevant authorities in the Mainland require that, for those residents in Guangdong Province who may come to Hong Kong this year on OWPs for reunion with their spouses, they must have been separated from their spouses in Hong Kong before 30 June 1996, that is, they have to be separated for more than six and a half years before their reunion in Hong Kong is permitted. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of Certificate of Entitlement (CoE) issued by the authorities each year between 1998 and 2002 and in the first half of 2003, and the average number of holders of CoE who came to settle in Hong Kong each day;*

- (b) *whether it has striven to obtain from the Central Government the authority to vet and approve the applications by mainlanders for settlement in Hong Kong; if it has, of the results; if not, the reasons for that; and*
- (c) *whether it has considered negotiating with the Central Government an increase of the sub-quota for people from the Mainland coming to Hong Kong for reunion with their spouses among the daily quota of 150 OWP, so as to shorten the duration of their separation?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) From 1998 to October 2003, the number of CoE issued each year is as follows:

<i>Year</i>	<i>Number of COE issued</i>
1998	33 705
1999	26 943
2000	27 315
2001	20 668
2002	12 825
2003 (January to October)	10 331
Total	131 787

During the same period, the average daily number of CoE holders who came to settle in Hong Kong is as follows:

<i>Year</i>	<i>Average daily number of COE holders who came to settle in Hong Kong</i>
1998	71
1999	66
2000	72
201	80
2002	46
2003 (January to October)	37
1998 to October 2003	62

- (b) Under existing arrangements, the authority to approve applications for OWPs is vested with mainland authorities. Since May 1997, mainland authorities have started to assess OWP applications in accordance with the "Points System". The eligibility and priority of applicants are assessed and determined according to objective criteria and pursuant to a transparent mechanism.

In accordance with these criteria and mechanism, in the past few years nearly 90% of OWPs were issued to Hong Kong permanent residents' mainland children who enjoy the right of abode in Hong Kong (CoE children), Hong Kong residents' mainland spouses, as well as their accompanying children under the age of 18. The remaining, small number of places were mainly allocated to unsupported children who needed to join their relatives in Hong Kong, persons coming to Hong Kong to take care of their unsupported (that is, those with no other children in Hong Kong) aged parents and unsupported elderly people coming to join relatives in Hong Kong. The above allocation reflects that the OWP Scheme is primarily a family reunion programme. Thus, with the exception of CoE children, the main considerations in examining and approving OWP applications include the length of separation and the age of the applicant or their Hong Kong relatives, and not other factors such as the wealth or academic attainment of an applicant. Unless we disagree with the nature of the OWP Scheme as a family reunion programme which does not discriminate on the basis of wealth or ability, or we consider that the prevailing, well-established and widely-accepted assessment criteria require a fundamental overhaul, whether or not the approving authority is vested with the mainland authorities should not significantly impact on the composition and quality of persons coming to settle in Hong Kong under the OWP Scheme on the basis of the existing "Points System".

- (c) At present, the daily OWP quota is 150, under which 60 places are allocated to CoE children, 30 to spouses separated for 10 years or more (that is, long-separated spouses), and 60 to applicants under other categories. Other categories of applicants include spouses separated for less than 10 years, unsupported children who need to join their relatives in Hong Kong, persons coming to Hong Kong to

take care of their unsupported aged parents and unsupported elderly people coming to join relatives in Hong Kong.

The SAR Government and the mainland authorities are also very concerned with the problem of separated spouses. The mainland authorities have already agreed to continue, at this stage, with the current practice of allocating unused places in the "long-separated spouses" category to spouses in Guangdong and their accompanying children under the age of 18. We understand that this flexible arrangement has reduced the waiting time for spouses with household registration in Guangdong from around 10 years in 1999 to about seven years in 2003. As for spouses in other provinces outside the "long-separated spouses" category, their waiting time is around five years in 2003.

DR LAW CHI-KWONG (in Cantonese): *Madam President, the Secretary said in part (c) of his main reply that there is a daily quota of 60 CoE. It was mentioned in part (a) of his main reply that, on average, only 46 CoE holders came to settle in Hong Kong each day last year and only 37 in the first 10 months of this year. It means that the daily quota has not been completely taken up and there is an excess of almost 23 places. Basically, the Secretary has not answered part (c) of my main question. This part of the question was on: Whether the Government has considered negotiating with the Central Government an increase of the sub-quota for people from the Mainland coming to Hong Kong for reunion with their spouses among the daily quota of 150 OWPs? Now, I might as well spell it out clearly: Since there are still almost 23 unused CoE quota among the daily OWP quota, have the authorities considered negotiating with the Central Government to allocate these 23 places to people coming to Hong Kong for reunion with their spouses?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we have negotiated with the Central Government. Among the daily quota of 150 OWPs, 60 are designated for Hong Kong residents' CoE children and these places cannot be allocated to other categories of people coming to settle in Hong Kong. At present, under this mechanism, which is endorsed by both sides, the mainland public security authorities will allocate the remaining quotas, for example, 30 of such daily quotas, to long-separated spouses. If such quotas were not exhausted,

then they can be allocated to other categories of spouses coming to Hong Kong. Thanks to this mechanism, the waiting time for spouse reunion has been reduced. I cited an example in part (c) of the main reply that in 1999, the waiting time for separated spouses was 10 years, but in the case of Guangdong, the waiting time has recently been reduced to seven years.

DR LAW CHI-KWONG (in Cantonese): *Madam President, the Secretary has not answered my follow-up question. All he talked about in his earlier reply were the results of the negotiation conducted several years ago. However, my follow-up question is: Since the number of people coming to Hong Kong on OWP, and that is, CoE holders, have decreased over the past years, will the Government consider an increase of the quota for people from the Mainland coming to Hong Kong for reunion with their spouses? The Secretary has only talked about past arrangements in his earlier reply, but will he consider doing so?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, first of all, I would like to talk a bit about the background of this arrangement. Originally, there was only a daily quota of 75 OWPs, so why was it increased to 150 now? This is mainly because after 1997, a group of Hong Kong residents' children born on the Mainland have the right of abode in Hong Kong. Therefore, we have gradually increased this daily quota of 75 to the existing 150. Of these 150 places, subsequent to an agreement with the Mainland, at least 60 must be designated for Hong Kong residents' children born on the Mainland and enjoy the right of abode in Hong Kong. As regards these 60 places, both sides agreed that they could not be allocated to other categories of people. Therefore, though Dr LAW Chi-kwong said earlier that these 60 places were not fully taken up last year, under our agreement that such places could not be allocated to other categories of people, they cannot be allocated to other categories like separated spouses, though there is an excess at the moment.*

MR ANDREW WONG (in Cantonese): *Madam President, the Secretary said in part (c) of the main reply that of the daily quota of 150 OWPs, 60 are allocated to other categories of applicants and there are mainly several categories of such applicants. However, the Secretary has failed to mention one particular*

category of people at all. The categories mentioned by him include: spouses separated for less than 10 years, unsupported children on the Mainland who need to join their relatives in Hong Kong, persons coming to Hong Kong to take care of aged parents and unsupported elderly people coming to join relatives in Hong Kong. However, there is a category of women whose deceased husbands are Hong Kong people. They might be married in Hong Kong or on the Mainland and later had their own children. The children might have been born in Hong Kong and be entitled to right of abode and some of them might have already come to Hong Kong on OWPs. However, the mother of the children, and that is, the wife in question, has been separated (but not long enough) from her husband. Her husband subsequently died in an accident — I learned about one who was knocked down by a bus. Under such circumstances, why were these women not included in the quota of 60 places at all? Is it because the mainland public security authorities or public security authorities of certain places do not allow such persons to come to Hong Kong? Or is it because the husbands of these women were dead, so they are virtually ineligible to apply for an OWP to come to Hong Kong for family reunion? Who is going to take care of their children?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I understand the question raised by Mr Andrew WONG. He is referring to the spouses of Hong Kong people on the Mainland, but the husbands or spouses of such persons have already passed away in Hong Kong. They would like to apply to come to Hong Kong, but it seems that there are no such channels. However, the actual situation is not like this. We have enquired of the relevant mainland public security authorities and learned that they would exercise discretion in dealing with such cases. Even if the husband of the mainland applicant has passed away in Hong Kong, her application will still be processed. If she has any special needs, for example, though her husband has passed away, she still has young children in Hong Kong, then her application will still be processed and under such circumstances, she will be issued with an OWP to come to Hong Kong.

MISS MARGARET NG (in Cantonese): Madam President, the first table in part (a) of the Secretary's reply shows that during the six years or so since 1998, only a total of 130 000-odd CoEs were issued. This is a far cry from the 1.67 million that was suggested in 1999 when application was made to the

Standing Committee of the National People's Congress for interpretation of the Basic Law. Even if the 1 million children whose parents were not permanent residents at the time of their birth were excluded, there should still be 670 000 such children. May I ask the Secretary why we now have such a small number? Was the relevant number exaggerated then? How many such children are still on the Mainland?

SECRETARY FOR SECURITY (in Cantonese): Madam President, the relevant figure was obtained through a special survey conducted by the Census and Statistics Department (C&SD). This figure is based on an estimate made at that time. We can see that there is a certain difference between this figure and the number of arrivals, but this is understandable. Moreover, some mainland CoE holders may choose to come to Hong Kong at different times or they may want to wait for their mothers to come here together. Therefore, I can only say that the figure we are now looking at is the actual number of arrivals and the figure mentioned some years ago is an estimate based on information obtained by the C&SD through a special survey.

MISS MARGARET NG (in Cantonese): *The Secretary has not answered what the estimated number of such eligible children on the Mainland is.*

PRESIDENT (in Cantonese): Secretary for Security, do you have such information at hand?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not have such information at hand.

PRESIDENT (in Cantonese): Secretary, can you provide it later?

SECRETARY FOR SECURITY (in Cantonese): If we have such figures, we would provide a supplementary reply in writing. (Appendix I)

MR IP KWOK-HIM (in Cantonese): *Madam President, the Secretary said in part (b) of the main reply that in the past several years, the mainland spouses of Hong Kong residents and their accompanying children under the age of 18 are included in the OWP quota. I would like to find out something. We came across many past cases and found that many Hong Kong residents' children were not yet 18 when they applied to settle in Hong Kong but were over 18 when their applications were approved and so could not come to Hong Kong because of this reason. Are there really such cases? Can the Secretary clarify this? If there are really such cases, will the SAR Government talk to the mainland authorities and adopt flexible measures to let these children come to Hong Kong for family reunion?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, we have held many meetings with the relevant mainland public security authorities on this subject. This year, they finally agreed that if the applicants were not yet of age, and that is, under 18 years old, when the applications were submitted but over 18 at the time when the OWP was approved, the relevant authorities would still issue them with an OWP and allow them to come to Hong Kong with their parents or on their own. However, the mainland authorities only agreed that OWPs should be issued to applicants who had submitted applications and whose applications were accepted at that time. However, the persons cannot wait until now to apply for a review. For example, a person who did not submit any application could not now say, "if I had submitted an application, it would have now been approved". The applicant in question must have already got a file, and that is, his application has already been accepted. In that case, even if the applicant is over 18 at the time when the OWP is approved, he will still be issued with a permit to come to Hong Kong.*

DR LUI MING-WAH (in Cantonese): *Madam President, as the mainland economy improves, I believe there will not be any great increase in the number of mainlanders coming to settle in Hong Kong. Since there is an excess in CoE quota, can the Secretary talk to the Central Government and use such excess to attract certain new intellectual immigrants?*

PRESIDENT (in Cantonese): *Dr LUI Ming-wah, the subject of this question is on matters concerning CoE holders coming to settle in Hong Kong and the*

purpose of the whole scheme is to let them reunite with their families. However, you have now asked a supplementary question on the importation of talents, so how is it related to the subject of this question?

DR LUI MING-WAH (in Cantonese): *On the whole, the supplementary question is on attracting immigrants and people to Hong Kong. Since there is an excess, can we use such places to attract talents to Hong Kong? What I mean is to exhaust these quotas.*

PRESIDENT (in Cantonese): Secretary for Security, it is up to you to decide how to answer this question.

SECRETARY FOR SECURITY (in Cantonese): Madam President, you said earlier that this OWP is mainly a family reunion scheme for Hong Kong residents and mainlanders. We think that since a lot of mainlanders are still waiting to come to Hong Kong, and given I said "no" when Dr LAW Chi-kwong asked earlier whether separated spouses could be allowed to make use of the existing excess CoE quota, the whole family reunion scheme will be affected if we use such quota to import talents. I can tell Dr LUI Ming-wah that we do not want to allocate the quota for family reunion to other talent admission schemes. However, we have now got another scheme for admitting mainland talents and I think everyone is aware of it. The scheme was introduced in July and we have now received more than 1 000 applications under this scheme. We think that this scheme is very successful and it is not necessary for us to use the OWP scheme to attracting talents.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Last supplementary question.

MS EMILY LAU (in Cantonese): *Madam President, Dr LAW Chi-kwong asked in part (b) of his main question whether the SAR Government had striven to obtain from the Central Government the authority to vet and approve applications. The Secretary said in his main reply that since this "Points*

System" was very fair, whether or not the Government had such authority should not make any difference. However, Madam President, these persons are applying to come to Hong Kong, so the SAR Government should have the authority to make decisions. Therefore, in giving us such a reply, the Secretary has virtually not answered the question. Therefore, I want to ask.....

PRESIDENT (in Cantonese): Ms Emily LAU, you need not comment on the Secretary's reply. What exactly is your supplementary question?

MS EMILY LAU (in Cantonese): *Would the Secretary do so? If not, why not? Why has he given up the authority to make decisions? Or, is it true that he has tried but failed to get the approval of the Central Authorities?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, according to paragraph 4 of Article 22 of the Basic Law and the interpretation made by the Standing Committee of the National People's Congress on 26 June 1999 — for entry into the Hong Kong SAR, people from other parts of China must apply to the relevant authorities of the region they reside in on the Mainland in accordance with the relevant national laws and administrative rules. Therefore, if mainlanders want to come to Hong Kong, no matter whether we like it or not, they must apply to the mainland public security authorities. Therefore, it is not appropriate to devolve the power for vetting and approving OWP to the SAR Government. However, having said that, under the existing OWP scheme, the SAR Government is actually involved in the vetting process, in particular cases involving the so-called CoE holders. Since the CoE is concerned with the right of abode in Hong Kong, we are involved in the vetting of such applications. If the persons in question submit applications, then under our arrangement with the mainland public security authorities, they will be issued with an OWP only after we have vetted and approved their CoE applications. And, it is against such a background that I said in my main reply that we have already got a transparent and fair system. As such, is it really necessary for us to make redundant arrangements? No matter what arrangements are made, the persons in question must apply to the relevant public security authorities. The local public security authorities of the place they reside in are in the best position to prove whether or not such persons are the residents of that place and to check their documents. Even if Hong Kong participated in the vetting process, what could we do? We

could only check their documents once again. If we strive for involvement, as Ms Emily LAU has suggested, the persons in question will have to first apply to the local public security authorities, and after their applications are approved, we will have to vet and check the documents again. Is this really good to the applicants? Will this further extend the time required for the application? If that were really the case, would we be expending a lot of resources to do the same job?

PRESIDENT (in Cantonese): Fourth question.

Government Spending on Education

4. **DR YEUNG SUM** (in Cantonese): *Madam President, regarding spending on education, will the Government inform this Council:*

- (a) *of its education expenditure as a percentage of the Gross Domestic Product (GDP) in each of the past five years; and*
- (b) *whether the authorities will reduce the respective fundings for pre-primary education, primary and secondary education, special education, post-secondary education and tertiary education for each of the school years from 2004 to 2008; if so, of the respective rates of and the reasons for the reduction?*

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

- (a) For the past five years from 1998-99 to 2002-03, our expenditure on education as a percentage of the GDP was on a rising trend, recording 3.8%, 4%, 4%, 4.1% and 4.3% respectively.
- (b) We are now working on the estimated expenditure for the various areas of education and manpower development for 2004-05 on the basis of the operating expenditure envelope for that year issued by the Financial Secretary. This is yet to be finalized. In accordance with established procedures, the estimated expenditure will be

incorporated into the Government's overall draft Estimates for submission by the Financial Secretary to the Legislative Council in March next year. As for the operating expenditure envelopes beyond 2004-05, it is hoped that indicative targets can be set early to facilitate long-term planning. Having regard to the targets, I will plan for the education expenditure for the academic years concerned.

The Financial Secretary has indicated earlier to Members that the Government is now facing a large fiscal deficit, and it is imperative to reduce government expenditure to gradually achieve fiscal balance. We know that it is no easy task to eliminate the deficit. All government departments have the responsibility to drive for economy. So do all sectors of the community. The education sector cannot step aside.

Yet, as the Chief Executive has said, education is an investment and not expenditure. With economic globalization, Hong Kong has to develop in the direction of knowledge-based economy. We have to continue to invest heavily in education and manpower development, so as to maintain and enhance competitiveness. In respect of reduction of funding for education, we will proceed with extra care and seek to strike a reasonable balance among overall resource allocation, quality of education and long-term benefits of the community.

We have started to meet with the stakeholder groups to gauge their views on reduction of education funding and how we may do better with less.

Initially, for the university sector, we have reached a consensus with the University Grants Committee (UGC) and the institutions concerned over the reduction of about 10% of government funding for the 2004-05 academic year. We consider that the UGC-funded institutions should implement cost-control measures to help resolving the fiscal deficit problem of the Government. In fact, given the triennium funding cycle for the UGC-funded institutions, the Government has not required the institutions concerned to follow most of the other subvented bodies to meet the target of achieving

efficiency savings in the 2003-04 academic year. We understand the difficulties faced by the institutions. The Government, therefore, has set up a \$1 billion matching grant scheme to provide the institutions with grants to match private donations secured by them. While the institutions are expected to achieve efficiency savings of about \$1.1 billion for the 2004-05 academic year, we believe that the matching grant scheme, which offers them additional resources of up to \$2 billion, will help ease the impact of the funding reduction on them.

DR YEUNG SUM (in Cantonese): *Madam President, the Secretary just quoted what the Chief Executive had said before, "education is an investment and not expenditure", it was extremely right. However, the Secretary also said that it was imperative to reduce education expenditure in order to help resolving the fiscal deficit problem of the Government. Has the Government ever considered, other than encouraging universities to secure funding through public donations, making use of other channels such as the Quality Education Fund and earnings of the Exchange Fund, to fund education with a view to avoiding a further funding reduction?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, we are still consulting with the Financial Secretary in various aspects. So, we would consider the matter from various perspectives.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, education expenditure for this year will be cut by 10%, and together with last year's 10%, the overall reduction will be as high as 20%. This has triggered the protest of university students in the form of class boycotts. TUNG Chee-hwa says education is an investment and not expenditure and he has to promote tertiary education and to achieve the goal of enabling 60% of secondary school-leavers to receive post-secondary education, while Financial Secretary Henry TANG keeps on cutting the spending on education and university funding. Will the Government inform this council whether this is "a self-contradictory government" and can we consider that the curtailing operating expenditure envelope of Mr Henry TANG is "saying one thing but doing another"?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese):

Madam President, although this supplementary is supposed to be answered by Financial Secretary Henry TANG, I am glad to answer it for him. The Government is now facing a serious fiscal deficit, all government departments have to pool efforts to drive for economy. However, in addition to driving for economy, the Government by and large is very much concerned about the quality of education and the long-term benefits of the community. For that reason, I believe we will adopt a balanced and rational option.

DR RAYMOND HO (in Cantonese): *Madam President, the Secretary's explanation mainly focuses on driving for economy, but as far as raising revenues is concerned, has the Secretary ever considered adopting the experience of overseas' countries, that is, to facilitate the admission of more foreign students for the fees they pay are higher than that of local students? At present, the policy of Hong Kong requires local universities to enroll foreign students at 4% of the intake. If foreign students are willing to study in Hong Kong by paying a fee higher than that of local students, will the Government consider relaxing the percentage?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese):

Madam President, I wish to thank Dr Raymond HO for his suggestion, and it is under consideration. At present, universities can only enroll foreign students at 4% of their intake. We hope that it could be increased to 8%, and consideration is being given to requiring these students to pay a higher level of school fees than those of local students.

MR TOMMY CHEUNG (in Cantonese): *Madam President, the Secretary provided in part (a) education expenditure as a percentage of the GDP in the past few years. May I ask the Secretary whether the Government already has an underlying GDP-linked percentage with regard to spending on education? Furthermore, does the Secretary have any information on our neighbouring countries or competitors with regard to their education expenditure as a percentage of the GDP for comparison purposes? If the Secretary cannot provide the information off-hand, can he provide us the information later?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, we do not have a figure linked to whatever percentage. We are of the opinion that it would be worthy for us to continue to invest in education as long as we consider that the quality of education could be improved. Therefore, we have not set a percentage. As to the comparison with our neighbouring countries, it really depends on the target of comparison. If it is a big country, such as the Mainland, of course we are in a better position, but if we compare Hong Kong with other places such as Taiwan, Korea, Japan or other countries, then the figure is more or less the same.

MR TOMMY CHEUNG (in Cantonese): *Madam President, does the Secretary have the figures? If he cannot provide us with the figures now, can he provide them later?*

PRESIDENT (in Cantonese): That is, the Secretary will provide you with the supplementary information in writing later.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): In this respect, I am more than happy to comply. (Appendix II)

PRESIDENT (in Cantonese): Fifth question.

Chilled Meat

5. **MR WONG YUNG-KAN** (in Cantonese): *Madam President, regarding chilled meat, will the Government inform this Council:*

- (a) *of the total quantities of chilled meat (including poultry) imported into Hong Kong in the past three years, together with a breakdown by the type and source of meat;*
- (b) *of the number of licensees of fresh provision shops (FPSs) (including market stalls) prosecuted for not storing chilled meat for sale in a chiller and the sentences imposed on those convicted in the past three years; and*

- (c) *whether, apart from inspections of fresh meat shops, the relevant departments will take other measures to stop shop owners from misleading consumers into taking chilled meat for fresh meat by not storing the former in a chiller?*

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

Madam President,

- (a) From January 2000 to May 2003 (the latest available figure), 42 379 tonnes of chilled meat and 92 691 tonnes of chilled poultry were imported into Hong Kong. A breakdown of these figures by the type and the source of meat is provided in the Annex to this reply.
- (b) It is a licensing and tenancy condition for FPS operators and market stall lessees respectively to store chilled meat for sale in a chiller. In the past, the Food and Environmental Hygiene Department (FEHD) had issued warnings to operators who breached the relevant licensing or tenancy conditions. Repeated breaches would lead to suspension or cancellation of licence or termination of market tenancy. During the period when the relevant conditions came into effect in September 2001 up to May 2003, the FEHD issued a total of 37 warnings to FPS licensees and market tenants.
- (c) To enhance deterrence against the sale or display for sale of chilled meat or poultry as fresh meat or poultry, a new enforcement measure was introduced in June 2003. Under the new measure, the FEHD will cancel a licence or terminate a market tenancy upon detection of the breach on the first occasion. Since June 2003, one FPS licence has been cancelled as a result.

The FEHD will continue to conduct regular and surprise checks of FPSs and meat and poultry market stalls to ensure that the meat and poultry products for sale are kept and displayed under proper and hygienic conditions. It will also continue to monitor the situation to see if any further improvement measures should be made.

Annex

Quantity of chilled meat and poultry imported into Hong Kong
(January 2000 to May 2003)

Chilled meat

<i>Type</i>	<i>Quantity (Tonnes)</i>	<i>Major Sources</i>
Imported chilled pork	31 567	Thailand, Australia, The United States
Imported chilled beef	9 329	Australia, New Zealand, The United States
Other types of imported chilled meat (for example, mutton, lamb)	1 483	Australia, New Zealand, The United States

Chilled poultry

<i>Type</i>	<i>Quantity (Tonnes)</i>	<i>Major Sources</i>
Imported chilled ducks and geese	85 360	Mainland China, France, The United States
Imported chilled turkey	3 824	The United States, France
Imported chilled chickens	3 507	Mainland China, Brazil, Australia

MR WONG YUNG-KAN (in Cantonese): *Madam President, I have raised this question mainly because I hope that sales of chilled meat can be handled properly. The Secretary has just said that since the introduction of a new enforcement measure in June 2003, only one licence has been cancelled. Of course, I do not wish to see this happen. Information from the Annex shows that 31 567 tonnes of chilled pork were imported from Thailand, Australia and the United States. Can the Secretary provide detailed information on the number of tonnes for each of these countries stated, that is, a breakdown by country, such as the number of tonnes imported from Thailand, Australia, and so on? May I ask the Secretary if he has such detailed information for our reference so that we can figure out the amount of chilled pork imported from Thailand?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): *Madam President, I will answer Mr WONG's question in writing. (Appendix III)*

MR HOWARD YOUNG (in Cantonese): *Madam President, the key issue involved in this question is, in my opinion, whether or not there are people passing off chilled meat or poultry as fresh meat or poultry. May I ask the Secretary if there is an easy and scientific way to detect some chilled meat which has been frozen but in appearance resembles fresh meat?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we are actually talking about three types of meat. The first is the fresh pork we normally consume. The second is chilled meat and the third is frozen meat. There are ways to distinguish frozen meat. But as for chilled meat, as far as I know, it cannot be distinguished. I will make enquiries with our experts, but as far as I know, it cannot be distinguished.

DR LO WING-LOK (in Cantonese): *Madam President, it is unhygienic if chilled meat is not stored in a chiller for sale. For some time in the past, chilled meat did pose some health problems, for example, we were often worried that chilled meat might contain some antiasthmatic drugs. May I ask the Secretary, during the period to which he has just referred, how many prosecutions were initiated against chilled pork found to contain antiasthmatic drugs?*

PRESIDENT (in Cantonese): The subject matter of this question is on whether chilled meat for sale is stored in a chiller, however, the question raised by Dr LO Wing-lok is also a matter of concern to many people. Therefore, Secretary, do you have any information at hand, and can you try to answer this supplementary question?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I can recall, there was a case in which chilled meat imported from Thailand was found to contain antiasthmatic drugs. I think I can give a reply in writing to confirm the case and examine if any further information is available. Officers from the Food and Environmental Hygiene Department (FEHD) then went to Thailand and found that the company concerned was banned from exporting chilled pork. It was only after we had gone there to inspect their chilled meat that the company was allowed to export chilled meat to

Hong Kong again. Thus insofar as I can recall, there is one such case. But I have to look up the records and give Dr LO a reply in writing. (Appendix IV)

MR FRED LI (in Cantonese): *Madam President, I wish to tell the Secretary some real stories. The most difficult case is some unscrupulous operators buying some fresh pork which carry sales receipts and also buying some chilled pork and then mixing the two for sale as fresh pork. When there are inspections, they will take out the receipts and show them to the officers. But this is actually unlawful. However, we cannot tell which of the pork is fresh or chilled with our naked eye. Do such things still happen now? How will the FEHD solve the problem of testing and how will its officers detect such unlawful acts at the soonest when they conduct inspections?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I am fully aware of the situation mentioned by Mr Fred LI. The work being done by the FEHD now is to collect intelligence, and apart from regular checks, to make some surprise checks. Last year, the FEHD made a total of 190 surprise checks. Officers from the FEHD will check the relevant receipts but, as Mr LI has said, the checking of receipts cannot confirm whether or not they have mixed fresh and chilled meat together for sale. Therefore, the FEHD will have to rely on intelligence to combat this problem of passing off chilled meat as fresh meat in sale.

DR TANG SIU-TONG (in Cantonese): *Madam President, the Secretary has said earlier that it is difficult to distinguish fresh meat from chilled meat. He has also said that he does not know how to tell the difference between them. However, part (c) of the main reply mentions that one fresh provision shop's licence has been cancelled. May I ask on what evidence was that licence cancelled? If the difference between these two kinds of meat cannot be told, then how can the licence of that shop be cancelled?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, it is because we collected some intelligence and conducted a surprise check in which the shop was found to be selling chilled pork as fresh pork. There must be evidence before it can be determined that the shop is passing off chilled pork as fresh pork.

DR TANG SIU-TONG (in Cantonese): *I would like to know what other evidence there is to prove that the shop was passing off some chilled meat as fresh meat? How was that proved? It is because*

PRESIDENT (in Cantonese): Sorry, Dr TANG, that is not part of the supplementary question asked by you initially.

MR MICHAEL MAK (in Cantonese): *Madam President, the Secretary has told us many times that it is very difficult to distinguish between fresh pork and chilled pork. He said in part (b) of the main reply that during the period when the relevant conditions had come into effect in September 2001 up to May 2003, the FEHD had issued a total of 37 warnings to fresh provision shops. I reckon that these 37 warnings were issued because there was insufficient evidence to prove that these shops had breached the law. As a matter of fact, apart from the surprise checks mentioned by the Secretary, methods such as sending undercover officials to these shops to buy chilled pork or other methods can be used to prove that these shops are in fact selling chilled pork. May I ask, in respect of these 37 warnings issued, what the explanations offered by these fresh provision shops were?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I am aware, as Mr LI has said, they sold some chilled meat as fresh meat, that is, they mixed the chilled pork with fresh pork for sale. Therefore, even if we send some undercover officers, there could be times that evidence could not be obtained. We have to see actually that they have put chilled pork up for sale as fresh pork before we can obtain evidence in this regard. So in the past, we relied very much on intelligence before we conducted such surprise checks and these surprise checks were only meant to achieve some deterrent effect. We must see them actually put up some chilled pork for sale as fresh pork in their stalls before it can be considered evidence is available. We all know that the previous practice was that these shops would usually have to breach the rules for a few times before their licence was cancelled. However, with effect from this June, if they are found to have breached the rules only once, then we can cancel their licence or terminate the stall tenancy of the shop concerned.

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, if some consumers find that the butchers are passing off chilled pork as fresh pork, what channels do they have to inform the authorities speedily so that enforcement actions can be taken?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, if members of the public have such information, they can inform the FEHD at once and the FEHD will take immediate actions. We rely very much on intelligence before we can catch those people who pass off chilled pork as fresh pork.

MR WONG YUNG-KAN (in Cantonese): *Madam President, the reason why we are doing so much hard work is for the sake of food safety. Now there is frozen pork offered for sale after packing, may I ask the Secretary if the Government would consider treating this kind of frozen pork as chilled pork and require also that a label be affixed to the packing to show the production date for public identification? Would this be a good idea? Would the Secretary consider it?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I know, there may be some difficulties. For this kind of meat, unlike chilled chickens, is sold as a whole piece. Pork is imported as a large piece and usually members of the public would only buy a part of it. The difficulty is that the imported meat would be packed in pieces for sale, as it is imported in very large pieces. However, I think the meat traders can take this proposal into consideration and I will also examine it with my colleagues in the FEHD. But having said that, as far as I know, there are some difficulties in this.

MR HOWARD YOUNG (in Cantonese): *Madam President, the Secretary and other Members have mentioned that basically it is very difficult to distinguish between these two kinds of meat. The second paragraph of part (c) of the main reply says that the FEHD will continue to conduct regular and surprise checks. But since it is hard to distinguish between these two kinds of meat, how can these surprise checks be effective? Will offenders be arrested actually?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I have explained earlier, there are in fact two purposes for such actions. First, the surprise checks are meant to achieve deterrent effect. Second, depending on the time when the surprise checks are conducted, for example, at a time when the shops open for business and as they take out the chilled meat from the chiller for sale as fresh meat, and if a surprise check is taken right at that time, then we will be able to gather more evidence. So surprise checks are useful, but it is the deterrent effect that we hope to achieve mainly.

PRESIDENT (in Cantonese): Last oral question.

Contract Prices for Infrastructural Projects

6. **DR RAYMOND HO** (in Cantonese): *Madam President, will the Government inform this Council of the following in respect of the financial year 2002-03:*

- (a) the name and contract period of each infrastructure project for which contract has been awarded by the authorities, as well as whether the project concerned is Category A, B or C project;*
- (b) except for the contracts for the infrastructure projects contained in the quarterly reports on the contracts awarded by the authorities on major capital works projects, the price of each contract for the infrastructure projects mentioned in (a) above and the total contract prices; and*
- (c) the names and total estimated expenditure of the infrastructure projects that were shelved?*

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

(a) and (b)

In the 2002-03 financial year, the Government awarded contracts for 137 Category A projects, with a total value of \$26.2 billion.

The titles, duration and prices of these contracts are set out in the Annex. Since a large number of items are listed in the Annexes, translating the title description requires a large amount of resources. To save such resources, we have, after obtaining the consent of Ir Dr the Honourable Raymond HO, provided only the English version of the Annexes for reference.

Categories B and C projects are projects in the planning or design stage. The approval of the Finance Committee (FC) of the Legislative Council should be obtained for these projects to be upgraded to Category A and for funds to be approved before the construction works of these projects can commence. As such, the Government has not awarded any contract for Category B and C projects.

- (c) According to the original forecast, the Government would have submitted 106 projects to the Public Works Subcommittee (PWSC) and FC of the Legislative Council for funding approval in the 2002-03 Legislative Session. However, owing to deviations between the actual and planned progress of certain projects, we have eventually submitted a total of 84 projects to the Legislative Council, of which 76 were included in the original forecast while eight were not. Apart from the "Central Government Complex, Legislative Council Complex, exhibition gallery and civic place at Tamar, Central" project, the Government has no intention to shelve other projects. We expect that these projects will be submitted to the Legislative Council in the 2003-04 Legislative Session for funding approval. Overviews of the progress of these projects are already given in the information papers reference number PWSCI(2003-04)11 and 28 submitted earlier to the PWSC by the Government.

I would like to reiterate that the Government attaches great importance to investing in infrastructure. In the 2002-03 financial year, our actual expenditure on works amounted to \$28.3 billion, more than the annual average of \$27 billion over the previous five years. Moreover, the Government has earmarked \$143 billion in the 2003 Budget for works projects in the following five years or about \$29 billion each year on average. The increase in expenditure clearly shows our commitment to invest in infrastructure.

Annex

List of Contracts Awarded in Financial Year 2002-03 for Category A Infrastructure Projects

	<i>Contract Title</i>	<i>Contract Sum</i> (\$)	<i>Contract Duration</i> (months)
1	Construction of a Government Complex in Lee On Estate at Area 108, Ma On Shan, Sha Tin	67,800,000	19
2	Route 9 - Ngong Shuen Chau Viaduct	1,538,722,996	65
3	Construction of a Primary School and Two Secondary Schools in Area 73A, Tseung Kwan O	238,603,105	18
4	Building Services Installation for a Primary School and Two Secondary Schools in Area 73A, Tseung Kwan O	32,702,000	18
5	Redevelopment of Hong Chi Pinehill Schools Nos. 1 & 3 at Nam Hang, Tai Po, New Territories	107,006,781	16
6	Installation of Seawater Pipelines and Upgrading of Existing Pump House at Fenwick Pier Street for Redevelopment of Police Headquarters Phase III at Arsenal Street, Wan Chai, Hong Kong	40,830,000	25
7	Roads and Site Formation Works in Areas 1, 4 and 5 Hung Shui Kiu	18,933,280	21
8	Water Supply to To Kwa Peng, Tai Long, Ham Tin and Sai Wan	28,457,505	19
9	Reclamation for Ma Liu Shui Interchange and Reprovisioning of Existing Pier	89,290,663	29
10	Tolo Harbour Sewerage of Unsewered Areas Stage I Phase II B	73,834,001	23
11	Construction of Village Sewerage Works for Hang Tau, Yin Kong, Tsung Pak Long and Tai Tau Leng	26,638,040	25
12	Tseung Kwan O Development, Phase II Grade Separated Interchange T1/P1/P2	365,455,800	41
13	Reconstruction of Peng Chau and Kat O Chau Public Piers	42,900,000	17
14	Castle Peak Road Improvement between Ting Kau and Sham Tseng, Tsuen Wan	963,000,000	51
15	Formation and Servicing of Fan Ling Area 36 Phase II - Remaining Works	23,789,860	15
16	Wan Chai East and North Point Sewerage – Trunk Sewers	426,388,000	41
17	Widening of Tung Chung Road between Pa Mei and Lung Tseng Tau	25,824,043	26
18	Design and Construction of Basement and Piled Foundations for Centre for Youth Development at Chai Wan, Hong Kong	116,301,688	13
19	Building Services Installation for Two Primary Schools and One Secondary School in Area 36, Fan Ling, New Territories	28,587,811	12
20	West Kowloon Reclamation - Remaining Roadworks Stage 3, Phase 1	149,000,000	38

	<i>Contract Title</i>	<i>Contract Sum</i> (\$)	<i>Contract Duration</i> (months)
21	Village Flood Protection Works for Wang Chau, Mai Po Lo Wai and Mai Po San Tsuen and Drainage Improvement Works at Tan Kwai Tsuen	125,000,000	34
22	Water Supply to South East Kowloon Development, Stage 1 Construction of Diamond Hill No. 2 Fresh Water Service Reservoir and Laying of Fresh Water and Salt Water Mains	212,684,479	33
23	Construction of a New Laboratory Building at Shatin Sewage Treatment Works, Sha Tin, New Territories	64,374,324	19
24	Construction of a Special School for Physically Handicapped Children at Fung Shing Street, Ngau Chi Wan, Kowloon	58,300,000	15
25	Conversion and Extension to Existing Aided Schools - Group 9 under School Improvement Programme Phase IV Package 2	63,799,920	25
26	Regulation of Shenzhen River Stage III Phase I - Reprovisioning of Border Road and Fence at Yuen Leng Chai and Man Kam To	74,873,800	21
27	Construction of Shui Chuen O Fresh Water Service Reservoir and To Shek Fresh Water Pumping Station	21,926,000	24
28	Water Supply to South East Kowloon Development, Stage 1 Upgrading of Tai Wan Salt Water Pumping Station and Associated Mainlaying	115,332,689	33
29	Water Mains and Sewerage Works from Siu Ho Wan to Yam O	65,792,300	27
30	Completion Works for Central Sewage Screening Plant	68,750,438	36
31	Design, Supply and Installation of Electrical and Mechanical Equipment for Shatin Sewage Treatment Works Stage III Extension (Phase II Works)	148,938,743	36
32	Design and Construction of Piled Foundations and Pile Caps for Visitor Centre of International Wetland Park, Phase 2, Tin Shui Wai, New Territories	24,936,295	7
33	Expansion of Fresh Water Distribution System in Fan Ling West	26,620,000	23
34	Footbridge and Road Widening at the Junction of Hung Mui Kuk Road and Tin Sam Street, Sha Tin	30,296,287	21
35	Infrastructure for Penny's Bay Development, Contract 2	1,381,974,054	45
36	Construction of Building 7 & 8, Hong Kong Science Park at Pak Shek Kok, Phase 1C, New Territories	571,980,000	15
37	Sai Sha Road Widening between Kam Ying Road and Future Trunk Road T7 Junction	111,433,910	33
38	The Conversion and Extension to Existing Aided Schools - Group 10 under School Improvement Programme Phase IV, Package 2	38,505,759	19
39	Construction of Sheung Wong Yi Au No. 2 Fresh Water Service Reservoir and Associated Mainlaying	50,976,310	21

	<i>Contract Title</i>	<i>Contract Sum (\$)</i>	<i>Contract Duration (months)</i>
40	Remaining Engineering Infrastructure Works for Pak Shek Kok Development, Package 1	308,000,000	37
41	Public Filling Barging Point at Kai Tak	26,514,273	27
42	Conversion and Extension to Existing Aided Schools - Group 6 under School Improvement Programme Phase IV, Package 2	68,900,000	22
43	Construction of a Rehabilitation Complex at the Junction of Leung Shun Street and Tsun Wen Road, Tuen Mun, New Territories	259,300,000	27
44	Reconstruction of Catchwater Channels and Upgrading of Adjoining Priority Slopes on Hong Kong Island and Lantau Island	162,798,822	39
45	Completion of the Remaining River Training Works for Upper River Indus between Man Kam To Road and San Wai	192,300,000	29
46	Main Contract for Route 5 Section between Shek Wai Kok and Chai Wan Kok	537,800,001	46
47	The Conversion and Extension to Existing Aided Schools - Group 7 under School Improvement Programme Phase IV, Package 2	47,979,947	20
48	Construction of a Welfare Complex at Lai King Headland, Lai Chi Ling Road, Kwai Tsing, New Territories	163,300,000	16
49	Conversion and Extension to Existing Aided Schools - Group 8 under School Improvement Programme Phase IV, Package 2	44,630,000	16
50	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 4	99,900,000	17
51	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 5	129,000,000	19
52	Construction of Village Sewerage at Peng Chau and Cheung Chau Phase 1	37,870,750	29
53	Roads and Drains in Sai Kung Area 4	65,281,000	35
54	Upgrading of Ting Kok Road between Tai Po East Fire Station and Shuen Wan	181,450,700	36
55	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 1	144,900,000	20
56	Construction of Building 9, Science Park at Pak Shek Kok, Phase 1C, New Territories	314,700,000	15
57	Replacement of Cremators at Fu Shan Crematorium at Lower Shing Mun Road, Sha Tin, New Territories	103,451,091	22
58	Supply and Installation of Cremators for the Replacement of Cremators at Fu Shan Crematorium at Lower Shing Mun Road, Sha Tin	59,780,000	22

	<i>Contract Title</i>	<i>Contract Sum (\$)</i>	<i>Contract Duration (months)</i>
59	Conversion and Extension to Existing Schools - Group 2 under School Improvement Programme Final Phase, Package 1	39,075,829	29
60	Fill Bank at Tseung Kwan O Area 137	96,000,000	26
61	Construction of a Secondary School in Area 36C, Sha Tin, New Territories	108,400,000	19
62	Construction of Kowloon Bay Recreation Ground at Kai Lai Road, Kowloon Bay, Kowloon	91,506,032	19
63	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 6	133,849,194	20
64	Construction of the San Tin Eastern Main Drainage Channel	319,000,000	43
65	Construction of the New Headquarters for the Electrical and Mechanical Services Department at Kai Shing Street, Kai Tak, Kowloon, Hong Kong	666,000,000	24
66	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 13	65,753,926	20
67	Construction of the Sports Ground in Area 92, Ma On Shan (Phase II)	77,825,000	16
68	Closed Circuit Television System for Tai Po and North District	20,428,745	84
69	Route 9 - Reprovisioning of Waterworks	22,093,326	12
70	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 2 under School Improvement Programme Final Phase, Package 5	119,700,000	18
71	Ground Investigation for Shenzhen Western Corridor	31,574,850	5
72	Route 9 between Cheung Sha Wan and Sha Tin - Advanced Works	86,800,000	15
73	Yuen Long South Development Road Works in Areas 13 and 14, Yuen Long	298,000,000	36
74	Conversion and Extension to 4 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 2	92,178,000	19
75	Construction of a Secondary School in Area 14B, Sha Tin, New Territories	98,370,274	18
76	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 2 under School Improvement Programme Final Phase, Package 4	123,700,000	20
77	Conversion and Extension to 3 Nos. Existing Aided Schools - Group 12 under School Improvement Programme Phase IV, Package 2	37,749,351	22
78	Construction of Two Secondary Schools at Lai Hong Street and Hing Wah Street West, Sham Shui Po, Kowloon	167,700,000	17
79	Building Services Installation for Two Secondary Schools at Lai Hong Street and Hing Wah Street West, Sham Shui Po, Kowloon	25,988,000	17

	<i>Contract Title</i>	<i>Contract Sum</i> (\$)	<i>Contract Duration</i> (months)
80	Sha Tin New Town, Stage II, Route 9 - Sha Tin Heights Tunnel and Approaches	1,073,797,193	52
81	Wan Chai Development Phase II - Ground Investigation	47,997,938	5
82	Conversion and Extension to 3 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 11	45,239,776	21
83	Supply & Installation of Electrical & Mechanical Equipment for Sewage Pumping Stations in North District, New Territories	16,467,000	23
84	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 8	87,900,000	17
85	Conversion and Extension to Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 3	59,900,000	18
86	Conversion and Extension to Existing Aided School - Group 11 under School Improvement Programme Phase IV, Package 2	38,633,146	32
87	Reconstruction of Cheung Chau and Wu Kai Sha Public Piers	37,692,825	17
88	North District Sewerage Stage 1 Phase 2A - Construction of Sewerage along Sha Tau Kok Road (Lung Yeuk Tau, Ma Mei Ha and Wo Hang) and Village Sewerage in Fan Leng Lau, Kai Leng, Ng Uk Tsuen and So Kwun Po	58,138,180	35
89	Construction of a 24-Classroom Primary School at San Ha Street, Chai Wan, Hong Kong	74,800,000	18
90	Central, Western and Wan Chai West Interceptor and Reticulation Sewers - Lower Catchment (Phase 2A Works)	148,290,000	35
91	Construction of Tai Kok Tsui Complex (Phase 2)	315,000,000	23
92	Remodelling of Tang Shiu Kin Hospital into an Ambulatory Care Centre	179,812,138	20
93	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 14	117,980,868	20
94	Construction of a Fire Station with Ambulance Depot and Police Post at Penny's Bay, Lantau	159,988,000	20
95	Conversion and Extension to 7 Nos. Existing Aided Schools - Group 3 under School Improvement Programme Final Phase, Package 1	204,815,000	27
96	Supply & Installation of Electrical & Mechanical Equipment for Wang Chau Pumping Station	20,705,353	22
97	Conversion and Extension to 7 Nos. Existing Aided Schools - Group 2 under School Improvement Programme Final Phase, Package 3	137,342,000	20

	<i>Contract Title</i>	<i>Contract Sum</i> (\$)	<i>Contract Duration</i> (months)
98	Construction of a 24-Classroom Primary School at Hing Ping Road Tuen Mun, New Territories	83,900,000	19
99	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 2 under School Improvement Programme Final Phase, Package 2	95,491,683	18
100	Construction of Building 6, Hong Kong Science Park at Pak Shek Kok, Phase 1C, New Territories	333,000,000	15
101	Design and Construction of New Territories South Regional Police Headquarters and Operational Base at Tsuen Wan, New Territories	626,710,000	26
102	Penny's Bay Public Pier	169,300,000	20
103	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 10	89,378,000	18
104	Construction of a 36-Classroom Primary School in Area 65, Tseung Kwan O	109,000,000	19
105	Replacement of Mechanical & Electrical Equipment in Tsuen Wan Raw Water Pumping Station	29,790,000	47
106	Construction of Immigration Services Training School and Perowne Immigration Centre at Castle Peak Road, Tuen Mun, New Territories	413,243,530	17
107	Construction of a Primary School and Two Secondary Schools in Area 13, Tseung Kwan O	227,800,000	17
108	Building Services Installation for a Primary School and Two Secondary Schools in Area 13, Tseung Kwan O	30,450,000	17
109	Conversion and Extension to 6 Nos. Existing Aided Schools - Group 2 under School Improvement Programme Final Phase, Package 6	147,700,000	24
110	Conversion and Extension to 6 Nos. Existing Aided Schools - Group 3 under School Improvement Programme Final Phase, Package 6	168,788,899	24
111	Conversion and Extension to 2 Nos. Existing Schools - Group 1 under School Improvement Programme Final Phase, Package 9	18,900,000	18
112	Tin Shui Wai Further Development – Completion Contract for Remaining Works of Road D4	123,805,465	28
113	Conversion and Extension to 4 Nos. Existing Aided Schools - Group 1 under School Improvement Programme Final Phase, Package 7	84,191,066	17
114	Construction of Trunk Sewers and Sewage Pumping Stations at Yuen Long South, Area 13, Area 14 and Au Tau	96,313,088	29
115	Northeast New Territories Village Sewerage Phase 2	82,764,749	35
116	Replacement and Rehabilitation of Water Mains Stage 1 Phase 1 (Part 2) Mains in Sham Shui Po	17,826,264	17

	<i>Contract Title</i>	<i>Contract Sum</i> (<i>\$</i>)	<i>Contract Duration</i> (<i>months</i>)
117	Construction of the Yuen Long Bypass Floodway	405,206,128	35
118	Tin Shui Wai Development Village Flood Protection Works for Sheung Cheung Wai, Phase 1	27,600,000	31
119	Construction of a School for Moderately Mentally Handicapped Children in Area 3, Yuen Long	70,800,000	14
120	Conversion and Extension to 2 Nos. Existing Aided Schools - Group 13 under School Improvement Programme Phase IV, Package 2	35,766,388	21
121	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 3 under School Improvement Programme Final Phase, Package 4	123,988,743	20
122	Tai O Development - Sheltered Boat Anchorage	259,457,717	38
123	Construction of a Radiotherapy Centre and Accident & Emergency Department at Princess Margaret Hospital	323,800,000	20
124	Construction of Local Open Space in Area 15, Tin Shui Wai, New Territories	28,206,459	19
125	Construction of District Open Space in Areas 3 and 8, Tsing Yi	49,177,000	17
126	Construction of Local Open Space in Ping Shan, Yuen Long	23,696,939	15
127	Central Reclamation Phase III - Engineering Works	3,790,613,599	53
128	Construction of Water Sports Centre at Stanley Main Beach, Hong Kong	32,800,000	16
129	Construction of Public Mortuary in Area 26E, Kwai Chung	124,000,000	19
130	Improvements to Lok Wah Playground at Lok Wah South Estate, Kwun Tong	32,673,310	16
131	Leakage Detection of Buried Water Mains Affecting Slopes - Second Five-year Cycle	33,928,888	38
132	Footbridge and Improvements to Ap Lei Chau Bridge Road & Ap Lei Chau Drive	26,260,398	19
133	Conversion and Extension to 5 Nos. Existing Aided Schools - Group 3 under School Improvement Programme Final Phase, Package 3	73,030,000	20
134	Sha Tin New Town, Stage II Road T3 and Associated Roadworks	1,483,400,000	52
135	Conversion and Extension to 4 Nos. Existing Aided Schools - Group 3 under School Improvement Programme Final Phase, Package 2	92,283,997	18
136	Investigation of Sewers & Drains Affecting the Safety of Slopes Features in the Catalogue of Slopes, Phase 2	67,389,000	29
137	Construction of Local Open Space in Area 14 (Mouse Island), Tuen Mun	26,225,087	12
	Total	26,233,265,805	

DR RAYMOND HO (in Cantonese): *Madam President, first I would like to thank the Secretary for providing such a detailed record on the Category A projects in 2002-03. However, the Secretary said that she could not give me a reply on matters relating to Category B or C projects mentioned in parts (a) and (b) of my question. This is probably because the Secretary has not grasped the question. Apart from actual construction works, it is also necessary to conduct feasibility studies and prepare designs for the projects. The design or feasibility study of a project may have been upgraded to Category A so as to enable funding application, but the project itself may still remain as Category B. May I ask the Secretary whether it has occurred to her that if only contracts at the stage of construction are dealt with but not enough is done on studies or designs, even if the Government wants to offer contracts on construction works in the future, there may not be enough of them and the contracts may even run out? Can the Secretary provide information on this after the meeting, that is, on projects the designs and feasibility studies of which have been upgraded so as to enable funding application or of which contracts in this area have been awarded but which are still Category B projects?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Since the question asked by Dr HO is on contracts for construction works, so I said they could not be awarded unless funding applications have been made to the PWSC or the FC of the Legislative Council. The projects mentioned by Dr HO just now are those on which feasibility studies are still ongoing, that is, the PPFS type. We can try to compile a table for Dr HO's reference. However, I do not have the information on hand. (Appendix V)

DR RAYMOND HO (in Cantonese): *What I asked was whether she is concerned that contracts will run out in future, that is, if only existing contracts for construction works are processed without awarding enough contracts for design or feasibility study, contracts may run out in future.*

PRESIDENT (in Cantonese): Secretary, do you understand what this supplementary is about? I do not quite understand it.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, I believe what Dr HO meant is whether the Government will continue to spend an average of \$29 billion to \$30 billion to implement projects in the next few years. I believe many of the items under planning belong to Category B or C. It is our plan to continue to implement infrastructure projects according to the changing needs of society. Of course, there may be a lot of unforeseeable events, such as that involving the Tamar site.

MR WONG YUNG-KAN (in Cantonese): *Madam President, the Government points out in parts (a) and (b) of the main reply that projects in Categories A, B and C have been shelved. Although this has not happened to projects in Category A, this has happened to those in Categories B and C and studies have already been carried out on some of these projects. May I ask if, among these projects, was the payment of compensation to the contractor involved or were other losses incurred in any of these cases? If so, what were the amounts of losses? That is to say, in shelving the projects, was it necessary to pay any compensation to the contractors? If yes, can the relevant figures be provided?*

PRESIDENT (in Cantonese): Mr WONG Yung-kan, are you asking about projects which have already been awarded by the Government but shelved subsequently?

MR WONG YUNG-KAN (in Cantonese): *No. Parts (a) and (b) of the main reply pointed out that some projects in Categories B and C had been included in the programme, but it is still unknown if they will be implemented in the future. However, studies have been conducted on some of them. After studies have been conducted, will this lead to litigations? If the contractors or the consultants responsible for the studies have commenced work but they have to stop midway, is it necessary for the Government to pay compensations?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): I will try and explore Mr WONG's question. He said that if we shelved some of the projects and if feasibility studies were being conducted on

these projects, in that case, was it necessary for the Government to pay compensations? Preliminary work is carried out separately, that is, preliminary work is carried out at the preliminary stage and the items are separate. For example, the Government may engage a consultant to conduct a study. After the study, if we consider it not suitable to proceed with further development, it is not necessary for us to pay compensations to the contractor.

DR RAYMOND HO (in Cantonese): *Madam President, there is something not very clear about part (c) of the main reply, so I hope the Secretary can clarify. The Secretary mentioned that originally 106 projects were to be submitted for funding approval but eventually only 76 projects were submitted. That means the progress on 30 projects slipped as opposed to the original plans. She then mentioned that only one item had really been shelved, which is the construction of the Central Government Complex. May I ask the Secretary if it has occurred to her that the reason these projects were shelved was that the Secretary for Financial Services and the Treasury had issued guidelines to the works departments in August last year requiring every department to identify the source of recurrent expenditure for a project before launching it? Is this the major stumbling block?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, I think that such a factor does not exist as far as this year is concerned. In fact, we tend to be more generous with the number of projects we plan to include in Category A each year. After having carried out development for a year, we will carry out the work for the next phase after taking into account the need and the feasibility studies. Therefore, every year there will be some discrepancies. We can look at the information on the Category A projects in 2002-03. We have implemented projects at a cost of \$26.2 billion, including the new Electrical and Mechanical Services Department Headquarters at Kai Tak, Central Reclamation Phase III, the construction of phase two of Road T3 at Sha Tin, and so on. These projects have already taken up a large proportion of the budget. According to our estimation, by the end of December 2004, 83 Category A projects costing \$18.7 billion will have been awarded. We anticipate that the budget will be used up by the end of the year. Therefore, I believe no fiscal problem is involved.

WRITTEN ANSWERS TO QUESTIONS**Alert System of Hospital Authority**

7. **MR MA FUNG-KWOK** (in Chinese): *Madam President, regarding the red-yellow-green alert system introduced in all public hospitals throughout the territory by the Hospital Authority (HA) since September this year, will the Government inform this Council whether:*

- (a) it knows if any individual hospital clusters have decided not to operate the above alert system; if so, whether the HA knew and agreed to the decision beforehand;*
- (b) it knows if various clusters have, since the introduction of the alert system, acted differently as regards when a particular alert colour should be raised;*
- (c) it knows if the HA has modified or abandoned the alert system in the light of its actual implementation in various hospitals; if so, of the details; and*
- (d) the Health, Welfare and Food Bureau has discussed or followed up the implementation of the alert system with the HA; if so, of the details?*

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

- (a) The three-tier response structure, namely the red, yellow and green alerts, is part of the HA Response Plan for Infectious Disease Outbreak. The Plan sets out in detail the contingency response to be taken by the HA in the event of an outbreak of infectious disease. It provides for a corporate-wide mechanism for providing early alert to abnormal clinical presentations indicative of infectious disease occurring, detecting outbreaks at the earliest opportunity, interrupting the transmission of infectious diseases and implementing actions to cope with the service needs in public hospitals. The Plan has been endorsed by the HA Board in

September 2003 and observed by all HA hospitals since. No hospital or cluster is not operating the alert system or any other response mechanism set out in the Plan.

- (b) When there is an unusual pattern of clinical presentations suggestive/indicative of infectious disease or of infectious diseases actually occurring in a HA hospital, the hospital infection control team together with the relevant specialists will investigate and analyse the incident. The hospital will assess the potential risk of transmission in the hospital setting and notify the HA Head Office and the Department of Health in accordance with existing guidelines. As the decision when to raise a particular alert is made jointly by the HA Head Office and the hospital concerned, there is no question of individual hospital clusters adopting different practices.
- (c) The HA has not modified or abandoned its three-tier response structure.
- (d) The Health, Welfare and Food Bureau has followed up closely, and has been in discussion with the HA, on the implementation of its Response Plan for Infectious Disease Outbreak by checking on the drawing up of response plans at both the cluster and hospital levels and by monitoring the testing of the Response Plan through exercises and drills. The HA will review the Plan from time to time, in the light of experience gained from the exercises and drills as well as new knowledge acquired on infectious disease control. The HA will keep the Bureau abreast of the latest developments.

Import and Keeping of Ferocious Pets

8. **MR BERNARD CHAN** (in Chinese): *Madam President, it has been reported that the recent appearance of a crocodile at Yuen Long has aroused public concern about people secretly keeping and then abandoning ferocious pets. In this connection, will the Government inform this Council whether there is legislation to regulate and guard against the import and keeping of ferocious pets by the public or shops; if so, of the details, and whether the authorities have issued warnings to or instituted prosecutions against members of the public or shops for importing and keeping ferocious pets; if there is no legislation, whether the authorities will consider enacting such legislation?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): Madam President, the importation of live animals requires Special Permits issued by the Agriculture, Fisheries and Conservation Department (AFCD) under the Public Health (Animals and Birds) Ordinance (Cap. 139). This permit system allows the AFCD to monitor and regulate the importation of live animals into Hong Kong. Permits will not be issued for the importation of animals that pose potential hazards to the public, such as venomous or large pet snakes.

In addition, some potentially dangerous animals such as crocodile, bear and tiger are endangered species controlled under the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187). Except those with exemptions, the import, export and possession of all scheduled species under Cap. 187 require a licence issued by the Director of Agriculture, Fisheries and Conservation.

In 2000, the Dangerous Dogs Regulation (Cap. 167 sub. leg.) was enacted to prohibit the importation of dangerous fighting dogs, including Pit Bull Terrier, Japanese Tosa, Dogo Argentino, Fila Brasileiro and the crosses of any breed of the above four breeds. The Regulation also provides that fighting dogs which were imported to Hong Kong prior to 2000 must be neutered, securely fitted with a muzzle and securely held on a leash by a person when entering or remaining in a public place.

Animal traders are required to obtain a licence from the AFCD under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139, sub. leg.). The licence stipulates the animals that can be sold by the animal trader. There are 302 pet shops in Hong Kong licensed to sell dogs, cats, birds, reptiles and some small mammals such as rabbits and rodents. The AFCD conducts frequent inspection to these shops to ensure that there are no irregularities including the sale of any unauthorized animals.

In 2002, the AFCD carried out 5 459 inspections to pet shops and aquariums. During the year, 22 prosecutions were made against the illegal possession of endangered species and 12 prosecutions were made against the illegal trading of animals.

From January to October 2003, the AFCD carried out 5 169 inspections to pet shops and aquariums. During the period, 32 prosecutions were made against the illegal possession of endangered species and five prosecutions were made against the illegal trading of animals.

Abuse of Protection of Wages on Insolvency Fund

9. **MS LI FUNG-YING** (in Chinese): *Madam President, to ensure that the Protection of Wages on Insolvency Fund (PWIF) will not be abused, the Government has adopted a series of initiatives, including the formation of an inter-departmental task force to proactively investigate allegations of fraud, illegal practice, theft and conspiracy by employers. In this connection, will the Government inform this Council:*

- (a) *of the number of reported cases received each year by the authorities about suspected abuse of the above Fund since the establishment of the inter-departmental task force and in the three years before the establishment, broken down by trade and number of employers involved;*
- (b) *of the number of convictions among the cases mentioned in (a) above and the amounts of fines imposed; and*
- (c) *whether it has assessed the effectiveness of the inter-departmental task force; if it has, of the results?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Chinese): Madam President,

- (a) The Labour Department (LD) has a stringent mechanism to vet applications for *ex gratia* payment from the PWIF.

To prevent abuses of the PWIF and to combat fraud, the Administration set up a Task Force in November last year. The Task Force comprises representatives of the LD, Official Receiver's Office (ORO), Commercial Crime Bureau (CCB) of the Hong Kong Police Force and Legal Aid Department. It meets regularly to discuss measures to combat abuses of the PWIF and to monitor the situation.

Number of reported cases received in the three years prior to the formation of the Task Force

The LD did not receive or detect any abuse cases in 2000. In 2001, an employee of a trading firm was found providing false information to the PWIF. However, no prosecution action was taken due to insufficient evidence. In 2002, the LD received a complaint against an investment company for illegal transfer of assets. The case is still under investigation by the ORO.

Number of reported cases received since the formation of the Task Force

Since the formation of the Task Force in November 2002, departments concerned have been taking proactive measures to combat abuses of the PWIF. The LD has so far received/detected 36 cases of suspected abuses. Of these, 14 cases are from the catering trade, five from the business services sector, four each from the construction and transportation industries, three from the trading sector, two from garment manufacturing, and one each from personal service, printing, real estate and retail business sectors. Altogether, there are 87 persons involved.

- (b) There was no conviction case during the three years prior to the formation of the Task Force but there was one after the formation. The case concerned a director, a manager and an employee of a printing factory who provided false information with an intent to defraud the PWIF. The director and the employee were both sentenced to 12 months' imprisonment while the manager was sentenced to six months' imprisonment.
- (c) Since its inception, the Task Force has taken a number of effective measures to prevent abuses of the PWIF. The PWIF Board expressed its satisfaction of the effective performance of the Task Force at its meetings in September and November 2003. The measures taken by the Task Force include:

(i) *Setting up of an effective complaint and referral mechanism*

The Task Force has established an effective complaint and referral mechanism to facilitate and encourage employees and informants to report on fraud, abuse of the PWIF and other illegal acts.

Based on information reported to the LD as well as information detected during verification of the employees' claims, the LD has so far referred 36 cases to the CCB or ORO for further investigation.

(ii) *Stepping up enforcement and prosecution*

Of the 36 cases detected, apart from the conviction case mentioned in (b) above, the CCB has made arrests in another three cases for further investigation. These three cases involve two directors and 11 employees of a transportation company, a manager and five employees of a restaurant, and a director and 11 persons who claimed to be employees of a construction company. Separately, two cases have been dropped because of insufficient evidence. The remaining 30 cases are still under investigation.

Question 10 withdrawn

School Planning

11. **MR CHEUNG MAN-KWONG** (in Chinese): *Madam President, regarding school planning, will the Government inform this Council:*

- (a) *of the numbers of classes, school places and students in primary and secondary day schools in each of the past three years, at present and in the next two years, broken down by school zones and grades;*
- (b) *of the specific details of the school construction plan in each of the past three years, at present and in the next five years, including the*

number of schools constructed, their names (if named already), types, the kinds of courses and the number of places they provide, broken down by school zones;

- (c) whether the variations in student population growth in individual school zones have given rise to an over-supply of school places in individual zones, and whether the authorities have formulated appropriate measures to solve the problems arising from inaccurate school planning; if they have, of the details; and*
- (d) of the justifications for the authorities' plan to construct new school premises in zones where there are class reductions, and the ways to tackle the problem of a deteriorating imbalance in school places as a result of the construction of such new school premises?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President, our school building programme is devised on the basis of the following established policies and objectives:

- to provide nine-year free and universal basic education for all eligible children;
- to enable virtually all students to enjoy whole-day primary schooling by 2007-08;.
- to provide subsidized senior secondary and vocational training places to all Form Three students who have the ability and wish to continue their study;
- to provide more choices for parents in meeting the need of individual students through the development of quality schools under the Direct Subsidy Scheme and private independent schools;
- to promote adoption of the "Through Train Mode" in schools as a means to help primary students adapt to secondary education when they are promoted; and
- to redevelop or reprovision schools accommodated in substandard premises.

- (a) The numbers of classes, school places and students in local primary and secondary day schools (in both the public and private sectors) over the past three years (from 2000-01 to 2002-03 school years) and at present, broken down by districts and grades, are detailed at Annex 1. (Pending verification, statistics for the current school year at Annex 1 are provisional only.) It should be noted that in primary schools, the statistics cover both classrooms used for whole-day schooling and classrooms used for bi-sessional operation. In the latter case, the total numbers of classes and places thus available are doubled.

The projected supply and demand of public sector school places in the next two years are set out at Annex 2. The projection, in terms of class numbers, has taken into account various factors including forecast on the age and geographic distribution of the population of Hong Kong and past enrolment data. It is used for macro planning purposes in the Government's school building programme. The projected supply has included the additional school places being planned, some of which are still subject to funding approval. In line with the implementation of whole-day primary schooling, all the classrooms available are assumed to be used for whole-day operation in the projection model, in order to calculate the difference between supply and demand and thus the shortfall in the provision of schools.

In examining the supply and demand figures, two points are noteworthy. First, demographic figures are not the only factor to be considered in planning for the school building programme. Our planning has to support the policy of provision of diversity and choices for parents and students in the education system. Second, the projected supply and demand of school places in a district may be to an extent at variance with the actual enrolment. Take Wan Chai as an example. According to the 2001 projection, the demand for primary school places in the district in 2002 was 214 classes. With a provision of 405 classes, there appeared to be a surplus of 191 classes. However, during the allocation of discretionary places in 2002, the total number of applications received by the schools in Wan Chai was 2.4 times the number of discretionary places. This shows that there would be no surplus of school places in the district if parents' preferences were also taken into account.

- (b) The new school projects in the past three years (from 2000-01 to 2002-03 school years), at present and in the next five years are detailed at Annex 3. To achieve the objective of implementing whole-day schooling in virtually all primary schools by the 2007-08 school year, it is estimated that we have to build 65 primary schools between 2003 and 2007. This includes extension and redevelopment projects for some schools. As regards secondary schools, we have to provide 423 additional classes between 2004 and 2007 to meet the projected increase in demand for school places. At present, 27 primary schools and nine secondary schools required to meet the demand have received funding approval. We plan to apply to the Finance Committee of the Legislative Council for funding approval for other school projects under planning.
- (c) When planning for our school building programme, we would seek to balance the supply and demand of school places in individual districts. However, the current distribution of schools is the result of years of development and this poses constraints for us to strike the balance. Individual districts may experience an over-supply of school places for a number of reasons, for instance,
- some primary schools are still in bi-sessional operation;
 - individual primary schools may adopt the activity approach (32 students per class) at the junior level and the non-activity approach (37 students per class) at the senior level. Since the number of students remains the same, there will be five unfilled places for each senior class;
 - the number of school-age children may drop due to mobility and demographic changes of the population;
 - parents may choose to send their children to schools outside their own districts;
 - schools in a particular district may fail to attract students from neighbouring districts where there is an adequate supply of school places;

- a certain amount of surplus places is required if parents are to be given genuine choices. Schools under the Direct Subsidy Scheme are open to students territory-wide and their school places cannot be all counted towards meeting the district's own demand.

In examining the supply and demand of school places at the district level, we must bear in mind that the provision of primary school places is planned on a district basis to enable students to attend schools in the same district, whereas the provision of secondary school places is planned on a territory-wide basis.

In view of the imbalance over supply and demand of school places in some districts, the Administration has put in place appropriate measures, including the following:

- the Education and Manpower Bureau (the Bureau) will consider the latest district population data released by the Planning Department every year, review the supply and demand of primary school places in all districts and make corresponding adjustment to the school building programme. For example, in view of the latest demographic projection, we have shelved two primary school projects in Yuen Long originally planned for provision of additional school places;
- the Bureau will take full account of the supply and demand of school places at the district level when identifying sites for building new secondary schools, and make appropriate adjustment to the school building programme in view of annual updates of data. For example, based on the latest projection, there will be a shortfall of about 100 secondary classes for Sham Shui Po in 2007. We have planned to build four secondary schools there to balance the supply and demand of school places at the district level;
- we will merge, relocate or close schools with substandard facilities and high operating cost. In doing so, we will consider factors such as the overall provision of school places at the district level, parental choice, class structure, economy of scale and operating standards of the schools.

In implementing the above measures, the Bureau will maintain close liaison with schools and work out reasonable transitional arrangements.

- (d) Reduction in the number of classes as happened in individual districts may be related to the supply and demand of school places as well as to parental preference. However, it does not necessarily obviate the need to construct any new school in such districts. As explained above, our school building programme is drawn up to achieve various objectives in education. For example,
- to assist bi-sessional primary schools to convert into whole-day operation, the Bureau, in its planning, has to take into account factors other than the demand and supply of school places, including parental choice and the popularity of a school. Seeking to achieve the target of whole day schooling by phasing out one session of a popular primary school on the sole basis of supply and demand of school places in the district would not be in the best interest of students;
 - the provision of secondary school places is planned on a territory-wide basis. In the event of a shortfall of school places in a district where suitable sites for building new schools are not readily available, the Bureau has to consider meeting the need of that district by initiating new school projects in other districts, even though the latter may have sufficient school places of their own.
 - the new and modern premises can be used to relocate schools which have performed well but the size and facilities of which are far below standard. About 400 existing primary and secondary schools have a site area of less than 3 000 sq m (for Y2K-design primary and secondary schools, the standard site areas are 6 200 sq m and 6 950 sq m respectively), or are accommodated in premises more than 30 years old; and
 - building Direct Subsidy Scheme schools and private independent schools can provide more diversity and more choices in the education system.

We fully appreciate that implementation of the school building programme under the existing policy may give rise to, or increase, over-supply of school places in individual districts. We are committed to providing quality education. To this end, emphasis should be placed not only on matching supply and demand, but also on the quality of education. In recent years we have sought to introduce diversity and a market mechanism into the education system. It is hoped that students and parents will thus be provided with more choices, and schools encouraged to strive for self-improvement. To enable this mechanism to work, we must allow reasonable room for manoeuvre over the provision of school places.

Annex 1

Table 1 : Classes in primary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Classes</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	527	522	518	488
Wan Chai	499	497	468	432
Eastern	951	938	946	920
Southern	369	367	354	340
Yau Tsim Mong	778	774	771	732
Sham Shui Po	795	799	702	665
Kowloon City	1 093	1 068	1 053	1 009
Wong Tai Sin	941	948	914	904
Kwun Tong	1 001	1 014	1 020	1 010
Sai Kung	588	643	660	683
Sha Tin	1 177	1 184	1 160	1 124
Tai Po	775	738	695	613
North	817	810	778	725
Yuen Long	1 165	1 270	1 382	1 399
Tuen Mun	1 186	1 162	1 119	1 081
Tsuen Wan	605	602	576	554
Kwai Tsing	816	801	824	822
Islands	184	251	266	320
Total	14 267	14 388	14 206	13 821

*Tentative figures, may be revised later.

Table 2 : Classes in primary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Classes</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Primary One	2 305	2 291	2 167	2 076
Primary Two	2 335	2 350	2 322	2 166
Primary Three	2 382	2 396	2 385	2 334
Primary Four	2 420	2 433	2 415	2 384
Primary Five	2 427	2 468	2 448	2 413
Primary Six	2 398	2 450	2 469	2 448
Total	14 267	14 388	14 206	13 821

*Tentative figures, may be revised later.

Table 3 : Classes in secondary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Classes</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	428	418	405	395
Wan Chai	606	596	561	555
Eastern	838	854	858	878
Southern	387	382	374	372
Yau Tsim Mong	545	512	499	517
Sham Shui Po	651	636	620	598
Kowloon City	1 019	1 004	1 007	1 005
Wong Tai Sin	649	645	654	672
Kwun Tong	908	897	910	930
Sai Kung	410	452	476	512
Sha Tin	1 169	1 191	1 193	1 208
Tai Po	648	647	657	645
North	547	569	582	590
Yuen Long	818	858	903	980
Tuen Mun	987	979	996	1 015
Tsuen Wan	401	375	372	379
Kwai Tsing	922	913	911	931
Islands	98	107	128	155
Total	12 031	12 035	12 106	12 337

*Tentative figures, may be revised later.

Table 4 : Classes in secondary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Classes</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Secondary One	2 131	2 140	2 139	2 165
Secondary Two	2 026	2 135	2 128	2 156
Secondary Three	2 038	2 036	2 134	2 106
Secondary Four	1 921	1 873	1 888	2 044
Secondary Five	2 031	1 967	1 926	1 958
Secondary Six	962	945	949	966
Secondary Seven	922	939	942	942
Total	12 031	12 035	12 106	12 337

*Tentative figures, may be revised later.

Table 5 : Places in primary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Places</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	19 395	19 222	19 166	17 780
Wan Chai	18 294	18 304	17 291	15 790
Eastern	32 957	32 559	32 899	31 650
Southern	12 787	12 631	12 454	11 810
Yau Tsim Mong	27 035	26 964	26 922	25 270
Sham Shui Po	29 116	29 376	26 061	24 370
Kowloon City	40 611	39 628	39 286	37 230
Wong Tai Sin	32 797	32 995	31 831	31 090
Kwun Tong	34 332	35 052	35 457	34 670
Sai Kung	19 097	20 924	21 655	22 100
Sha Tin	39 150	39 581	39 036	37 390
Tai Po	25 677	24 502	23 199	20 200
North	28 474	28 423	27 264	25 040
Yuen Long	39 678	43 295	47 383	47 360
Tuen Mun	41 544	41 085	39 794	37 970
Tsuen Wan	20 552	20 492	19 629	18 650
Kwai Tsing	27 601	27 299	28 291	27 830
Islands	6 247	8 319	8 895	10 600
Total	495 344	500 651	496 513	476 800

*Tentative figures, may be revised later.

Table 6: Places in primary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Places</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Primary One	79 206	78 394	73 900	69 800
Primary Two	80 176	80 399	79 336	73 060
Primary Three	82 097	82 060	81 597	78 730
Primary Four	84 157	88 457	87 352	85 060
Primary Five	85 037	85 832	88 926	86 580
Primary Six	84 671	85 509	85 402	83 570
Total	495 344	500 651	496 513	476 800

*Tentative figures, may be revised later.

Table 7 : Places in secondary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Places</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	16 366	15 990	15 455	15 050
Wan Chai	23 201	22 728	21 562	21 310
Eastern	32 438	33 054	33 142	33 930
Southern	14 895	14 665	14 334	14 260
Yau Tsim Mong	20 014	19 351	18 836	19 540
Sham Shui Po	25 060	24 510	23 892	23 000
Kowloon City	38 887	38 405	38 457	38 360
Wong Tai Sin	24 890	24 726	25 077	25 770
Kwun Tong	35 092	34 605	35 187	35 970
Sai Kung	16 080	17 720	18 587	20 040
Sha Tin	44 712	45 656	45 518	46 130
Tai Po	25 102	25 033	25 448	24 970
North	21 308	22 112	22 620	22 920
Yuen Long	31 629	33 342	34 995	38 100
Tuen Mun	38 235	37 898	38 537	39 290
Tsuen Wan	15 271	14 566	14 426	14 700
Kwai Tsing	35 473	35 151	35 070	35 840
Islands	3 690	4 040	4 820	5 860
Total	462 343	463 552	465 963	475 040

*Tentative figures, may be revised later.

Table 8: Places in secondary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Places</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Secondary One	85 180	85 502	85 476	86 510
Secondary Two	80 950	85 295	85 025	86 160
Secondary Three	81 226	81 220	85 201	84 060
Secondary Four	76 467	74 858	75 378	81 610
Secondary Five	80 787	78 565	77 084	78 380
Secondary Six	29 479	29 156	28 983	29 530
Secondary Seven	28 254	28 956	28 816	28 790
Total	462 343	463 552	465 963	475 040

*Tentative figures, may be revised later.

Table 9 : Enrolment in primary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Enrolment</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	18 154	17 565	16 950	16 260
Wan Chai	17 776	17 305	15 933	14 900
Eastern	30 970	30 336	30 512	29 560
Southern	12 332	12 002	11 451	11 070
Yau Tsim Mong	26 545	25 708	25 132	24 140
Sham Shui Po	27 241	26 966	23 228	22 180
Kowloon City	37 359	36 421	35 901	34 160
Wong Tai Sin	32 704	32 598	31 692	31 030
Kwun Tong	33 769	33 755	33 916	33 470
Sai Kung	18 774	20 417	20 698	21 450
Sha Tin	38 885	39 035	37 981	36 710
Tai Po	25 113	23 232	20 900	19 050
North	27 576	26 879	24 967	23 700
Yuen Long	39 037	41 172	44 621	45 420
Tuen Mun	40 533	40 281	38 606	36 910
Tsuen Wan	20 516	20 181	19 270	18 450
Kwai Tsing	27 959	27 324	27 884	27 760
Islands	4 532	6 581	7 538	8 340
Total	479 775	477 758	467 180	454 560

*Tentative figures, may be revised later.

Table 10: Enrolment in primary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Enrolment</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Primary One	75 531	74 525	68 741	65 420
Primary Two	77 979	77 481	75 578	69 780
Primary Three	80 822	79 479	78 405	76 740
Primary Four	81 927	82 228	80 449	79 760
Primary Five	82 079	82 307	82 168	80 920
Primary Six	81 437	81 738	81 839	81 940
Total	479 775	477 758	467 180	454 560

*Tentative figures, may be revised later.

Table 11 : Enrolment in secondary schools by district from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>District</i>	<i>Enrolment</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Central and Western	15 700	15 227	14 656	14 400
Wan Chai	21 398	20 591	19 605	19 450
Eastern	30 445	31 173	31 507	32 140
Southern	14 162	13 843	13 654	13 590
Yau Tsim Mong	19 586	18 970	18 391	19 010
Sham Shui Po	24 742	24 054	23 268	22 740
Kowloon City	38 387	37 439	37 748	37 790
Wong Tai Sin	24 241	24 315	24 718	25 340
Kwun Tong	33 967	33 056	34 063	34 730
Sai Kung	14 919	16 200	17 360	18 740
Sha Tin	42 872	43 019	43 440	44 100
Tai Po	24 554	24 320	24 697	24 390
North	21 063	21 657	22 209	22 620
Yuen Long	30 739	32 240	34 140	37 110
Tuen Mun	36 717	36 720	37 612	38 210
Tsuen Wan	14 873	14 061	13 968	14 250
Kwai Tsing	34 190	34 317	34 303	34 910
Islands	2 980	3 371	4 108	4 850
Total	445 535	444 573	449 447	458 370

*Tentative figures, may be revised later.

Table 12 : Enrolment in secondary schools by grade from 2000-01 to 2003-04 school years
(including all local public and private schools)

<i>Grade</i>	<i>Enrolment</i>			
	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04*</i>
Secondary One	84 390	82 765	83 282	84 140
Secondary Two	77 003	82 840	81 733	82 850
Secondary Three	74 546	74 485	80 462	79 640
Secondary Four	74 780	72 471	73 939	80 250
Secondary Five	77 699	75 210	73 463	74 710
Secondary Six	29 543	28 758	28 987	29 080
Secondary Seven	27 574	28 044	27 581	27 700
Total	445 535	444 573	449 447	458 370

*Tentative figures, may be revised later.

Annex 2

Table 1 : Projected demand and provision of public sector primary school places from 2004-05 to 2005-06 school years by district

<i>District</i>	<i>Demand (Classes)</i>		<i>Provision (Classes)</i>	
	<i>2004-05</i>	<i>2005-06</i>	<i>2004-05</i>	<i>2005-06</i>
Central and Western	337	330	326	323
Wan Chai	183	177	262	259
Eastern	884	820	642	653
Southern	432	412	314	333
Yau Tsim Mong	457	440	547	550
Sham Shui Po	622	638	469	500
Kowloon City	606	579	677	729
Wong Tai Sin	756	704	719	719
Kwun Tong	1 039	1 052	829	890
Sai Kung	802	768	785	785
Sha Tin	1 156	1 077	1 137	1 155
Tai Po	591	537	506	503
North	691	660	530	540
Yuen Long	1 420	1 360	1 000	1 054
Tuen Mun	1 122	1 044	908	908
Tsuen Wan	550	533	465	465
Kwai Tsing	975	963	771	814
Islands	255	280	256	256
Total	12 878	12 374	11 143	11 436

Table 2 : Projected demand and provision of public sector secondary school places from 2004-05 to 2005-06 school years by district

<i>District</i>	<i>Demand (Classes)</i>		<i>Provision (Classes)</i>	
	<i>2004</i>	<i>2005</i>	<i>2004</i>	<i>2005</i>
Central and Western	362	354	359	316
Wan Chai	453	443	492	494
Eastern	862	865	833	851
Southern	352	347	379	407
Yau Tsim Mong	473	487	458	460
Sham Shui Po	586	569	605	617
Kowloon City	952	957	957	974
Wong Tai Sin	658	678	645	647
Kwun Tong	920	941	911	920
Sai Kung	553	582	580	618
Sha Tin	1 151	1 151	1 203	1 231
Tai Po	646	617	654	658
North	638	634	591	598
Yuen Long	1 045	1 136	915	935
Tuen Mun	1 020	1 028	1 026	1 032
Tsuen Wan	379	383	364	362
Kwai Tsing	930	945	904	904
Islands	151	172	200	226
Total	12 130	12 290	12 075	12 251

Annex 3

Table 1A : Primary Schools Completed from 2000-01 to 2003-04 School Years

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
2000-01	1	HKE	ALDRICH BAY GOVERNMENT PRIMARY SCHOOL	GOVT	PRI	30	1 035
	2	HKE	PUI KIU PRIMARY SCHOOL	AIDED	PRI	30	1 035
	3	KT	LOK WAH CATHOLIC PRIMARY SCHOOL	AIDED	PRI	24	828
	4	KwT	SKH TSING YI ESTATE HO CHAK WAN PRIMARY SCHOOL	AIDED	PRI	30	1 035
	5	N	SKH KA FUK WING CHUN PRIMARY SCHOOL	AIDED	PRI	24	828
	6	SOU	HONG KONG SOUTHERN DISTRICT GOVERNMENT PRIMARY SCHOOL	GOVT	PRI	24	828

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
	7	SOU	PRECIOUS BLOOD PRIMARY SCHOOL (SOUTH HORIZONS)	AIDED	PRI	24	828
	8	ST	MA ON SHAN METHODIST PRIMARY SCHOOL	AIDED	PRI	30	1 035
	9	ST	PLK RIVERAIN PRIMARY SCHOOL	AIDED	PRI	30	1 035
	10	ST	SKH MA ON SHAN HOLY SPIRIT PRIMARY SCHOOL	AIDED	PRI	30	1 035
	11	WTS	TSZ WAN SHAN ST BONAVENTURE CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	12	YL	CHINESE YMCA PRIMARY SCHOOL	AIDED	PRI	30	1 035
	13	YL	CUMBERLAND PRESBYTERIAN CHURCH YAO DAO PRIMARY SCHOOL	AIDED	PRI	30	1 035
	14	YL	HKFYG LEE SHAU KEE PRIMARY SCHOOL	AIDED	PRI	30	1 035
	15	YTM	TAI KOK TSUI CATHOLIC PRIMARY SCHOOL (HOI FAN ROAD)	AIDED	PRI	30	1 035
	16	YTM	YAUMATI CATHOLIC PRIMARY SCHOOL (HOI WANG ROAD)	AIDED	PRI	30	1 035
2001-02	1	HKE	HKUGA PRIMARY SCHOOL	DSS	PRI	24	828
	2	IS	H.K.F.E.W. WONG CHO BAU SCHOOL	AIDED	PRI	30	1 035
	3	IS	THE SALVATION ARMY LAM BUTT CHUNG MEMORIAL SCHOOL	AIDED	PRI	30	1 035
	4	KC	HEEP YUNN PRIMARY SCHOOL	AIDED	PRI	18	621
	5	KC	HOLY FAMILY CANOSSIAN SCHOOL (KOWLOON TONG)	AIDED	PRI	24	828
	6	KC	KOWLOON TONG GOVERNMENT PRIMARY SCHOOL	GOVT	PRI	24	828
	7	KC	MA TAU CHUNG GOVERNMENT PRIMARY SCHOOL (HUNG HOM BAY)	GOVT	PRI	30	1 035
	8	KC	SKH FUNG KEI MILLENNIUM PRIMARY SCHOOL	AIDED	PRI	24	828
	9	KT	THE MISSION COVENANT CHURCH HOLM GLAD PRIMARY SCHOOL	AIDED	PRI	30	1 035
	10	KT	PEGASUS PHILIP WONG KIN HANG CHRISTIAN PRIMARY SCHOOL	DSS	PRI	30	1 035
	11	KT	SAU MAU PING CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	12	KT	SAU MING PRIMARY SCHOOL	AIDED	PRI	30	1 035
	13	KT	St. MATTHEW'S LUTHERAN SCHOOL (SAU MAU PING)	AIDED	PRI	24	828
	14	KwT	SKH CHU OI PRIMARY SCHOOL	AIDED	PRI	30	1 035
	15	N	FANLING ASSEMBLY OF GOD CHURCH PRIMARY SCHOOL	AIDED	PRI	24	828
	16	SK	HONG KONG & MACAU LUTHERAN CHURCH MING TAO PRIMARY SCHOOL	AIDED	PRI	30	1 035
	17	TM	CCC HOH FUK TONG PRIMARY SCHOOL	AIDED	PRI	30	1 035
	18	TM	PLK HORIZON EAST PRIMARY SCHOOL	AIDED	PRI	30	1 035
	19	YL	CHRISTIAN ALLIANCE S Y YEH MEMORIAL PRIMARY SCHOOL	AIDED	PRI	30	1 035
	20	YL	STFA WU MIEN TUEN PRIMARY SCHOOL	AIDED	PRI	30	1 035
	21	YL	XIANGGANG PUTONGHUA YANXISHE PRIMARY SCHOOL OF SCIENCE AND CREATIVITY	AIDED	PRI	30	1 035

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
2002-03	1	HKE	CCC KEI WAN PRIMARY SCHOOL (ALDRICH BAY)	AIDED	PRI	24	828
	2	HKE	TAIKOO PRIMARY SCHOOL	AIDED	PRI	30	1 035
	3	KC	LA SALLE PRIMARY SCHOOL	AIDED	PRI	36	1 242
	4	KT	BISHOP PASCHANG CATHOLIC SCHOOL	AIDED	PRI	30	1 035
	5	KT	BUDDHIST CHI KING PRIMARY SCHOOL	AIDED	PRI	24	828
	6	KwT	CCC KEI CHUN PRIMARY SCHOOL	AIDED	PRI	30	1 035
	7	KwT	PLK CASTAR PRIMARY SCHOOL	AIDED	PRI	24	828
	8	KwT	SKH TSING YI CHU YAN PRIMARY SCHOOL	AIDED	PRI	30	1 035
	9	KwT	SKH YAN LAAP MEMORIAL PRIMARY SCHOOL	AIDED	PRI	30	1 035
	10	SK	G.T. (ELLEN YEUNG) SCHOOL	DSS	PRI	30	1 035
	11	SK	THKCCCU LOGOS ACADEMY	DSS	PRI	30	1 035
	12	SSP	LAI CHI KOK CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	13	SSP	SHAM SHUI PO GOVERNMENT PRIMARY SCHOOL	GOVT	PRI	30	1 035
	14	TP	PLK TIN KA PING MILLENNIUM PRIMARY SCHOOL	AIDED	PRI	30	1 035
	15	TP	TAI PO OLD MARKET PUBLIC SCHOOL (PLOVER COVE)	AIDED	PRI	30	1 035
	16	WTS	PLK GRANDMONT PRIMARY SCHOOL	AIDED	PRI	30	1 035
	17	WTS	ST. PATRICK'S CATHOLIC PRIMARY SCHOOL (PO KONG VILLAGE ROAD)	AIDED	PRI	30	1 035
	18	WTS	TSZ WAN SHAN CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	19	YL	C&MA CHUI CHAK LAM MEMORIAL SCHOOL	AIDED	PRI	24	828
	20	YL	HONG KONG STUDENT AID SOCIETY PRIMARY SCHOOL	AIDED	PRI	30	1 035
	21	YL	SHAP PAT HEUNG RURAL COMMITTEE KUNG YIK SHE PRIMARY SCHOOL	AIDED	PRI	30	1 035
	22	YL	W F JOSEPH LEE PRIMARY SCHOOL	DSS	PRI	30	1 035
2003-04	1	IS	HO YU COLLEGE AND PRIMARY SCHOOL (SPONSORED BY SIK SIK YUEN)	AIDED	PRI	30	1 035
	2	IS	TUNG CHUNG CATHOLIC SCHOOL	AIDED	PRI	30	1 035
	3	KT	KOWLOON BAY ST. JOHN THE BAPTIST CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	4	KT	SKH KOWLOON BAY KEI LOK PRIMARY SCHOOL	AIDED	PRI	30	1 035
	5	KT	SKH TAK TIN LEE SHIU KEUNG PRIMARY SCHOOL	AIDED	PRI	30	1 035
	6	KwT	CCC CHUEN YUEN SECOND PRIMARY SCHOOL	AIDED	PRI	18	621
	7	N	BUDDHIST WISDOM PRIMARY SCHOOL SPONSORED BY HEUNG HOI CHING KOK LIN ASSOCIATION	AIDED	PRI	30	1 035
	8	N	TSANG MUI MILLENNIUM SCHOOL	AIDED	PRI	30	1 035
	9	SK	ST. ANDREW'S CATHOLIC PRIMARY SCHOOL	AIDED	PRI	30	1 035
	10	SSP	YING WA PRIMARY SCHOOL	AIDED	PRI	30	1 035

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
	11	TM	AD & FD OF POK OI HOSPITAL MRS CHENG YAM ON MILLENNIUM SCHOOL	AIDED	PRI	30	1 035
	12	TW	CCC KEI WAI PRIMARY SCHOOL (MA WAN)	AIDED	PRI	30	1 035
	13	WTS	CANOSSA PRIMARY SCHOOL (SAN PO KONG)	AIDED	PRI	36	1 242
	14	YL	SKH TIN SHUI WAI LING OI PRIMARY SCHOOL	AIDED	PRI	30	1 035
	15	YL	YUEN LONG PUBLIC MIDDLE SCHOOL ALUMNI ASSOCIATION YING YIP PRIMARY SCHOOL	AIDED	PRI	30	1 035
	16	YTM	ST. MARY'S CANOSSIAN SCHOOL	AIDED	PRI	24	828

Remark : The table includes new schools as well as extension and redevelopment projects.

Table 1B : Primary Schools Planned for Completion in the Coming Five Years (2004-05 to 2008-09 School Years)

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>Name of Sponsor/School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
2004-05	1	HKE	CHURCH BODY OF HONG KONG SHENG KUNG HUI	AIDED	PRI	24	828
	2	KC	DIOCESAN BOYS' SCHOOL	DSS	PRI	30	1 035
	3	SK	CHURCH BODY OF HONG KONG SHENG KUNG HUI	AIDED	PRI	30	1 035
	4	SK	THE METHODIST CHURCH, HONG KONG	AIDED	PRI	36	1 242
	5	TM	HING TAK PUBLIC SCHOOL LIMITED	AIDED	PRI	24	828
	6	YL	LOK SIN TONG BENEVOLENT SOCIETY, KOWLOON	AIDED	PRI	30	1 035
2005-06	1	HKE	MENG TAK PRIMARY SCHOOL — CHAI WAN	AIDED	PRI	24	828
	2	HKE	SHAUKIWAN TSUNG TSIN SCHOOL	AIDED	PRI	24	828
	3	KT	CHURCH BODY OF THE HONG KONG SHENG KUNG HUI	AIDED	PRI	36	1 242
	4	KT	HONG KONG COUNCIL OF THE CHURCH OF CHRIST IN CHINA	AIDED	PRI	36	1 242
	5	KwT	SALESIANS OF DON BOSCO (CHINA PROVINCE)	AIDED	PRI	30	1 035
	6	SOU	THE CATHOLIC DIOCESE OF HONG KONG	AIDED	PRI	30	1 035
	7	SSP	CHURCH BODY OF THE HONG KONG SHENG KUNG HUI	AIDED	PRI	36	1 242
	8	WTS	CCC KEI TSZ PRIMARY SCHOOL*	AIDED	PRI	24	828
	9	YL	CHIU YANG RESIDENTS ASSOCIATION OF HONG KONG LTD	AIDED	PRI	30	1 035
	10	YL	CHUNG SING SCHOOL LTD	AIDED	PRI	30	1 035
	11	YL	YUEN LONG CHAMBER OF COMMERCE PRIMARY SCHOOL	AIDED	PRI	24	828
2006-07	1	KC	THE DIRECTORS IN HONG KONG OF ST. JOSEPH'S COLLEGE*	AIDED	PRI	30	1 035
	2	N	FUNG KAI PUBLIC SCHOOL*	AIDED	PRI	30	1 035
	3	N	WAI CHOW SHEUNG SHUI CLANSMEN ASSOCIATION LTD*	AIDED	PRI	30	1 035

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>Name of Sponsor/School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
	4	SSP	CHURCH BODY OF THE HONG KONG SHENG KUNG HUI*	AIDED	PRI	36	1 242
	5	WCH	MARYMOUNT PRIMARY SCHOOL	AIDED	PRI	24	828
	6	WTS	GOOD HOPE SCHOOL (PRIMARY SECTION)*	PRIVATE	PRI	36	1 242
	7	YL	HONG KONG COUNCIL OF THE CHURCH OF CHRIST IN CHINA*	AIDED	PRI	30	1 035
	8	YL	KOWNG MING SCHOOL, LIMITED*	AIDED	PRI	36	1 242
	9	YL	SIK SIK YUEN*	AIDED	PRI	24	828
2007-08	1	CW	ST STEPHEN'S GIRLS' PRIMARY SCHOOL*	AIDED	PRI	24	828
	2	HKE	THE CHURCH BODY OF HONG KONG SHENG KUNG HUI*	DSS	PRI	24	828
	3	IS	SHU YAN EDUCATIONAL ORGANISATION*	DSS	PRI	30	1 035
	4	KC	HONG KONG COUNCIL OF THE CHURCH OF CHRIST IN CHINA*	AIDED	PRI	30	1 035
	5	KC	THE CATHOLIC DIOCESE OF HONG KONG*	AIDED	PRI	30	1 035
	6	KC	THE CATHOLIC DIOCESE OF HONG KONG*	AIDED	PRI	30	1 035
	7	KT	GOVERNMENT PRIMARY SCHOOL*	GOVT	PRI	30	1 035
	8	KwT	GOVERNMENT PRIMARY SCHOOL*	GOVT	PRI	36	1 242
	9	KwT	THE CATHOLIC DIOCESE OF HONG KONG*	AIDED	PRI	18	621
	10	N	FANLING PUBLIC SCHOOL*	AIDED	PRI	24	828
	11	N	YUK YIN SCHOOL*	AIDED	PRI	18	621
	12	SOU	THE CHURCH BODY OF HONG KONG SHENG KUNG HUI*	AIDED	PRI	36	1 242
	13	SOU	THE COUNCIL OF ST. PAUL'S CO-EDUCATIONAL COLLEGE*	DSS	PRI	30	1 035
	14	SSP	CATHOLIC FOREIGN MISSION SOCIETY OF AMERICA, INC.*	AIDED	PRI	30	1 035
	15	TM	HONG KONG CHINESE CHURCH OF CHRIST*	AIDED	PRI	30	1 035
	16	TM	SHUN TAK FRATERNAL ASSOCIATION*	AIDED	PRI	30	1 035
	17	TW	PRECIOUS BLOOD CONGREGATION*	AIDED	PRI	36	1 242
	18	TW	THE CATHOLIC DIOCESE OF HONG KONG*	AIDED	PRI	30	1 035
	19	WCH	ST. PAUL'S PRIMARY CATHOLIC SCHOOL*	AIDED	PRI	24	828
	20	YL	CHURCH BODY OF THE HONG KONG SHENG KUNG HUI*	AIDED	PRI	30	1 035
	21	YL	GOVERNMENT PRIMARY SCHOOL*	GOVT	PRI	30	1 035
	22	YL	HONG KONG & MACAU LUTHERAN CHURCH WONG CHAN SOOK YING MEMORIAL SCHOOL*	AIDED	PRI	18	621
	23	YL	PO LEUNG KUK*	AIDED	PRI	36	1 242
	24	YL	THE HONG KONG BUDDHIST ASSOCIATION *	AIDED	PRI	30	1 035
2008-09	1	SK	TUNG WAH GROUP OF HOSPITALS*	AIDED	PRI	30	1 035

Remark : The table includes new schools as well as extension and redevelopment projects.

* School projects yet to obtain funding approval

Table 2A : Secondary Schools Completed from 2000-01 to 2003-04 School Years

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
2000-01	1	HKE	ST MARK'S SCHOOL	AIDED	SEC	30	1 160
	2	HKE	THE CHINESE FOUNDATION SEC SCHOOL	DSS	SEC	30	1 160
	3	KT	FUKIEN SCONDARY SCHOOL	DSS	SEC	30	1 160
	4	KwT	CCC YENCHING COLLEGE	AIDED	SEC	30	1 160
	5	N	FANLING KAU YAN COLLEGE	AIDED	SEC	30	1 160
	6	ST	CUHKFAA CHAN CHUN HA SECONDARY SCHOOL	AIDED	SEC	30	1 160
	7	ST	TAK SUN SECONDARY SCHOOL	DSS	SEC	30	1 160
	8	YL	CHINESE YMCA SECONDARY SCHOOL	AIDED	SEC	26	1 000
	9	YTM	HKMA DAVID LI KWOK PO COLLEGE	DSS	SEC	30	1 160
	10	YTM	SIR ELLIS KADOORIE SECONDARY SCHOOL (WEST KOWLOON)	GOVT	SEC	30	1 160
2001-02	1	IS	TUNG CHUNG CATHOLIC SCHOOL	AIDED	SEC	30	1 160
	2	SK	PO KOK SECONDARY SCHOOL	AIDED	SEC	30	1 160
	3	YL	HEUNG TO MIDDLE SCHOOL (TIN SHUI WAI)	DSS	SEC	30	1 160
	4	YL	STFA YUNG YAU COLLEGE	AIDED	SEC	30	1 160
	5	YL	TIN SHUI WAI METHODIST COLLEGE	AIDED	SEC	26	1 000
2002-03	1	KT	YAN CHAI HOSPITAL LAW CHAN CHOR SI COLLEGE	AIDED	SEC	30	1 160
	2	TP	HK & KLN KFWA SUN FONG CHUNG COLLEGE	AIDED	SEC	30	1 160
	3	WTS	PLK CELINE HO YAM TONG COLLEGE	AIDED	SEC	30	1 160
	4	YL	CCC FONG YUN WAH SECONDARY SCHOOL	AIDED	SEC	30	1 160
2003-04	1	IS	CARITAS CHARLES VATH COLLEGE	DSS	SEC (SSS)	30	1 100
	2	IS	HO YU COLLEGE AND PRIMARY SCHOOL (SPONSORED BY SIK SIK YUEN)	AIDED	SEC	30	1 160
	3	IS	YMCA OF HONG KONG CHRISTIAN COLLEGE	DSS	SEC (SSS)	30	1 100
	4	KC	CCC KEI TO SECONDARY SCHOOL	AIDED	SEC	30	1 160
	5	KC	PO LEUNG KUK NGAN PO LING COLLEGE	DSS	SEC (SSS)	30	1 100
	6	KT	ECF SAINT TOO CANAAN COLLEGE	DSS	SEC (SSS)	30	1 100
	7	KT	UNITED CHRISTIAN COLLEGE (KOWLOON EAST)	DSS	SEC (SSS)	30	1 100
	8	N	ELEGANTIA COLLEGE (SPONSORED BY EDUCATION CONVERGENCE)	AIDED	SEC	30	1 160
	9	SK	BUDDHIST CHING KOK SECONDARY SCHOOL SPONSORED BY HEUNG HOI CHING KOK LIN ASSOCIATION	AIDED	SEC	30	1 160
	10	SK	HEUNG TO SECONDARY SCHOOL (TSEUNG KWAN O)	DSS	SEC (SSS)	30	1 100
	11	SK	QUALIED COLLEGE	DSS	SEC (SSS)	30	1 100
	12	SK	THKCCCU LOGOS ACADEMY	DSS	SEC	30	1 160
	13	SSP	YING WA COLLEGE	AIDED	SEC	30	1 160
	14	WCH	CCC KUNG LEE COLLEGE	DSS	SEC (SSS)	27	1 010

Remark : The table includes new schools as well as extension and redevelopment projects.

Table 2B : Secondary Schools Planned for Completion in the Coming Five Years (2004-05 to 2008-09 School Years)

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>Name of Sponsor/School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Class-rooms</i>	<i>No. of School Places</i>
2004-05	1	SK	PO LEUNG KUK	DSS	SEC	30	1 160
	2	SK	VOCATIONAL TRAINING COUNCIL	DSS	SEC (SSS)	30	1 100
	3	SOU	CARITAS ST. FRANCIS SEC SCH	AIDED	SEC	21	820
	4	SSP	AWAITING ALLOCATION	PENDING	SEC or SSS	30	1 160
	5	SSP	TSUN TSIN MISSION OF HONG KONG	DSS	SEC (SSS)	30	1 100
	6	ST	LAM TAI FAI CHARITABLE FOUNDATION LTD	DSS	SEC (SSS)	30	1 100
	7	ST	STEWARDS LIMITED	DSS	SEC	30	1 160
2005-06	1	KC	HONG KONG INSTITUTE OF CONTEMPORARY CULTURE*	DSS	SEC (SSS)	30	1 000
	2	KC	YEW CHUNG EDUCATION FOUNDATION LTD.*	PRIVATE	SEC	33	1 240
	3	SOU	HONG KONG UNIVERSITY GRADUATES ASSOCIATION EDUCATION FOUNDATION	DSS	SEC	30	1 160
	4	YL	AWAITING ALLOCATION	PENDING	SEC or SSS	30	1 160
	5	YL	QESOSA EDUCATION PROMOTION ORGANIZATION LTD.	AIDED	SEC	30	1 160
2006-07	1	HKE	HK FEDERATION OF YOUTH GROUPS*	DSS	SEC	30	1 160
	2	N	AWAITING ALLOCATION*	PENDING	SEC or SSS	30	1 160
	3	SK	CREATIVE EDUCATION FOUNDATION LTD*	DSS	SEC	30	1 160
	4	SSP	AWAITING ALLOCATION*	PENDING	SEC or SSS	30	1 160
	5	YL	AWAITING ALLOCATION*	PENDING	SEC or SSS	30	1 160
2007-08	1	IS	HON WAH EDUCATIONAL ORGANISATION*	DSS	SEC	30	1 160
	2	KC	AWAITING ALLOCATION*	PENDING	SEC or SSS	30	1 160
	3	SSP	CONCORDIA LUTHERAN SCHOOL*	AIDED	SEC	30	1 160
2008-09	1	KC	POOI TO MIDDLE SCHOOL*	AIDED	SEC	30	1 160

Remark : The table includes new schools as well as extension and redevelopment projects.

* School projects yet to obtain funding approval

Table 3A : Primary cum Secondary Schools Completed in 2003-04 School Year

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Classrooms (Primary + Secondary)</i>	<i>No. of School Places</i>
2003-04	1	SSP	ST. MARGARET'S CO-EDUCATIONAL ENGLISH SECONDARY AND PRIMARY SCHOOL	DSS	PRI cum SEC	12+18	1 104

Table 3B : Primary cum Secondary Schools Planned for Completion in the Coming Five Years (2004-05 to 2008-09 School Years)

<i>School Year</i>	<i>No.</i>	<i>District</i>	<i>Name of Sponsor/School Name</i>	<i>School Type</i>	<i>Course</i>	<i>No. of Classroom (Primary + Secondary)</i>	<i>No. of School Places</i>
2004-05	1	WTS	HONG KONG INTERNATIONAL INSTITUTE OF MUSIC	PRIVATE	PRI cum SEC	18+30	1 781
2005-06	1	HKE	HON WAH EDUCATIONAL ORGANIZATION*	DSS	PRI cum SEC	18+19	1 341
	2	ST	PUI KIU MIDDLE SCHOOL LTD	DSS	PRI cum SEC	30+30	2 195
2006-07	1	IS	ESF EDUCATIONAL SERVICES LTD.*	PRIVATE	PRI cum SEC	18+30	1 380
	2	IS	THE CATHOLIC DIOCESE OF HONG KONG*	AIDED	PRI cum SEC	12+18	1 104
	3	SK	THE ASSOCIATION OF EVANGELICAL FREE CHURCHES OF HONG KONG*	DSS	PRI cum SEC	30+30	2 195
	4	SOU	INDEPENDENT SCHOOLS FOUNDATION*	PRIVATE	PRI cum SEC	30+30	1 800
	5	SOU	SHANGHAI VICTORIA EDUCATION FOUNDATION*	PRIVATE	PRI cum SEC	24+36	1 935
	6	ST	ESF EDUCATIONAL SERVICES LTD.	PRIVATE	PRI cum SEC	30+30	2 100
	7	ST	HONG KONG BAPTIST UNIVERSITY*	DSS	PRI cum SEC	30+30	2 195
	8	ST	INTERNATIONAL CHRISTIAN SCHOOLS LTD*	PRIVATE	PRI cum SEC	15+21	846
2008-09	1	SSP	PO LEUNG KUK*	PRIVATE	PRI cum SEC	30+30	2 195
	2	YL	THE EVANGELICAL LUTHERAN CHURCH OF HK*	DSS	PRI cum SEC	18 + 26	1 621
	3	YTM	THE BAPTIST CONVENTION OF HONG KONG*	PRIVATE	PRI cum SEC	30+30	2 195

Remark : * School projects yet to obtain funding approval

Promotion of Civil Servants

12. **MR JAMES TIEN** (in Chinese): *Madam President, will the Government inform this Council of:*

- (a) *the respective numbers of civil servants who were promoted, together with a breakdown by their grades and ranks after promotion; and*
- (b) *the respective numbers of promoted civil servants filling vacancies which arose from the two rounds of the voluntary retirement (VR) schemes, together with a breakdown by VR schemes and the grade and rank of the vacancies*

in each of the past five years and so far this year?

SECRETARY FOR THE CIVIL SERVICE (in Chinese): Madam President, to enable departments to assume greater ownership and management of their staff, we have decentralized the conduct of promotion of officers up to Directorate Pay Scale 1 level from the centre to Heads of Department/Heads of Grade to handle directly. We do not therefore have a central register of promotion statistics and have to collect the relevant information from departments. In the time available, we are able to provide the required information in the past three years only. The number of promotions during these three years is 3 144 (in 2001), 2 525 (in 2002) and 1 008 (up to September 2003) respectively. Details on the breakdown by grade/rank and number of promotions to fill vacancies arising from the departure of staff under the First Voluntary Retirement Scheme (First VR Scheme) are at Tables 1, 2 and 3 annexed.

In regard to promotions to fill vacancies arising from voluntary retirement of civil servants, under the First VR Scheme launched in 2000, departments were permitted to delete whatever posts in the grade upon the departure of a VR taker in order to allow for maximum release of staff and to achieve long-term salary savings. Hence, where a lower rank post than the VR taker's post was deleted, a promotion vacancy would arise consequentially. It should be noted that under the Second VR Scheme launched earlier this year, the scheme rules have been revised to require that as a general principle, a VR taker's post or a post of the same rank should be deleted upon the departure of a VR taker. Hence, the possibility of consequential promotion under the Second VR Scheme is either non-existent or extremely rare.

TABLE 1 (Promotion announced from January up to September 2003)

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of Officers promoted to the Rank</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Air Traffic Control Officer	Chief Air Traffic Control Officer	1	
	Air Traffic Control Officer I	2	
	Air Traffic Control Officer II	2	
Ambulance Officer	Senior Assistant Chief Ambulance Officer	1	
	Senior Ambulance Officer	2	
Ambulanceman	Principal Ambulanceman	31	
Analyst/Programmer	Deputy Director of Information Technology	1	
	Chief Systems Manager	2	
	Senior Systems Manager	2	
Assistant Director of Municipal Services	Assistant Director of Municipal Services	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of Officers promoted to the Rank</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Certificated Master/Mistress	Principal Assistant Master/Mistress	4	
Clerical Officer	Senior Clerical Officer	67	29
Commissioner of Customs and Excise	Deputy Commissioner of Customs and Excise	1	
	Assistant Commissioner of Customs and Excise	2	
Commissioner of Police	Assistant Commissioner of Police	3	
Computer Operator	Senior Computer Operator	1	
Consultant	Consultant	2	
Controller of Posts	Senior Controller of Post	1	
	Controller of Post	1	
	Assistant Controller of Post I	2	
Co-operative Supervisor	Senior Co-operative Supervisor	1	
	Co-operative Supervisor I	1	
Court Prosecutor	Senior Court Prosecutor I	1	
Curator	Curator	1	
	Assistant Curator I	1	
Customs Officer	Chief Customs Officer	24	
Director of Buildings	Director of Buildings	1	
Director of Civil Engineering	Director of Civil Engineering	1	
Director of Drainage Services	Director of Drainage Services	1	
Director of Health	Director of Health	1	
Director of Highways	Director of Highways	1	
Director of Immigration	Director of Immigration	1	
	Deputy Director of Immigration	1	
	Assistant Director of Immigration	1	
Director of Information Services	Assistant Director of Information Services	1	
Director of Social Welfare	Assistant Director of Social Welfare	4	
Director of the Hong Kong Observatory	Director of the Hong Kong Observatory	1	
Education Officer	Principal I	4	
	Principal II	1	
	Senior Education Officer	8	
	Education Officer	2	
Electrical and Mechanical Engineer	Senior Electrical and Mechanical Engineer	1	
Engineer	Chief Engineer	2	
Estate Surveyor	Senior Estate Surveyor	5	
Fireman	Principal Fireman	10	
	Senior Fireman	107	
Foreman	Overseer	31	31
	Senior Foreman	102	1
Immigration Assistant	Chief Immigration Assistant	12	
	Senior Immigration Assistant	70	
Immigration Officer	Principal Immigration Officer	1	
	Assistant Principal Immigration Officer	10	
	Chief Immigration Officer	1	
	Senior Immigration Officer	3	
Insolvency Officer	Chief Insolvency Officer	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of Officers promoted to the Rank</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Intellectual Property Examiner	Senior Intellectual Property Examiner	1	
	Intellectual Property Examiner I	1	
Junior Police Officer	Station Sergeant	69	
	Sergeant	98	
Labour Inspector	Senior Labour Inspector	2	
	Labour Inspector I	4	
Leisure Services Manager	Senior Leisure Services Manager	3	
	Leisure Services Manager	5	
	Assistant Leisure Services Manager I	7	
Librarian	Librarian	1	
Manager, Cultural Services	Senior Manager, Cultural Services	2	
Officer	Chief Superintendent of Correctional Services	1	
	Superintendent of Correctional Services	1	
Official Languages Officer	Senior Official Languages Officer	9	7
Operations and Training Officer	Principal Operations and Training Officer	1	
Pilot	Pilot II	2	
Police Inspector	Chief Police Inspector	20	
Police Translator	Police Translator I	5	2
Postal Officer	Senior Postal Officer	27	
Postman	Senior Postman	27	
Postmaster General	Postmaster General	1	
Primary School Master/Mistress	Headmaster/Headmistress I	3	
	Headmaster/Headmistress II	6	
Social Security Officer	Senior Social Security Officer	2	
	Social Security Officer I	9	
Social Work Assistant	Chief Social Work Assistant	3	
	Senior Social Work Assistant	6	
Social Work Officer	Senior Social Work Officer	16	
	Social Work Officer	25	
Station Officer	Divisional Officer	5	
Superintendent	Chief Superintendent	1	
	Senior Superintendent	1	
	Superintendent	8	
	Assistant Superintendent	14	
Superintendent of Police	Chief Superintendent of Police	7	
	Senior Superintendent of Police	8	
	Superintendent of Police	12	
Technical Officer	Chief Technical Officer	7	
	Senior Technical Officer	2	
Town Planner	Senior Town Planner	4	
Trade Officer	Principal Trade Officer	1	
Transport Officer	Principal Transport Officer	1	
	Chief Transport Officer	4	
	Senior Transport Officer	4	
	Transport Officer I	7	
Transport Services Officer	Transport Services Officer I	2	1
Treasury Accountant	Chief Treasury Accountant	1	
	Senior Treasury Accountant	1	
Unified Solicitor	Senior Solicitor	2	
Works Supervisor	Works Supervisor I	16	
TOTAL:		1 008	71

TABLE 2 (Promotion announced in 2002)

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Accounting Officer	Senior Accounting Officer	1	
Administrative Officer	Administrative Officer Staff Grade A1	3	
	Administrative Officer Staff Grade A	4	
	Administrative Officer Staff Grade B1	10	
	Administrative Officer Staff Grade B	9	
	Administrative Officer Staff Grade C	14	
	Senior Administrative Officer	22	
Air-Conditioning Inspector	Air-Conditioning Inspector	2	
Air Traffic Control Officer	Air Traffic Control Officer I	3	
	Air Traffic Control Officer II	7	
	Air Traffic Control Officer III	18	
Air Traffic Flight Services Officer	Air Traffic Flight Services Officer I	5	
	Air Traffic Flight Services Officer II	4	
Aircraft Engineer	Senior Aircraft Engineer	1	
Ambulance Officer	Superintendent (Ambulance)	1	
	Assistant Chief Ambulance Officer	1	
	Senior Ambulance Officer	3	
Ambulanceman	Principal Ambulanceman	13	
	Senior Ambulanceman	45	
Amenities Assistant	Senior Amenities Assistant	1	
	Amenities Assistant I	7	
	Amenities Assistant II	3	
Analyst/Programmer	Assistant Director of Information Technology Services	1	
	Senior Systems Manager	7	
	Systems Manager	24	
	Analyst/Programmer I	8	
Architect	Chief Architect	3	
	Senior Architect	5	
Assessor	Senior Assessor	1	
Assistant Director of Municipal Services	Assistant Director of Municipal Services	1	
Assistant Officer	Assistant Officer I	73	
Building Services Engineer	Chief Building Services Engineer	3	
Building Services Inspector	Chief Technical Officer (Building Services)	1	
	Senior Building Services Inspector	4	
	Building Services Inspector	5	
Building Supervisor	Senior Building Supervisor	1	1
	Building Supervisor	2	1
Census and Survey Officer	Senior Census and Survey Officer	2	
	Census and Survey Officer	1	
Certificated Master/Mistress	Principal Assistant Master/Mistress	5	
	Senior Assistant Master/Mistress	7	
	Assistant Master/Mistress	22	
Chemist	Chief Chemist	1	
	Senior Chemist	3	
Clerical Officer	Senior Clerical Officer	76	37
Clerk of Works	Clerk of Works	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Clinical Psychologist	Chief Clinical Psychologist	1	
Commissioner for Transport	Assistant Commissioner for Transport	3	
Commissioner of Inland Revenue	Commissioner of Inland Revenue	1	
	Deputy Commissioner of Inland Revenue	1	
	Assistant Commissioner of Inland Revenue	2	
Commissioner of Police	Deputy Commissioner of Police	1	
	Senior Assistant Commissioner of Police	2	
	Assistant Commissioner of Police	4	
Companies Registration Officer	Registry Manager	1	
Computer Operator	Computer Operator I	1	
Confidential Assistant	Senior Confidential Assistant	2	
Consultant	Consultant	11	
Controller of Posts	Controller of Posts	2	
	Assistant Controller of Posts I	3	
Court Interpreter	Senior Court Interpreter	4	
	Court Interpreter I	9	
Court Prosecutor	Chief Court Prosecutor	1	
	Senior Court Prosecutor II	2	
Cultural Services Assistant	Senior Cultural Services Assistant	5	
	Cultural Services Assistant I	11	
Curator	Chief Curator	2	
	Curator	2	
	Assistant Curator I	2	
Customs Officer	Chief Customs Officer	23	
	Senior Customs Officer	40	
Dental Officer	Senior Dental Officer	1	
Dental Surgery Assistant	Senior Dental Surgery Assistant	1	
Director-General of Civil Aviation	Deputy Director-General of Civil Aviation	1	
	Assistant Director-General of Civil Aviation	1	
Director of Accounting Services	Assistant Director of Accounting Services	1	
Director of Broadcasting	Assistant Director of Broadcasting	1	
Director of Fire Services	Director of Fire Services	1	
	Deputy Director of Fire Services	1	
	Chief Fire Officer	2	
	Deputy Chief Fire Officer	2	
Director of Health	Assistant Director of Health	1	
Director of Intellectual Property	Assistant Director of Intellectual Property	1	
Director of Marine	Deputy Director of Marine	1	
Director of Telecommunications	Assistant Director of Telecommunications	1	
Director of Water Supplies	Director of Water Supplies	1	
	Deputy Director of Water Supplies	1	
	Assistant Director of Water Supplies	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Dispenser	Senior Dispenser	8	
Education Officer	Principal I	6	
	Senior Education Officer	7	
	Education Officer	27	
Electrical and Mechanical Engineer	Government Electrical and Mechanical Engineer	1	
Electrical Engineer	Senior Electrical Engineer	1	
Electrical Inspector	Chief Technical Officer	2	1
	Senior Electrical Inspector	3	
	Electrical Inspector	2	
Electronics Inspector	Chief Electronics Inspector	1	
	Senior Electronics Inspector	2	
	Electronics Inspector	2	
Engineer	Government Engineer	4	
	Chief Engineer	10	
	Senior Engineer	14	
Engineering Laboratory Technician	Engineering Laboratory Technician I	1	
Entertainment Standards Control Officer	Principal Entertainment Standards Control Officer	1	
Environmental Protection Inspector	Senior Environmental Protection Inspector	2	
Environmental Protection Officer	Senior Environmental Protection Officer	3	
Estate Surveyor	Chief Estate Surveyor	1	
Examiner	Chief Examiner	1	
	Senior Examiner	1	
Executive Officer	Senior Principal Executive Officer	4	
	Principal Executive Officer	10	
	Chief Executive Officer	24	
	Senior Executive Officer	50	
	Executive Officer I	90	
Experimental Officer	Chief Experimental Officer	1	
	Senior Experimental Officer	2	
Field Assistant	Senior Field Assistant	4	
Field Officer	Senior Field Officer	2	
	Field Officer I	1	
Fisheries Technical Officer	Fisheries Technical Officer I	1	
Forestry Officer	Senior Forestry Officer	1	
Fireman	Principal Fireman	51	
	Senior Fireman	40	
Foreman	Senior Overseer	4	4
	Overseer	1	
	Senior Foreman	20	1
Geotechnical Engineer	Government Geotechnical Engineer	1	
	Chief Geotechnical Engineer	5	
	Senior Geotechnical Engineer	3	
Government Counsel	Deputy Principal Government Counsel	2	
	Senior Government Counsel	13	
Hawker Control Officer	Principal Hawker Control Officer	4	
	Chief Hawker Control Officer	2	
	Senior Hawker Control Officer	32	
	Hawker Control Officer	54	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Health Inspector	Superintendent of Environmental Health	13	
Housing Manager	Chief Housing Manager	3	
	Senior Housing Manager	9	
Immigration Assistant	Chief Immigration Assistant	22	
	Senior Immigration Assistant	92	
Immigration Officer	Senior Principal Immigration Officer	3	
	Principal Immigration Officer	4	
	Assistant Principal Immigration Officer	8	
	Chief Immigration Officer	15	
	Senior Immigration Officer	49	
Information Officer	Chief Information Officer	3	
	Principal Information Officer	4	
	Senior Information Officer	3	
	Information Officer	5	
Industrial Officer (Correctional Services)	Superintendent of Correctional Services Industries	1	
	Principal Industrial Officer (CS)	1	
Inoculator	Senior Inoculator	1	
Insolvency Officer	Insolvency Officer I	1	
Inspector (Graduate)	Principal Inspector	1	
	Senior Inspector	4	
	Inspector	6	
Inspector (Non-Graduate)	Inspector (Non-Graduate)	1	
Inspector of Works	Chief Technical Officer	2	
	Senior Inspector of Works	4	
	Inspector of Works	12	
Inspectorate	Senior Inspector	18	
Judicial Clerk	Senior Judicial Clerk I	2	
	Senior Judicial Clerk II	5	
Junior Police Officer	Police Station Sergeant	72	
	Police Sergeant	199	
Laboratory Technician	Laboratory Technician I	3	
Labour Officer	Assistant Labour Officer I	2	
Land Conveyancing Officer	Senior Land Conveyancing Officer	1	
	Land Conveyancing Officer I	1	
Land Executive	Principal Land Executive	1	
Land Inspector	Land Inspector I	9	4
Land Registration Officer	Land Registration Officer I	1	
Land Surveyor	Principal Government Land Surveyor	1	
	Senior Land Surveyor	2	
Launch Master	Launch Crew Supervisor	1	
	Senior Launch Master	5	2
	Launch Master	3	
Law Clerk	Senior Law Clerk I	1	
	Senior Law Clerk II	1	
Lecturer (Non-Graduate)	Lecturer (Non-Graduate)	1	
Legal Aid Counsel	Senior Legal Aid Counsel	1	
Liaison Officer	Principal Liaison Officer	1	
	Senior Liaison Officer	11	
	Liaison Officer I	20	
Librarian	Senior Librarian	1	
	Librarian	5	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Maintenance Surveyor	Chief Maintenance Surveyor	1	
Management Services Officer	Principal Management Services Officer	1	
	Chief Management Services Officer	2	
	Senior Management Services Officer	3	
	Management Services Officer I	2	
Marine Controller	Marine Controller	2	
Marine Officer	Senior Marine Officer	1	
Master (Correctional Services)	Senior Master (CS)	1	
Mechanical Engineer	Chief Mechanical Engineer	1	
Mechanical Inspector	Chief Technical Officer	1	1
	Senior Mechanical Inspector	3	
	Mechanical Inspector	8	
Medical and Health Officer	Principal Medical and Health Officer	2	
	Senior Medical and Health Officer	12	
Medical Laboratory Technician	Senior Medical Technologist	2	
	Medical Technologist	4	
	Medical Laboratory Technician I	8	
Meter Reader	Chief Meter Reader	1	
Motor Vehicle Examiner	Senior Motor Vehicle Examiner	1	
	Motor Vehicle Examiner I	1	
	Motor Vehicle Examiner II	2	
Occupational Safety Officer	Senior Divisional Occupational Safety Officer	3	
	Divisional Occupational Safety Officer	6	
Occupational Hygienist	Occupational Hygienist	2	
Occupational Therapist Officer	Senior Occupational Therapist	3	
	Senior Superintendent	3	
	Superintendent	6	
	Chief Officer	12	
	Principal Officer	4	
Official Languages Officer	Principal Official Languages Officer	1	
	Official Languages Officer I	5	2
Operations Officer	Senior Operations Officer	3	
Operations and Training Officer	Senior Operations and Training Officer	2	
Personal Secretary	Senior Personal Assistant	1	1
	Personal Assistant	1	1
	Senior Personal Secretary	12	6
Physiotherapist	Senior Physiotherapist	1	
Pilot	Senior Pilot	1	
	Pilot I	1	
	Pilot II	2	
Police Inspector	Chief Police Inspector	34	
Police Telecommunications Inspector	Police Telecommunications Inspector	1	
Police Translator	Senior Police Translator	5	3
	Police Translator I	1	
Postal Officer	Superintendent of Posts	18	
	Senior Postal Officer	31	
Postman	Senior Postman	19	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Primary School Master/Mistress	Headmaster/Headmistress I	2	
	Primary School Master/Mistress	10	
Programme Officer	Principal Programme Officer	1	
	Senior Programme Officer	2	
	Assistant Programme Officer	1	
Proof Reader	Senior Proof Reader	1	1
Quantity Surveyor	Government Quantity Surveyor	1	
	Chief Quantity Surveyor	1	
Radiographic Technician	Senior Radiographic Technician	1	
Registered Nurse	Senior Nursing Officer	4	
	Nursing Officer	6	
Science Laboratory Technician	Science Laboratory Technologist	5	
	Science Laboratory Technician I	12	
Scientific Assistant	Chief Scientific Assistant	3	
	Senior Scientific Assistant	4	
Senior Fireman (Control)	Principal Fireman (Control)	6	
Ship Inspector	Senior Ship Inspector	2	
	Ship Inspector	3	1
Social Security Assistant	Senior Social Security Assistant	30	
Social Security Officer	Chief Social Security Officer	2	
	Senior Social Security Officer	1	
	Social Security Officer I	9	
Social Work Assistant	Chief Social Work Assistant	2	
	Social Work Assistant	11	
Social Work Officer	Principal Social Work Officer	3	
	Chief Social Work Officer	4	
	Senior Social Work Officer	7	
	Social Work Officer	28	
Station Officer	Senior Divisional Officer	7	
	Divisional Officer	11	
	Assistant Divisional Officer	12	
	Senior Station Officer	35	
Statistician	Senior Statistician	1	
Structural Engineer	Chief Structural Engineer	1	
Superintendent	Senior Superintendent	3	
	Superintendent	8	
	Assistant Superintendent	14	
Superintendent of Police	Chief Superintendent of Police	10	
	Senior Superintendent of Police	16	
	Superintendent of Police	27	
Supplies Officer	Principal Supplies Officer	2	
Supplies Supervisor	Senior Supplies Supervisor	3	
Survey Officer	Chief Survey Officer	2	
	Principal Survey Officer	6	
	Senior Survey Officer	13	
Surveyor of Ships	Principal Surveyor of Ships	2	
Tax Inspector	Senior Tax Inspector	2	
Taxation Officer	Senior Taxation Officer	1	
	Taxation Officer	4	
Technical Officer	Principal Technical Officer	12	
	Chief Technical Officer	1	
	Senior Technical Officer	12	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Technical Officer (Cultural Services)	Technical Officer I (CS)	4	
Trade Controls Officer	Principal Trade Controls Officer	1	
	Chief Trade Controls Officer	2	
	Trade Controls Officer	11	
Trade Officer	Principal Trade Officer	2	
	Trade Officer	7	
	Assistant Trade Officer I	7	
Training Officer	Chief Training Officer	1	
	Senior Training Officer	1	
	Training Officer I	1	
Transport Officer	Principal Transport Officer	3	
	Chief Transport Officer	5	
	Senior Transport Officer	3	
	Transport Officer I	5	
Transport Services Officer	Senior Transport Services Officer	2	2
	Transport Services Officer I	5	3
Treasury Accountant	Senior Treasury Accountant	6	
Unified Solicitor	Deputy Principal Solicitor	1	
	Assistant Principal Solicitor	1	
	Senior Solicitor	1	
Valuation Officer	Principal Valuation Officer	2	
	Senior Valuation Officer	2	
Valuation Surveyor	Principal Valuation Surveyor	1	
	Senior Valuation Surveyor	3	
	Valuation Surveyor	2	
Veterinary Laboratory Technician	Veterinary Laboratory Technician I	4	
Veterinary Officer	Senior Veterinary Officer	1	
Waterworks Inspector	Chief Technical Officer	1	
	Senior Waterworks Inspector	3	
	Waterworks Inspector	4	
Works Supervisor	Works Supervisor I	83	8
TOTAL:		2 525	80

TABLE 3 (Promotion announced in 2001)

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Administrative Officer	Administrative Officer Staff Grade A1	4	
	Administrative Officer Staff Grade A	7	
	Administrative Officer Staff Grade B1	5	
	Administrative Officer Staff Grade B	8	
	Administrative Officer Staff Grade C	20	
	Senior Administrative Officer	22	
Agriculture Officer	Senior Agriculture Officer	2	
Air-Conditioning Inspector	Senior Air-Conditioning Inspector	1	
	Air-Conditioning Inspector	2	
Air Traffic Control Officer	Air Traffic Control Officer I	4	
	Air Traffic Control Officer III	7	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Air Traffic Flight Services Officer	Air Traffic Flight Services Officer I	5	
	Air Traffic Flight Services Officer II	5	
Aircraft Engineer	Chief Aircraft Engineer	1	
Ambulance Officer	Superintendent (Ambulance)	2	
	Senior Assistant Chief Ambulance Officer	1	
	Assistant Chief Ambulance Officer	1	
	Senior Ambulance Officer	2	
Ambulanceman	Principal Ambulanceman	10	
	Senior Ambulanceman	26	
Amenities Assistant	Senior Amenities Assistant	5	
	Amenities Assistant I	11	
	Amenities Assistant II	39	
Amenities Officer	Senior Amenities Officer	7	
	Amenities Officer I	9	
Analyst/Programmer	Senior Systems Manager	8	
	Systems Manager	2	
	Analyst/Programmer I	38	
Architect	Government Architect	1	
	Chief Architect	1	
	Senior Architect	1	
Assessor	Chief Assessor	5	
	Senior Assessor	9	
	Assistant Assessor	9	
Assistant Director of Municipal Services	Assistant Director of Municipal Services	1	
Assistant Officer	Assistant Officer I	62	
Assistant Shipping Master	Senior Assistant Shipping Master	1	
Auditor	Senior Auditor	1	
Bank Examiner	Bank Examiner	1	
Building Services Engineer	Government Building Services Engineer	1	
	Senior Building Services Engineer	3	
Building Services Inspector	Chief Technical Officer (Building Services)	1	
	Senior Building Services Inspector	1	
Building Supervisor	Senior Building Supervisor	2	
Building Surveyor	Chief Building Surveyor	3	
	Senior Building Surveyor	6	
Certificated Master/Mistress	Principal Assistant Master/Mistress	3	
	Senior Assistant Master/Mistress	17	
	Assistant Master/Mistress	43	
Chemist	Assistant Government Chemist	2	
	Senior Chemist	1	
Clerical Officer	Senior Clerical Officer	1	
	Clerical Officer	487	284
Clerk of Works	Chief Technical Officer	2	
	Senior Clerk of Works	4	
	Clerk of Works	15	
Co-operative Supervisor	Senior Co-operative Supervisor	1	
	Co-operative Supervisor I	2	
Commissioner for Labour	Assistant Commissioner for Labour	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Commissioner for Transport	Assistant Commissioner for Transport	1	
Commissioner of Banking	Assistant Commissioner of Banking	1	
Commissioner of Police	Commissioner of Police	1	
	Deputy Commissioner of Police	2	
	Senior Assistant Commissioner of Police	4	
	Assistant Commissioner of Police	5	
Computer Operator	Assistant Computer Operator Manager	1	
	Senior Computer Operator	5	
	Computer Operator I	10	
Controller of Posts	Assistant Postmaster General	1	
	Senior Controller of Posts	2	
	Controller of Posts	5	
	Assistant Controller of Posts I	4	
Court Interpreter	Chief Court Interpreter	1	
	Senior Court Interpreter	7	
Court Prosecutor	Chief Court Prosecutor	1	
	Senior Court Prosecutor I	2	
	Senior Court Prosecutor II	4	
Cultural Services Assistant	Senior Cultural Services Assistant	3	
	Cultural Services Assistant I	3	
Curator	Chief Curator	1	
	Assistant Curator I	6	
Customs Officer	Chief Customs Officer	8	
	Senior Customs Officer	8	
Dental Officer	Senior Dental Officer	2	
Dental Surgery Assistant	Senior Dental Surgery Assistant	4	
Dental Technician	Dental Technologist	1	1
	Dental Technician I	6	
Dietitian	Senior Dietitian	1	
Director-General of Civil Aviation	Assistant Director-General of Civil Aviation	2	
Director of Accounting Services	Deputy Director of Accounting Services	2	
	Assistant Director of Accounting Services	2	
Director of Agriculture, Fisheries and Conservation	Assistant Director of Agriculture, Fisheries and Conservation	2	
Director of Civil Engineering	Director of Civil Engineering	1	
Director of Education	Assistant Director of Education	3	
	Principal Education Officer	1	
Director of Electrical and Mechanical Services	Director of Electrical and Mechanical Services	1	
	Deputy Director of Electrical and Mechanical Services	1	
Director of Environmental Protection	Assistant Director of Environmental Protection	1	
Director of Fire Services	Director of Fire Services	1	
	Deputy Director of Fire Services	1	
	Chief Fire Officer	1	
	Deputy Chief Fire Officer	2	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Director of Health	Deputy Director of Health	2	
	Assistant Director of Health	1	
Director of Housing	Assistant Director of Housing	3	
Director of Immigration	Deputy Director of Immigration	2	
	Assistant Director of Immigration	1	
Director of Information Services	Deputy Director of Information Services	1	
	Assistant Director of Information Services	1	
Director of Marine	Assistant Director of Marine	2	
Education Officer	Principal I	5	
	Senior Education Officer	11	
	Education Officer	25	
Electrical and Mechanical Engineer	Senior Electrical and Mechanical Engineer	5	
Electrical Engineer	Senior Electrical Engineer	3	
Electrical Inspector	Chief Technical Officer	3	
	Senior Electrical Inspector	6	
	Electrical Inspector	13	
Electronics Inspector	Chief Electronics Inspector	1	
	Senior Electronics Inspector	4	
	Electronics Inspector	9	
Engineer	Principal Government Engineer	4	
	Government Engineer	8	
	Chief Engineer	12	
	Senior Engineer	23	
Engineering Laboratory Technician	Engineering Laboratory Technician I	2	
	Engineering Laboratory Technician II	5	
Environmental Protection Inspector	Senior Environmental Protection Inspector	4	
Environmental Protection Officer	Principal Environmental Protection Officer	1	
	Senior Environmental Protection Officer	3	
Estate Surveyor	Government Land Agent	2	
	Chief Estate Surveyor	2	
	Senior Estate Surveyor	5	
Examiner	Senior Examiner	3	
Executive Officer	Senior Principal Executive Officer	4	
	Principal Executive Officer	6	
	Chief Executive Officer	18	
	Senior Executive Officer	40	
	Executive Officer I	65	
Explosives Officer	Senior Explosives Officer	1	
	Explosives Officer I	2	
Field Assistant	Senior Field Assistant	4	
Field Officer	Senior Field Officer	4	
	Field Officer I	5	
Fisheries Officer	Senior Fisheries Officer	1	
	Fisheries Officer	1	
Fisheries Technical Officer	Fisheries Technical Officer I	3	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Forestry Officer	Senior Forestry Officer	1	
	Forestry Officer	1	
Fireman	Principal Fireman	5	
	Senior Fireman	41	
Foreman	Overseer	1	
Geotechnical Engineer	Senior Geotechnical Engineer	5	
Government Counsel	Deputy Principal Government Counsel	5	
	Senior Government Counsel	11	
Hawker Control Officer	Hawker Control Officer	27	
Health Inspector	Senior Superintendent of Environmental Health	6	
	Superintendent of Environmental Health	2	
	Chief Health Inspector	13	
	Senior Health Inspector	35	
Immigration Assistant	Chief Immigration Assistant	30	
	Senior Immigration Assistant	99	
Immigration Officer	Principal Immigration Officer	5	
	Assistant Principal Immigration Officer	4	
	Chief Immigration Officer	12	
	Senior Immigration Officer	53	
Industrial Officer (Correctional Services)	Principal Industrial Officer (CS)	1	
Information Officer	Chief Information Officer	5	
	Principal Information Officer	8	
	Senior Information Officer	5	
	Information Officer	11	
Inspector (Graduate)	Principal Inspector	1	
	Senior Inspector	3	
	Inspector (Graduate)	9	
Inspector (Non-Graduate)	Inspector (Non-Graduate)	1	
Inspector (Telecommunications)	Controller (Telecommunications)	1	
	Assistant Controller (Telecommunications)	1	
	Inspector (Telecommunications)	1	
Inspector of Works	Chief Technical Officer	6	
	Senior Inspector of Works	10	
	Inspector of Works	10	
Inspectorate	Senior Inspector	6	
Intellectual Property Examiner	Senior Intellectual Property Examiner	2	
	Intellectual Property Examiner I	1	
Judicial Clerk	Chief Judicial Clerk	1	
	Senior Judicial Clerk I	3	
	Senior Judicial Clerk II	8	
Junior Police Officer	Police Station Sergeant	82	
	Police Sergeant	236	
Laboratory Technician	Laboratory Technician II	1	
Labour Inspector	Chief Labour Inspector	3	
	Senior Labour Inspector	4	
	Labour Inspector I	16	
Labour Officer	Chief Labour Officer	1	
	Labour Officer	4	
	Assistant Labour Officer I	21	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Land Executive	Senior Principal Land Executive	1	
Land Inspector	Land Inspector I	20	20
Land Registration Officer	Senior Land Registration Officer	2	
	Land Registration Officer I	3	
Land Surveyor	Senior Land Surveyor	1	
Launch Master	Senior Launch Master	19	8
Law Clerk	Senior Law Clerk II	2	
Law Translation Officer	Senior Law Translation Officer	1	
Legal Aid Counsel	Senior Legal Aid Counsel	1	
Liaison Officer	Senior Liaison Officer	2	
Maintenance Surveyor	Chief Maintenance Surveyor	1	
	Senior Maintenance Surveyor	2	
Management Services Officer	Assistant Director of Management Services	2	
	Principal Management Services Officer	1	
	Chief Management Services Officer	3	
	Senior Management Services Officer	4	
	Management Services Officer I	8	
Marine Inspector	Marine Inspector I	5	
Marine Officer	Principal Marine Officer	1	
Master (Correctional Services)	Senior Master (CS)	1	
Mechanical Engineer	Senior Mechanical Engineer	1	
Mechanical Inspector	Senior Mechanical Inspector	5	1
	Mechanical Inspector	12	1
Medical and Health Officer	Principal Medical and Health Officer	4	
	Senior Medical and Health Officer	15	
Medical Laboratory Technician	Medical Technologist	6	
	Medical Laboratory Technician I	16	
Meter Reader	Chief Meter Reader	1	
Motor Vehicle Examiner	Senior Motor Vehicle Examiner	2	
	Motor Vehicle Examiner I	2	
	Motor Vehicle Examiner II	1	
Occupational Hygienist	Occupational Hygienist	1	
Occupational Safety Officer	Deputy Chief Occupational Safety Officer	2	
	Senior Divisional Occupational Safety Officer	5	
	Divisional Occupational Safety Officer	3	
	Occupational Safety Officer I	13	
Officer	Senior Superintendent	2	
	Superintendent	6	
	Chief Officer	12	
	Principal Officer	7	
Official Languages Officer	Chief Official Languages Officer	2	
	Senior Official Languages Officer	4	
	Official Languages Officer I	11	2
Official Receiver	Official Receiver	1	
Operations Officer	Chief Operations Officer	2	
	Senior Operations Officer	1	
Operations and Training Officer	Principal Operations and Training Officer	1	
	Senior Operations and Training Officer	1	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Personal Secretary	Personal Secretary I	42	2
Pharmacist	Senior Pharmacist	2	
Photoprinter	Photoprinter	2	
	Photoprinter I	2	2
Pilot	Senior Pilot	1	
	Pilot I	2	
Planning Officer	Senior Planning Officer	1	
Police Communications Officer	Senior Police Communications Officer	1	
Police Inspector	Chief Police Inspector	34	
Police Translator	Senior Police Translator	7	6
	Police Translator I	9	5
Postal Officer	Superintendent of Posts	16	
	Senior Postal Officer	51	
Postman	Senior Postman	33	
Primary School Master/Mistress	Primary School Master/Mistress	6	
Printing Officer	Senior Printing Officer	3	
Printing Technician	Printing Technician I	5	
Programme Officer	Senior Programme Officer	5	
	Programme Officer	11	
Proof Reader	Chief Proof Reader	1	1
Radio Mechanic	Senior Radio Mechanic	1	
Radiographer	Radiographer I	2	
Recreation and Sport Officer	Chief Recreation and Sport Officer	1	
	Senior Recreation and Sport Officer	5	
	Recreation and Sport Officer	6	
	Assistant Recreation and Sport Officer I	7	
Registered Nurse	Senior Nursing Officer	2	
	Nursing Officer	7	
Science Laboratory Technician	Science Laboratory Technologist	1	
Scientific Assistant	Senior Scientific Assistant	1	
Scientific Officer	Senior Scientific Officer	1	
Senior Fireman (Control)	Principal Fireman (Control)	6	
Ship Inspector	Chief Ship Inspector	2	1
Social Security Assistant	Senior Social Security Assistant	33	
Social Security Officer	Chief Social Security Officer	1	
	Social Security Officer I	11	
Social Work Officer	Principal Social Work Officer	8	
	Chief Social Work Officer	4	
	Senior Social Work Officer	8	
	Social Work Officer	14	
Solicitor	Senior Solicitor	3	
Specialist (Education Services)	Senior Specialist (Education Services)	1	
Station Officer	Senior Divisional Officer	8	
	Divisional Officer	3	
	Assistant Divisional Officer	15	
	Senior Station Officer	24	
Statistician	Senior Statistician	1	
Structural Engineer	Chief Structural Engineer	2	
	Senior Structural Engineer	5	

<i>Grade</i>	<i>Promotion to (Rank)</i>	<i>Total no. of officers substantively promoted</i>	<i>No. of officers promoted to take up posts vacated by VR takers</i>
Superintendent	Chief Superintendent	2	
	Senior Superintendent	3	
	Superintendent	8	
	Assistant Superintendent	7	
Superintendent of Police	Chief Superintendent of Police	8	
	Senior Superintendent of Police	18	
	Superintendent of Police	23	
Supplies Officer	Supplies Officer	7	
Supplies Supervisor	Supplies Supervisor I	6	
Surveyor of Ships	Senior Surveyor of Ships	2	
Survey Officer	Principal Survey Officer	4	
	Senior Survey Officer	11	
Tax Inspector	Principal Tax Inspector	1	
	Chief Tax Inspector	1	
	Senior Tax Inspector	1	
	Tax Inspector	3	
Taxation Officer	Senior Taxation Officer	3	
	Taxation Officer I	7	
Technical Officer	Chief Technical Officer	2	
	Principal Technical Officer	12	
	Senior Technical Officer	18	
Telecommunications Engineer	Chief Telecommunications Engineer	1	
	Senior Telecommunications Engineer	1	
Town Planner	Government Town Planner	1	
	Chief Town Planner	2	
	Senior Town Planner	2	
Trade Controls Officer	Chief Trade Controls Officer	3	
	Senior Trade Controls Officer	2	
	Trade Controls Officer	4	
Trade Officer	Principal Trade Officer	1	
	Trade Officer	4	
	Assistant Trade Officer I	10	
Traffic Assistant	Senior Traffic Assistant	2	2
Training Officer	Assistant Principal Training Officer	1	
	Chief Training Officer	1	
Transport Officer	Principal Transport Officer	1	
	Senior Transport Officer	2	
	Transport Officer I	1	
Transport Services Officer	Chief Transport Services Officer	1	1
Treasury Accountant	Chief Treasury Accountant	5	
	Senior Treasury Accountant	6	
Unified Solicitor	Deputy Principal Solicitor	2	
	Assistant Principal Solicitor	2	
	Senior Solicitor	3	
Valuation Officer	Principal Valuation Officer	1	
	Senior Valuation Officer	5	
Valuation Surveyor	Principal Valuation Surveyor	3	
	Senior Valuation Surveyor	3	
Veterinary Laboratory Technician	Veterinary Technologist	1	
Waterworks Inspector	Chief Technical Officer	4	
	Senior Waterworks Inspector	3	
	Waterworks Inspector	2	
Works Supervisor	Works Supervisor I	74	38
TOTAL:		3 144	375

Further Development Project for Kwai Chung Park

13. **DR TANG SIU-TONG** (in Chinese): *Madam President, it has been reported that upon the completion of the Phase One works of Kwai Chung Park in 1992, it was handed over to the Environmental Protection Department (EPD) for restoration because of the landfill gas problem. Although the restoration works were completed three years ago, the Park is still not open to the public by the Leisure and Cultural Services Department (LCSD) on grounds that there is a plan to further develop the Park. In this connection, will the Government inform this Council:*

- (a) *of the latest progress of the planning work for Kwai Chung Park — Further Development Project; and*
- (b) *whether the total area of the existing open spaces in the Kwai Chung Planning Zone meets the relevant standards stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG); if not, of the deviation, and whether the completed parts and facilities of the Park will be open to the public as soon as possible so as to provide more open space in the district; if certain works have to be carried out before the Park can be open to the public, of the details of the works, as well as the cost and time required?*

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

- (a) In view of the current financial constraint faced by the Government, it is necessary for the LCSD to review the implementation schedules of individual projects in accordance with their urgency. Therefore, priority cannot be accorded to the implementation of the project "Kwai Chung Park Further Development" at this stage. The project site will continue to be managed by the EPD.
- (b) At present, there is a population of around 300 000 in the Kwai Chung area. The HKPSG suggests that the area should be provided with 60 hectares of open space areas. In planning the development of open space, the LCSD will take into consideration the suggested provisions in the HKPSG and other relevant factors. The LCSD currently has provided 26.3 hectares of open space areas

to the 300 000 residents in the Kwai Chung area, and the open space areas under construction amount to 2.2 hectares. In addition, there are 26 hectares of open space areas under planning, including Kwai Chung Park. Nevertheless, the implementation programme for these open space areas can be drawn up only after the necessary fundings are secured. These open space areas do not include the open space areas provided by other government departments, the Housing Authority and private developers. Subject to availability of resources, the LCSD will continue to plan for more open space for the residents in the Kwai Chung area.

The LCSD and the Architectural Services Department (ArchSD) have recently conducted a site visit to consider renovating the existing facilities of Kwai Chung Park. The existing basic facilities of the Park, which include footpaths, lighting system and public toilets, are rather dilapidated. Some of these facilities, for example, the disabled access, do not meet the latest statutory requirements. The ArchSD is conducting a preliminary feasibility study on the scope of the renovation works and to provide other statutory facilities, for example, the disabled access. The ArchSD expects that the study can be completed by the end of this year and by then it will be in a position to estimate the cost of the renovation works. As the Kwai Chung Park is formerly a landfill site, the LCSD will ensure that the Park will be equipped with adequate safety measures before it is considered for opening for public use.

Traffic Accidents Involving Franchised Buses

14. **MR LEUNG FU-WAH** (in Chinese): *Madam President, regarding traffic accidents involving franchised buses, will the Government inform this Council:*

- (a) *of the number of the abovementioned traffic accidents in each of the past three years, broken down by district, bus company, passenger casualty, pedestrian casualty, age of the bus and experience of the driver; and, among them, the number of accidents involving five or more casualties each year, and the details of each accident, including the date, location, information mentioned in the above breakdown (except district) and cause of the accident;*

- (b) *how Hong Kong compares to other countries or regions in respect of the number of the abovementioned traffic accidents;*
- (c) *whether it has conducted detailed analysis of the abovementioned traffic accidents that occurred in Hong Kong in recent years, covering such aspects as whether the accidents were related to the number of bus-drivers employed, their working hours, the roster systems and overall management of the bus companies; if it has, of the results of the analysis; if not, the reasons for that;*
- (d) *whether the authorities have discussed with the franchised bus companies measures to reduce the number of the abovementioned traffic accidents; if they have, of the results and whether both sides have devised new bus safety measures; if not, the reasons for that; and*
- (e) *how the authorities will act on the policy level to further protect the safety of franchised bus passengers in the light of the serious traffic accidents involving franchised buses that occurred one after another in recent months?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President, the number of traffic accidents involving franchised buses in 2000, 2001 and 2002 are 1 838, 1 934 and 1 858 respectively. Those involving five or more casualties are 34, 58 and 42 respectively. Details of the traffic accidents involving franchised buses in each of the past three years requested in part (a) of the question are set out in Annex.

Bus traffic accidents may be caused by a combination of a range of factors such as the driving skills and manners of the drivers concerned, the state of maintenance of the vehicles, the behaviour of other road users, road and climatic conditions, and so on. We do not have a breakdown by cause of accident in respect of the accidents involving five or more casualties.

We do not have statistics about traffic accidents involving buses in other countries or regions.

While each accident is fully investigated, we have not conducted analysis on the specific factors mentioned in part (c) of the question as being the causes for traffic accidents. As pointed out above, traffic accidents may be caused by a combination of factors.

Franchised bus services are subject to the provisions in the Public Bus Services Ordinance (PBSO) (Cap. 230) and the Road Traffic Ordinance (RTO) (Cap. 374) and their Regulations and passenger safety is always our top priority. The following requirements and measures are designed to achieve maximum safety:

- (i) vehicle design and construction, including type of every new bus model are subject to approval and tilt test to ensure stability of vehicle;
- (ii) vehicle maintenance, including monthly maintenance is monitored, and inspection and annual examination of vehicles are conducted to ensure their safety and roadworthiness;
- (iii) training and education for bus drivers, including induction training for new drivers, refresher and enhancement courses for in-service drivers and instructions on safe bus operation and proper driving manner are provided to drivers by franchised bus operators;
- (iv) working conditions of bus drivers, including the issue of guidelines on drivers' working hours are issued to franchised bus operators by the Transport Department (TD) to ensure reasonable rest time for drivers; and
- (v) promotion and publicity campaigns on road safety and safety of franchised bus operation are organized by the TD and the Traffic Police, and so on.

We will continue to implement these provisions vigorously to ensure bus safety.

A few serious accidents involving franchised buses occurred in the past few months. In view of this, the TD has requested all franchised bus companies to conduct a thorough review on their respective bus safety arrangements. The review covers the following areas:

- (i) vehicle examination;
- (ii) means to prevent speeding and the possible use of other monitoring devices, and plans for installation of these devices;
- (iii) bus driver training;
- (iv) bus driver working schedule;
- (v) possible ways and incentives to promote bus safety; and
- (vi) any other improvement measures of relevance to road and passenger safety.

The review is expected to be completed in January 2004. We will study the findings of the review and take appropriate follow-up actions.

Annex

Breakdown of number of accidents involving franchised buses
in the past three years[#]

Table 1 - By district

<i>District</i>	<i>Number of Accidents</i>		
	<i>2000</i>	<i>2001</i>	<i>2002</i>
Hong Kong Island	639 (10)	630 (12)	561 (7)
Kowloon	733 (8)	781 (20)	782 (15)
New Territories	448 (14)	502 (23)	493 (19)
Islands	18 (2)	21 (3)	22 (1)
Total	1 838 (34)	1 934 (58)	1 858 (42)

Note:

- () Figures in brackets denote the number of traffic accidents with five or more casualties.

Table 2 - By Bus Companies

Bus Company	Number of Accidents		
	2000	2001	2002
The Kowloon Motor Bus Company (1933) Limited	1 090 (22)	1 098 (40)	1 090 (30)
Citybus Limited (Franchise 1)	343 (8)	343 (7)	322 (6)
Citybus Limited (Franchise 2)	42 (0)	43 (3)	34 (1)
New World First Bus Services Limited	346 (4)	299 (8)	277 (5)
Long Win Bus Company Limited	23 (1)	25 (3)	25 (0)
New Lantao Bus Company (1973) Limited	5 (2)	2 (1)	8 (1)
Unclassified*	12 (0)	150 (0)	125 (1)
Total@	1 861 (37)	1 960 (62)	1 881 (44)

Note:

- * Reported to Traffic Police without identity of the relevant buses.
- @ The total number of traffic accidents is higher than that shown in Table 1 above as a single accident may involve two or more bus companies.
- () Figures in brackets denote the number of traffic accidents with five or more casualties.

Table 3 - By Bus Age

Bus age (years)	Number of Buses Involved		
	2000	2001	2002
≤ 5	993 (22)	1 033 (35)	866 (24)
6 – 10	395 (11)	444 (21)	567 (9)
10 – 15	341 (7)	311 (7)	228 (9)
≥ 16	87 (1)	137 (7)	172 (7)
Unknown*	93 (2)	84 (2)	95 (3)
Total@	1 909 (43)	2 009 (72)	1 928 (52)

Note:

- () Figures in brackets denote the number of franchised buses involved in traffic accidents with five or more casualties
- * Reported to Traffic Police without identity of the relevant buses.
- @ The numbers are higher than those in Table 1 and Table 2 since an accident may involve more than one bus.

Table 4 - By Passenger Casualty

<i>No. of Passenger Casualties</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
< 5	1 812	1 888	1 829
≥ 5	26	46	29

Table 5 - By Pedestrian Casualty

<i>No. of Pedestrian Casualties</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
< 5	1 838	1 934	1 858
≥ 5	0	0	0

Breakdown by experience of bus drivers is not available.

Table 6 - Details of Franchised Bus Accidents Involving Five or More Casualties in 2000

<i>Date</i>	<i>Location</i>	<i>Bus Company Involved</i>	<i>No. of Casualties</i>		
			<i>Driver</i>	<i>Passenger</i>	<i>Pedestrian</i>
8 January 2000	Tuen Mun Road lamp pole No. FB 6717-5	KMB	1	4	0
31 January 2000	Waterloo Road junction with Boundary Street	KMB	2	4	0
2 February 2000	Tuen Mun Road chainage 24.4*	KMB	2	23	0
8 February 2000	Ocean Park Road Bus Terminus	CTB(F1)	1	4	0
14 February 2000	Tolo Highway lamp pole No. AEA 3637-5G	LW	2	5	0
18 February 2000	Kam Tin Road junction with Po Tei Road	KMB	1	6	0
9 March 2000	Kwai Chung Road lamp pole FA6081.3	KMB	2	4	0
10 April 2000	Kwun Tong Road junction with Choi Chek Lane	KMB, CTB(F1)	0	9	0
15 April 2000	Po Heung Street junction with Tai Po Tai Wo Road	KMB	3	6	0
28 April 2000	Castle Peak Road - Tsuen Wan junction with Tsuen King Circuit	KMB	0	5	0
29 April 2000	Kwai Chung Road junction with Kwai On Road	KMB	0	7	0
4 May 2000	Tung Chung Road	NLB	1	17	0

<i>Date</i>	<i>Location</i>	<i>Bus Company Involved</i>	<i>No. of Casualties</i>		
			<i>Driver</i>	<i>Passenger</i>	<i>Pedestrian</i>
13 May 2000	Lam Kam Road lamp pole, Ling Wan Temple	KMB	0	7	0
13 May 2000	Tuen Mun Road chainage 25.0*	KMB	0	7	0
22 May 2000	Tsuen Wan Road lamp pole No. FC 0413	KMB	2	7	0
27 May 2000	Prince Edward Road East lamp pole No. AA2878-0	KMB	1	5	0
24 June 2000	Shek O Road lamp pole No. 33726	NWFB	1	4	0
30 June 2000	Tin Lok Lane junction with Hennessy Road	NWFB, CTB(F2)	2	6	0
3 July 2000	Kwai Chung Road concrete pole No. 41B	KMB	3	19	0
3 August 2000	Wong Nai Chung Road lamp pole No. 17656	CTB(F1)	1	6	0
5 October 2000	Des Voeux Road Central junction with Wing Wo Street	KMB	1	5	0
9 October 2000	Castle Peak Road - Tsuen Wan junction with Sai Lau Kok Road	KMB	1	7	0
10 October 2000	Nathan Road junction with Jordan Road	KMB	2	5	0
14 October 2000	Chun Wah Road	KMB	2	9	0
31 October 2000	Pok Fu Lam Road junction with Pok Fu Lam Reservoir Road	CTB(F1)	1	19	0
2 November 2000	Castle Peak Road Ting Kau lamp pole No. FB4752	KMB	2	3	0
1 December 2000	Nam Cheong Street junction with Fuk Wing Street	KMB	0	5	0
4 December 2000	Nathan Road junction with Wing Sing Lane	KMB, CTB(F1)	1	5	0
9 December 2000	Tung Chung Road junction with Footbridge 8798-1	NLB	1	24	0
10 December 2000	Kwun Tong Road junction with Tung Yan Street	KMB	3	6	0
13 December 2000	Pok Fu Lam Road lamp pole No. 41126	CTB(F1)	1	10	1
19 December 2000	Sun Yip Street junction with Siu Sai Wan Road	NWFB	0	11	0
21 December 000	Chai Wan Road near lamp pole No. 36308	NWFB	2	3	0
24 December 2000	King's Road junction with Ming Yuen Western Street	CTB(F1)	2	4	0

Note: Breakdown based on available information.

* Chainage distance in km measured from junction of Kwun Tong Road and Kai Fook Road along Route 2

Table 7 - Details of Franchised Bus Accidents Involving Five or More Casualties in 2001

Date	Location	Bus Company Involved	No. of Casualties		
			Driver	Passenger	Pedestrian
8 January 2001	Hong Chong Road junction with Salisbury Road	KMB	0	6	0
12 January 2001	Nathan Road junction with Salisbury Road	KMB	2	4	0
19 January 2001	Nathan Road junction with Waterloo Road	KMB	0	6	0
8 March 2001	Ap Lei Chau Bridge Road junction with Lee Nam Road	CTB(F1)	0	5	0
12 March 2001	Nam Cheong Street junction with Pak Wan Street	KMB	0	5	0
12 March 2001	Prince Edward Road West lamp pole No. AAB1825	KMB	1	4	0
13 March 2001	Aberdeen Praya Road lamp pole No. 42017	NWFB	0	14	0
14 March 2001	Hiu Kwong Street junction with Hiu Yuk Path	KMB	0	5	0
16 March 2001	West Kowloon Highway near Western Harbour Crossing	KMB, CTB(F1)	0	15	0
17 March 2001	King's Road junction with Tin Hau Temple Road	NWFB	0	9	0
8 April 2001	Hiram's Highway lamp pole No. EB4567-3	KMB	1	30	0
13 April 2001	Des Voeux Road Central junction with Jubilee Street	NWFB	1	7	0
22 April 2001	Junction Road junction with Nga Tsin Wai Road	NWFB	2	2	1
22 April 2001	Tin Wan Praya Road lamp pole No. 33512	KMB, NWFB	2	8	0
24 April 2001	Sai Cheung Street junction with Kennedy Town Praya	NWFB	2	18	1
27 April 2001	Yu Tung Road lamp pole No. FC2548	LW	2	3	0
28 April 2001	Tate's Cairn Tunnel No. 15 emergency exit	KMB	1	10	0
25 May 2001	Po Shek Wu Road junction with Choi Yuen Road	KMB	1	15	0
2 June 2001	Ma On Shan Road lamp pole No. EBA 4199	KMB	1	4	0
8 June 2001	Tin Wan Praya Road lamp pole No. 22995	NWFB	2	13	0
13 June 2001	Tong Ming Street junction with Tong Chun Street	KMB	1	5	0
15 June 2001	Sha Kok Street lamp pole No. N0811	CTB(F1)	0	6	0
18 June 2001	Argyle Street junction with Princess Margaret Road	KMB	1	13	0
19 June 2001	Cheong Tat Road near lamp pole No. TE244	LW	3	10	0
27 June 2001	Yuen Long Highway near Pok Oi Interchange	KMB	0	11	0
30 June 2001	Ching Cheung Road junction with Tai Po Road	KMB	0	10	0
7 July 2001	Tuen Mun Road chainage 15.0*	KMB	0	6	0
13 July 2001	Choi Hung Road No. AE 4262-7	KMB	0	8	0
13 July 2001	Tai Po Road, Sha Tin	KMB	2	12	0
18 July 2001	Tseung Kwan O Tunnel outside No. 4 Exit	KMB	1	8	0

<i>Date</i>	<i>Location</i>	<i>Bus Company Involved</i>	<i>No. of Casualties</i>		
			<i>Driver</i>	<i>Passenger</i>	<i>Pedestrian</i>
19 July 2001	Castle Peak Road Kwai Chung lamp pole No. FA 6259	KMB	0	7	0
21 July 2001	Kin Chuen Street junction with Castle Peak Road Kwai Chung	KMB	1	4	0
8 August 2001	Jockey Club Road junction with Fanling Highway	KMB	0	5	0
10 August 2001	Tam Kon Shan Interchange lamp pole No. W6547	LW	1	4	0
12 August 2001	Queensway lamp pole No. 38822	KMB, NWFB, CTB(F1)	2	4	0
15 August 2001	Fuk Man Road junction with Chan Man Street	KMB	1	6	0
23 August 2001	Tung Chung Road lamp pole No. FB 8819-3	NLB	0	13	0
24 August 2001	Aberdeen Tunnel before payroll No. 1	CTB(F1)	0	8	0
27 August 2001	Lantau Link	CTB(F1)	2	9	1
1 September 2001	Tai Po Road junction with Sha Tin Heights near lamp pole No. N9781	KMB	3	4	0
7 September 2001	Sha Tsui Road junction with Kwan Mun Hau Street	KMB	0	10	0
8 September 2001	Tate's Cairn Tunnel emergency exit 12	KMB	4	15	0
9 September 2001	Shek Pai Wan Road junction with Tin Wan Hill Road	KMB	1	8	0
17 September 2001	Tai Po Road, Tai Wai	KMB	0	8	0
18 September 2001	San Wan Road lamp pole No. AEA2523-5	KMB	1	11	0
19 September 2001	Tuen Mun Road chainage 23.7*	KMB	0	6	0
30 September 2001	Chatham Road north lamp pole No. BK9730	KMB	1	13	0
5 October 2001	Cheung Tsing Highway chainage 13.2 [#]	CTB(F1)	4	6	0
6 October 2001	Tsuen Wan Road lamp pole No. FC 0351	KMB	0	5	0
3 November 2001	Eastern Harbour Crossing	CTB(F1)	2	3	0
3 November 2001	Ting Kok Road junction with Chung Nga Road	KMB	1	19	0
5 November 2001	Connaught Road West near Western Fire Services Station	CTB(F1)	1	6	0
5 November 2001	Lung Cheung Road outside Hollywood Plaza	KMB	1	6	0
12 November 2001	Wo Tong Tsui Street junction with Kwai Hing Road	KMB	2	9	0
10 December 2001	Po Kong Village Road junction with Choi Hung Road	KMB	1	7	0
10 December 2001	Tseung Kwan O Tunnel Road junction with Po Shun Road	KMB	2	8	0
12 December 2001	Tseung Kwan O Road lamp pole No. AA8646	KMB	2	10	0
22 December 2001	Yen Chow Street junction with Tung Chau Street	CTB(F2)	2	3	0

Note: Breakdown based on available information.

* Chainage distance in km measured from junction of Kwun Tong Road and Kai Fook Road along Route 2

[#] Chainage distance in km measured from entry of Western Harbour Crossing on Hong Kong side along Route 3

Table 8 - Details of Franchised Bus Accidents Involving Five or More Casualties in 2002

<i>Date</i>	<i>Location</i>	<i>Bus Company Involved</i>	<i>No. of Casualties</i>		
			<i>Driver</i>	<i>Passenger</i>	<i>Pedestrian</i>
12 January 2002	Tuen Mun Road junction with Sham Tseng Interchange	KMB	1	4	0
17 January 2002	Tai Hong Street junction with Hong Cheung Street	CTB(F1)	1	4	0
30 January 2002	Po Lam Road North lamp pole No. EA0548	KMB	0	6	0
13 February 2002	King's Road junction with Java Road	NWFB	2	4	0
17 February 2002	Yuen Wo Road junction with Fo Tan Road	KMB	0	6	0
20 March 2002	Tuen Mun Road lamp pole No. AW 2724-9	KMB	1	5	0
24 March 2002	Tuen Mun Road lamp pole W 1033	KMB	0	6	0
01 April 2002	Canal Road East junction with Leighton Road	CTB(F1)	2	4	0
06 April 2002	Nathan Road junction with Jordan Road	KMB	0	6	0
24 May 2002	Po Kong Village Road junction with King Tung Street	NWFB	2	3	0
03 June 2002	Lung Cheung Road lamp pole No. BAA88423	KMB	2	23	0
07 June 2002	Hip Wo Street junction with Yuet Wah Street	KMB	2	4	0
23 June 2002	Tuen Mun Road chainage No. 14*	KMB	1	4	0
26 July 2002	Kam Tin Road lamp pole No. FB 5759	KMB	2	40	0
12 August 2002	Kwai Chung Road lamp pole No. FA 6061	KMB	3	3	0
16 August 2002	Castle Peak Road Tsuen Wan junction with Tai Chung Road	KMB	3	3	0
23 August 2002	Cherry Street junction with Hoi King Street	KMB	0	5	0
26 August 2002	West Kowloon Highway lamp pole No. BAB0753/8	CTB(F1)	1	5	0
02 September 2002	Shek Pai Wan Road lamp pole No. 34364	NWFB	2	5	0
05 September 2002	Lam Kam Road lamp pole No. FA9142	KMB	0	6	0
08 September 2002	Cheung Sha Wan Road junction with Tonkin Street	KMB	1	9	0
19 September 2002	Wong Chu Road junction with Tuen Mun Road	KMB	2	3	0
21 September 2002	Kwun Tong Road lamp pole No. AB1773	KMB	2	13	0
22 September 2002	Tai Tam Road lamp pole No. 38749	NWFB	1	4	0

<i>Date</i>	<i>Location</i>	<i>Bus Company Involved</i>	<i>No. of Casualties</i>		
			<i>Driver</i>	<i>Passenger</i>	<i>Pedestrian</i>
23 September 2002	Sha Tau Kok Road Lung Yeuk Tau lamp pole No. AEB7280	KMB	0	5	0
26 September 2002	Kwun Tong Bypass lamp pole No. E1256	CTB(F1)	0	7	0
27 September 2002	Tuen Mun Road chainage 13.6*	KMB	1	5	0
03 October 2002	Tolo Highway Street chainage 27.8@	KMB	0	15	0
04 October 2002	Chatham Road North junction with Mody Road	KMB	0	6	0
19 October 2002	Castle Peak Road Kwai Chung lamp pole No. BFB 2861	KMB	2	59	0
21 October 2002	Lung Cheung Road outside Wong Tai Sin Centre	KMB	2	5	0
21 October 2002	Tung Chung Road lamp pole No. FB 8916-1	NLB	2	5	0
27 October 2002	Jordan Road junction with Lin Cheung Road	CTB(F1)	1	4	0
29 October 2002	Tuen Mun Road lamp pole No. H0373	KMB	2	28	0
11 November 2002	Tsing Long Highway-Ting Kau	KMB	0	10	2
13 November 2002	Wong Chuk Street junction with Tai Nan Street	KMB	0	11	0
14 November 2002	Tolo Highway chainage 29.4@	KMB	2	12	0
21 November 2002	Tuen Mun Road lamp pole No. AW 2727-5	KMB	0	5	0
23 November 2002	Cheung Sha Wan Road junction with Yen Chow Street	KMB	1	11	0
11 December 2002	Pok Fu Lam Road junction with Victoria Road	CTB(F1)	2	5	0
20 December 2002	Junction Road junction with Wang Tau Hom East Road	KMB	0	8	0
29 December 2002	Chai Wan Road opposite Yue Wan Estate	NWFB	1	4	0

Note: Breakdown based on available information.

* Chainage distance in km measured from junction of Kwun Tong Road and Kai Fook Road along Route 2

@ Chainage distance in km measured from junction of Wong Chuk Hang Road, Ap Lei Chau Bridge and Aberdeen Praya Road along Route 1

KMB : The Kowloon Motor Bus Company (1933) Limited

CTB(F1) : Citybus Limited (Franchise 1)

CTB(F2) : Citybus Limited (Franchise 2)

NWFB : New World First Bus Services Limited

LW : Long Win Bus Company Limited

NLB : New Lantao Bus Company (1973) Limited

Research Grants Council of Hong Kong

15. **DR ERIC LI** (in Chinese): *Madam President, will the Government inform this Council whether it knows:*

- (a) *the number of research project grants applications approved by the Research Grants Council of Hong Kong (RGC) which were directly related to government policies and economic affairs (such as the Basic Law, public finance and review of the tax regime, and so on), the sum of grants involved and its percentage in the total amount of grants approved by the RGC; and*
- (b) *among all research project grants applications received by the RGC, the number of those in which local academics and professionals were engaged,*

in the past three years?

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

- (a) For the past three academic years (that is, 2001-02 to 2003-04), the RGC received a total of 825 research grant applications (representing about 15% of the overall total received) which were related to the fields of public administration, business, economics and legal studies. Among these, 237 applications were funded for a total amount of \$106 million, representing about 8% of the total grants approved by the RGC in those years.
- (b) Under the current policy, applicants applying for research grants from the RGC must be full-time academic staff members of the University Grants Committee (UGC)-funded institutions. Depending on the academic research needs, many of the research proposals involve participation of and collaboration with other local academics and members of the professions concerned. However, we do not keep such particulars of these projects.

Industrial Estates Managed by Hong Kong Science and Technology Parks Corporation

16. **MR KENNETH TING** (in Chinese): *Madam President, will the Government inform this Council whether it knows:*

- (a) *whether many factories in the industrial estates managed by the Hong Kong Science and Technology Parks Corporation (the Corporation) have ceased production; if so, of the details;*
- (b) *the Corporation's strategy to better utilize the land in the industrial estates, such as offering premium concessions and relaxing the land lease restrictions, so as to encourage and promote the establishment of factories in the industrial estates by environmental protection and logistics industries; and*
- (c) *whether the corporation is currently processing applications from companies engaged in environmental protection and logistics industries for leasing the land in the industrial estates; if so, of the number of companies involved in these applications and the progress of the Corporation's processing of the applications concerned?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in the absence of Secretary for Commerce, Industry and Technology) (in Chinese):
Madam President,

- (a) The Corporation offers land to companies for production or production-related operations. Upon the lease agreement coming into effect, the Corporation would from time to time follow up with the companies concerned to understand their operations. According to previous understanding, individual companies may temporarily cease production because of changes of the market situation. Nevertheless, such situation of temporary ceasing of production may change when market environment improves. Such situation exists in the industrial estates but it can hardly be quantified.
- (b) The Corporation has always been proactively supporting the broadening of the base of industry and the upgrading of technology levels of enterprises in the industrial estates in order to facilitate the overall development of Hong Kong's economy. For instance, it offers developed land in industrial estates at cost for manufacturing

and service industries with new or improved technology and processes. The main criterion is that such operations cannot operate in multi-storey factory or commercial buildings. The Corporation welcomes projects which, among others, involve new or improved products or services, new or upgraded technology, high added value based on the use of local materials and manpower. It also encourages the establishment of factories in the industrial estates by environmental protection and logistics industries which satisfy the aforementioned criteria.

Besides, with the coming into effect of the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) on 1 January 2004, CEPA will also help attract companies which wish to enter the mainland market to invest in Hong Kong. The greatest interest would most likely be the manufacturing of brand name products, or products with high value-added content, or those with substantial intellectual property input conducted in Hong Kong. This will help the Corporation attract companies to establish factories in the industrial estates.

- (c) Currently, the Corporation is processing three applications from companies engaged in environmental protection and logistics industries for admission into the industrial estates. It has approved one of the applications in principle and is processing the other two cases.

Curbing the Proliferation of *Mikania Micrantha*

17. **MR ALBERT CHAN** (in Chinese): *Madam President, in reply to my question on 22 May 2002, the Administration advised that it had adopted a number of measures to curb the proliferation of Mikania micrantha in rural areas. However, it is learnt that Mikania micrantha is still spreading at an appalling speed, blocking other plants from sunlight and causing the withering of many plants by strangling them. In this regard, will the Government inform this Council:*

- (a) *of the locations and the total area where Mikania micrantha proliferated last year;*
- (b) *of the measures to prevent Mikania micrantha from damaging trees; and*

- (c) *whether it will draw up more effective measures to curb the proliferation of Mikania micrantha; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): Madam President,

- (a) In general, *Mikania micrantha* has not affected any planting in the urban landscaped areas managed by various government departments. While there are signs of improvement in country parks and Sites of Special Scientific Interests, the locations and total area of land affected by *Mikania micrantha* have not changed much since last year. The overall area affected is about 20 hectares or less than 0.05% of the total country park area. The plant can be found mainly at derelict fields, roadsides and hillside at Tuen Mun, Yuen Long, North District, Sai Kung, Pok Fu Lam and fringes of Tai Lam and Pat Sin Leng country parks.
- (b) The best way to protect trees from damage by *Mikania micrantha* is to closely monitor the situation with regular maintenance to ensure that there is no infestation of this weed. In this connection, relevant departments will step up their inspection work in areas under their management. They will also instruct their front-line staff and the maintenance contractors to remove and control the proliferation of *Mikania micrantha*, as soon as practicable once the plant is found.
- (c) The Government will continue to carry out all practical measures to curb the proliferation of *Mikania micrantha* particularly in country parks and sites of high ecological value. The Agriculture, Fisheries and Conservation Department (AFCD) has prepared detailed technical guidelines to assist other departments and members of the public to identify and remove *Mikania micrantha*, a copy of which is attached at Annex. These guidelines can also be found at the website — <<http://www.afcd.gov.hk/conservation>>; under the heading of Nature Conservation Practice Note No. 01/2003.

Furthermore, the AFCD and the Guangdong Forestry Bureau are conducting a joint study to explore more effective means of controlling the plant. The Final Report is now being finalized and the Study is scheduled for completion by end-2003.



Conservation Branch
Agriculture, Fisheries and Conservation Department

Nature Conservation Practice Note

No. 01/2003

Ref: AF CON 21/2

Clearing Mikania

1. Purpose

1.1 The purpose of this practice note is to provide technical guidance to relevant government departments, landscape contractors and interested parties on the clearance of Mikania.

2. Background

2.1 The scientific name of Mikania is *Mikania micrantha*, H.B.& K. It is an exotic perennial herbaceous vine belonging to the family Compositae. It is native to tropical South and Central America but is now widely distributed in India, Southeast Asia and South China including Guangdong and Hong Kong.

2.2 Similar to the habit of other climbers, Mikania climbs up other plants to reach the canopy for better sunlight. At the same time, its leaves cover up the host plants and reduce the sunlight reaching the host plant for photosynthesis. The growth of the host plant may be affected eventually. Mikania sprawls out rapidly in spring and summer which is the reason for its name “mile-a-minute weed”. Moreover, it reproduces vigorously by both vegetative and sexual reproduction.

2.3 Mikania is considered as a noxious weed affecting plantation crops and afforestation programme in Southeast Asia and India. In Hong Kong, it is usually found in low-lying, moist and disturbed areas with full sunlight such as wasteland, abandoned agricultural land, fishpond bund, roadside and woodland edge around village environs. Mikania has not caused significant adverse impact on established woodland areas.

3. The Characteristics of Mikania

3.1 Mikania is a perennial herbaceous vine. It has characteristic opposite, heart-shaped leaves, margins irregularly coarsely dentate, 4 - 13cm long. Mikania has much branched and hairless stems, and numerous small heads of densely clustered

white flowers with fragrant. Mikania produces small seeds, black in colour, with a terminal tuft of white bristles for wind dispersal. A few photographs of Mikania are attached at the end of the Note for reference.

3.2 In South China region, Mikania starts flowering in September and sets fruits from November to February the next year. It produces numerous flowers and a huge amount of seeds which can germinate rapidly with a very high germination rate. These properties are attributable to the high spreading rate of Mikania. However, low temperature and inadequate sunlight will suppress its fruiting, seed germination and growth of seedlings. As such, Mikania seldom grows in the shade, being restricted to sunny locations.

4. Methods of Clearing Mikania

4.1 The creeping and climbing habits of Mikania enable it to intermingle with the host plants and it is difficult to treat it with chemical means without affecting the latter. The use of biological control agents, such as the use of arthropod which naturally feed on Mikania specifically or the rust pathogen that is damaging to Mikania, is still at experimental stage in other countries. Not until an environmentally safe and reliable biological or chemical control agent has been developed, clearing Mikania with physical means is currently the usual practice.

4.2 Like all other climbers, Mikania can either be cleared manually by slashing it with hand tools or mechanically by using a brushcutter. The stem should be cut off as close to the ground as possible and the aerial part should be removed and disposed of properly. For those which hang on trees, the aerial part could be cleared up to about 3 metres from the ground while the rest will wither and die off naturally. Various departments or concerned parties may appoint landscape contractors, skilled landscape workers or gardeners to clear Mikania in areas under their jurisdictions.

5. Important Precautions

- **To clear Mikania from a safe and firm position.** Mikania often grows vigorously and may cover up the entire area including the ground and the canopy. The workers should pay extra care not to fall into caves, cliffs or crevices that have been covered up by Mikania.
- **To properly dispose of Mikania that has been cut off.** The aerial parts that have

been cut off should not be left on the ground but should be packed in bags for proper disposal. Roots of Mikania can readily germinate from nodes of stems that have been cut off and regenerate readily.

- **To clear Mikania before it sets fruits.** The fruiting period of Mikania is from November to February the next year, but may vary across different years. The seed of Mikania is light weighted and is dispersed by wind. Clearing Mikania during its fruiting period would facilitate the seed dispersal. Therefore, it would be advisable to clear Mikania before it sets fruits.

6. Additional Remarks

6.1 This Practice Note aims at providing general guidance on the clearing of Mikania for reference. Concerned parties using this Practice Note should consider other site specific requirements of clearing Mikania. Advice should be sought from relevant authorities or landowners regarding the necessary arrangement prior to conducting any Mikania clearance work.

6.2 For general information, Agriculture, Fisheries and Conservation Department is responsible for vegetation maintenance inside Country Parks, Special Areas and Sites of Special Scientific Interests. Leisure and Cultural Services Department is responsible for maintaining vegetation in public parks, open spaces, along streets and highways. Vegetation maintenance on unallocated and unleased Government land not maintained by other Government departments is under the jurisdiction of respective District Land Offices.

7. Enquires

Enquiries on this circular should be addressed to the Senior Conservation Office (Technical Services) at Tel. 2150 6903 or the Conservation Officer (Technical Services) at Tel. 2150 7145.

Agriculture, Fisheries and Conservation Department
January 2003



Mikania micrantha (Top) in habitat; (Middle) herbarium specimen; (Bottom) a seed with a terminal tuft of white bristles.

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Arrangements to Facilitate Electors' Voting

18. **MS EMILY LAU** (in Chinese): *Madam President, in reply to my question on the polling hours for elections in overseas countries on 15 October, the Secretary for Constitutional Affairs advised that the polling hours in Australia, Canada, Germany, Japan, New Zealand, the Netherlands and the United States are shorter than those in Hong Kong, and these countries have special arrangements, such as advance polling and postal polling, to facilitate electors' voting. In this connection, will the executive authorities inform this Council:*

- (a) of the details of the arrangements adopted by the countries mentioned above to facilitate electors' voting;*
- (b) of an assessment of the pros and cons of the arrangements;*
- (c) whether they will consider adopting such arrangements; if so, when such arrangements will be adopted; if not, of the reasons for that; and*
- (d) whether they have studied other arrangements to facilitate electors' voting that are suitable for adoption in Hong Kong; if so, of the details of such arrangements; if not, the reasons for that.*

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

- (a) Some information on the special polling arrangements adopted by various overseas countries are at the Annex.
- (b), (c) and (d)

In Hong Kong, the issue of providing alternative arrangements to facilitate electors who could not turn up at designated polling stations to vote on polling day was discussed by the Bills Committee on the Legislative Council (Amendment) Bill 1999. At that time, the Administration had proposed the introduction of advance polling. The proposal was subsequently withdrawn in view of Members'

concern expressed during the scrutiny of the Bill that the premature release of exit poll results conducted on advance polling day might influence electors' choice on general polling day. Since then, there have been suggestions that the issue should be revisited. As we have explained to the Legislative Council Constitutional Affairs Panel during its meeting earlier this month, the issue can be considered in the forthcoming review on constitutional development after 2007, and the public will be consulted in the process.

Annex

Special polling arrangements adopted by various overseas countries

Australia

- A voter who is not in his polling district, but is still within his home State or Territory on polling day, may cast his vote at any polling station in that State or Territory.
- A voter who will not be in his home State or Territory on the polling day, or is unable to attend any polling station on that day, may cast his vote in advance at a special voting facility. Alternatively, he may cast his vote by post.
- An overseas voter may cast his vote by post or in person at an overseas polling station.

Canada

- In Canada, a voter can choose to vote on polling day or in advance of that day.
- In addition, a voter who is residing abroad or will be out of his polling district on polling day, or who does not wish to cast his vote in an ordinary or advance polling, may apply to cast a special ballot. The special ballot may be cast by post or in person at the office of the relevant returning officer. The voter is responsible for ensuring that his completed ballot is received by the appropriate authority before the close of polling.

Germany

- In Germany, a voter may, on application, cast his vote by post if any of the following circumstances applies:
 - (i) the voter will not be in his polling district on polling day on reasonable grounds;
 - (ii) the voter has moved to another polling district, but has yet to be registered for voting in the new polling district; or
 - (iii) the voter is ill or infirm and cannot travel to any polling station.

Japan

- A voter who is unable to travel to his designated polling station on polling day due to work, illness or other specified reasons may cast their votes in advance at facilities specially set up for the purpose. A voter with serious physical disabilities may cast his vote by post.
- Overseas voters may either vote at special polling facilities set up at diplomatic establishments abroad, or cast their votes by post.

New Zealand

- A voter may, on application, cast a special declaration vote for reasons such as being outside his polling district on polling day, being ill or infirm and cannot travel to any polling station, residing abroad, being prevented from voting on the polling day due to his religious practice, and so on. A special declaration vote can be exercised in various ways, including voting in another district, advance polling, voting at overseas diplomatic establishments and postal/fax polling (only acceptable in the case of overseas voters).

The Netherlands

- In the Netherlands, a voter who is unable to vote in person may, on application, cast his vote by proxy. No reason is required to be given for such an application.

- A voter who cannot attend his local polling station may, on application, arrange to vote elsewhere. A voter residing abroad may cast his vote by post.

The United States

- A voter who cannot vote on polling day may cast his vote by post or at a special facility in advance.

Overstaying Mainland Women Giving Birth in Hong Kong

19. **MR LAU KONG-WAH** (in Chinese): *Madam President, it is learnt that there is an upward trend in recent years in the number of cases in which mainland women overstayed in Hong Kong after entering the territory on Exit-entry Permit for Travelling to Hong Kong and Macao (commonly known as two-way exit permits), and gave birth during the overstaying period. In this connection, will the Government inform this Council:*

- (a) *of the measures to curb this trend; whether actions will be stepped up to arrest and repatriate pregnant mainland women overstaying in Hong Kong;*
- (b) *whether childbirth by mainland women in Hong Kong has put a strain on manpower and other resources in public hospitals; and*
- (c) *whether it knows if the relevant mainland authorities have stipulated that two-way exit permits should not be issued to women whose pregnancy has reached a certain number of weeks; whether it will discuss with the relevant mainland authorities so that they will be more prudent in vetting and approving applications for two-way exit permits from pregnant women?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) The number of mainland women who overstayed after entering Hong Kong on Exit-entry Permit for Travelling to Hong Kong and Macao, and gave birth during the overstaying period has mildly

risen in recent years, from 6 442 in 2000 to 7 300 last year. The figure in the first 10 months of this year was 6 462, representing an increase of 9.6% over the same period last year. It accounted for 16.5% of babies born in Hong Kong during that period.

About 84% of the spouses of the women mentioned above are Hong Kong residents. Children of Hong Kong residents may apply to settle in Hong Kong in accordance with the law even though they are born in the Mainland. In the light of the prevailing birth rates, the birth of these babies in Hong Kong should not pose pressure on our population and social services facilities. As regards mainland women who overstayed and gave birth during the overstaying period, they will be repatriated to the Mainland afterwards.

Article 22 of the Basic Law provides that people from other parts of China must apply for approval for entry into the Hong Kong Special Administrative Region (SAR). Having obtained approval from the mainland authorities and subject to normal immigration requirements, mainland residents holding valid travel document and relevant visit permit may stay in Hong Kong as visitors, but they must leave before their limit of stay expires. Hong Kong's enforcement agencies will arrest, prosecute and repatriate all overstayers including pregnant women in accordance with established policy. The SAR Government does not, at this stage, see the need to take targeted measures against pregnant women.

- (b) The number of childbirths by mainland women in Hospital Authority (HA) hospitals has been relatively steady in recent years. There were 7 885 such cases in 2000, 7 377 in 2001, 8 235 in 2002 and 4 214 in the first six months of 2003. Owing to the decline in the overall childbirth rate in Hong Kong, we have actually observed a decline in the total number of childbirths in HA hospitals during the same period. Therefore, the obstetric service of public hospitals has been able to cope with this workload.
- (c) Under existing arrangements, mainland residents who wish to visit Hong Kong must apply to Exit-entry Administration Department of Public Security authorities at their place of household registration for an Exit-entry Permit for Travelling to Hong Kong and Macao

and a relevant visit endorsement. We understand that whether or not the applicant is pregnant is not a relevant consideration when mainland authorities examine such an application. As pregnancy *per se* is not against any existing regulations, the Government has no intention at this stage to request mainland authorities to tighten the examination and approval of applications by mainland pregnant women to visit Hong Kong.

Statistics on Low Earnings Category Under CSSA Scheme

20. **MR LEE CHEUK-YAN** (in Chinese): *Madam President, regarding the latest statistics on the cases of the "low earnings" category under the Comprehensive Social Security Assistance (CSSA) Scheme, will the Government inform this Council of:*

- (a) *the total number of household members (excluding the applicants) in such CSSA cases, together with a breakdown by gender and age profile (in groups each covering five years);*
- (b) *a breakdown of such cases by the applicants' gender, age profile (in groups each covering five years), educational levels and employment earnings (in groups each covering \$500), as well as the trades they are engaged in, their positions, the amounts of CSSA payments they receive each month (in groups each covering \$500) and the numbers of months they have been receiving CSSA payments consecutively; and*
- (c) *the number of CSSA cases transferred from other categories to the "low earnings" category?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): Madam President, according to statistics of the Social Welfare Department (SWD), information regarding "low earnings" cases^{Note} under the CSSA Scheme as requested is as follows:

^{Note} "Low earnings" cases refer to cases where the applicant aged 15 to 59 in normal health is earning not less than \$1,430 per month, but the total assessable household income is insufficient to meet the total monthly needs as recognized under the CSSA Scheme.

- (a) As at the end of October 2003, there were 47 795 recipients under the "low earnings" category. 37 618 were household members of the applicants. A breakdown of the gender and age profiles of the household members (in groups each covering five years) is shown in Annex I.
- (b) As regards the applicants under the "low earnings" category, a breakdown of their gender and age profiles (in groups each covering five years), education levels, employment earnings (in groups each covering \$500), occupations, and the number of months they have been receiving CSSA payments consecutively is shown in Annex II.

As regards the amount of CSSA payments received by the applicants, we do not have ready figures showing the monthly amount of payments received by these cases in groups each covering \$500. However, the average amount of monthly payment received by "low earnings" cases in 2002-03 is about \$6,500.

- (c) According to the results of an analysis comparing the "low earnings" cases as at end 2001 and end 2002, 1 533 cases are observed to have transferred from other categories to the "low earnings" category. A breakdown of the change of nature of these cases is at Annex III.

Annex I

Breakdown of the gender and age profiles (in groups each covering five years) of the household members of "low earnings" cases:

<i>Age Group</i>	<i>Percentage</i>		<i>Total</i>
	<i>Female</i>	<i>Male</i>	
< 5	3%	3%	6%
5 – 9	8%	8%	16%
10 – 14	12%	11%	23%
15 – 19	8%	7%	15%
20 – 24	1%	1%	2%
25 – 29	1%	^	1%
30 – 34	3%	^	3%
35 – 39	4%	1%	5%

<i>Age Group</i>	<i>Percentage</i>		<i>Total</i>
	<i>Female</i>	<i>Male</i>	
40 – 44	5 %	2 %	6 %
45 – 49	3 %	2 %	6 %
50 – 54	1 %	2 %	3 %
55 – 59	1 %	2 %	2 %
60 – 64	1 %	3 %	4 %
65 – 69	1 %	2 %	3 %
70 or above	2 %	2 %	4 %
Total	54 %	46 %	100 %

^ less than 0.5 %

Note: Figures may not add up to total due to rounding.

Annex II

Table A: Breakdown of the gender and age profiles (in groups each covering five years) of applicants of "low earnings" cases:

<i>Age Group</i>	<i>Percentage</i>		<i>Total</i>
	<i>Female</i>	<i>Male</i>	
15 – 19	1 %	2 %	3 %
20 – 24	4 %	4 %	8 %
25 – 29	1 %	3 %	4 %
30 – 34	3 %	4 %	7 %
35 – 39	7 %	7 %	15 %
40 – 44	10 %	13 %	24 %
45 – 49	10 %	13 %	23 %
50 – 54	4 %	7 %	12 %
55 – 59	1 %	4 %	5 %
Total	43 %	57 %	100 %

Table B: Breakdown of education levels as reported by applicants of "low earnings" cases:

<i>Education level</i>	<i>Percentage</i>
Primary school or below	61 %
Lower Secondary (Form One to Form Three)	21 %
Upper Secondary (including technical institute/or commercial institute) or above	18 %
Total	100 %

Table C : Breakdown of employment earnings (in groups each covering \$500) as reported by applicants of "low earnings" cases:

<i>Monthly employment earnings</i>	<i>Percentage</i>
< \$2,000	2%
\$2,000 - < \$2,500	4%
\$2,500 - < \$3,000	5%
\$3,000 - < \$3,500	8%
\$3,500 - < \$4,000	8%
\$4,000 - < \$4,500	11%
\$4,500 - < \$5,000	11%
\$5,000 - < \$5,500	12%
\$5,500 - < \$6,000	9%
\$6,000 - < \$6,500	10%
\$6,500 - < \$7,000	6%
\$7,000 - < \$7,500	5%
\$7,500 - < \$8,000	3%
\$8,000 or above	7%
Total	100%

Table D: Breakdown of occupations as reported by applicants of "low earnings" cases:

<i>Occupation</i>	<i>Percentage</i>
Construction worker	4%
Delivery worker	5%
Driver	6%
Waiter/Waitress	6%
Salesperson	7%
Watchman/guard	11%
Cleaner	16%
General worker/labourer (other than construction worker)	18%
Others	27%
Total	100%

Table E: Breakdown of the number of months applicants of "low earnings" cases have been receiving CSSA payments consecutively:

<i>Length of period of receiving CSSA (month)</i>	<i>Percentage of total CSSA "low earnings" cases</i>
< 12	26 %
12 - < 24	22 %
24 - < 36	11 %
36 - < 48	7 %
48 - < 60	9 %
60 or above	25 %
Total	100 %

Note: Figures of the above tables may not add up to total due to rounding.

Annex III

Breakdown of change of nature of "low earnings" cases between end 2001 and end 2002:

<i>Change of nature of cases</i>	<i>Percentage</i>
From "unemployment" to "low earnings"	51 %
From "single parent family" to "low earnings"	16 %
From other categories to "low earnings"	33 %
Total	100 %

BILLS

First Reading of Bill

PRESIDENT (in Cantonese): Bill: First Reading.

HONG KONG SPORTS DEVELOPMENT BOARD (REPEAL) BILL

CLERK (in Cantonese): Hong Kong Sports Development Board (Repeal) Bill.

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

Second Reading of Bill

PRESIDENT (in Cantonese): Bill: Second Reading.

HONG KONG SPORTS DEVELOPMENT BOARD (REPEAL) BILL

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I move that the Hong Kong Sports Development Board (Repeal) Bill (the Bill) be read the Second time.

The purpose of introducing the Bill is to repeal the Hong Kong Sports Development Board Ordinance (Cap. 1149) (the Ordinance) to clear the way for establishing a new Sports Commission under the new administrative structure to advise the Government on all matters pertaining to sports development in Hong Kong. This is in accordance with the decision made by the Executive Council in early July of this year.

The Hong Kong Sports Development Board (SDB) was set up in 1990 under the Ordinance for the promotion and development of sports and recreation. In 1994, the SDB merged with the Hong Kong Sports Institute (HKSI) and took over responsibility for the elite training programme through an amendment to the Ordinance. The SDB received an annual subvention from the Government as well as income from a Trust Fund set up with donation from the Hong Kong Jockey Club.

The proposal of establishing a new administrative structure for sports development has received broad-based support from different sectors of the community.

Under the new structure, the Sports Commission would advise the Government on all matters pertaining to sports development in Hong Kong. The re-constituted HKSI would become a delivery agent for high performance sports services currently under the auspices of the SDB. The Leisure and Cultural Services Department (LCSD) would take up the executive responsibility for administering the funding support to the relevant bodies in accordance with the new policy directives.

The new administrative structure marks an important milestone for sports development in Hong Kong. It will be instrumental in realizing our new vision for sport: community-wide sporting culture, athletes competing in major international sports and hosting of international sports events. The broad representation of the future Sports Commission will be an important enabler to build an inter-sectoral partnership in sports development, which is crucially important in nurturing a sustainable sporting culture in the community.

The Government's commitment to and investment in sports development in Hong Kong will remain unchanged after the new administrative structure is in place. We anticipate that resources for sports development will be utilized more effectively resulting from a streamlined structure, better co-ordination and elimination of overlapping functions. The savings generated will be channelled back to supporting more sports programmes and athletes.

Under the new administrative structure, we shall better target our resources at the needy areas, having full regard to the expert opinions tendered by members of the Sports Commission and the three Committees. The Major Sports Events Committee and the Community Sports Committee have already been set up and the Elite Sports Committee will be set up soon.

Madam President, in preparing the present Bill, we have adopted a pragmatic and cautious approach, taking into account the views received in the past several months and striking a balance between the interests of all the parties concerned. I hope Members will support the Bill in order to pave the way for a more vibrant sports culture to be created through the new administrative structure for sports development after the dissolution of the SDB.

Thank you, Madam President.

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

**HONG KONG EXAMINATIONS AND ASSESSMENT AUTHORITY
(AMENDMENT) BILL 2003****Resumption of debate on Second Reading which was moved on 30 April 2003**

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

MS CYD HO (in Cantonese): Madam President, in my capacity as Chairman of the Bills Committee on the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 (the Bills Committee), I am going to highlight the deliberations of the Bills Committee on the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 (the Bill).

The Bill seeks to amend the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) (the Ordinance) to:

- (a) empower the Hong Kong Examinations and Assessment Authority (HKEAA) to conduct examinations and assessments in Hong Kong and other places, and to award certificates to candidates who attain a standard determined by the Authority in such examinations and assessments; and
- (b) increase the fines for breach of secrecy and impersonation from \$10,000 to Level 4 (\$25,000).

While the Bills Committee generally supports the policy direction of allowing the HKEAA to conduct examinations in places outside Hong Kong, members have expressed concern about the confidentiality of examination materials, especially if the examinations cannot be conducted in Hong Kong and other places at the same time due to time difference. A member has asked about the measures to prevent leakage of examination materials, as a large

number of candidates in different places will sit in these examinations and advance information technology is available for transmission of information.

The Administration has advised that, as far as practicable, examinations will be held at the same time in Hong Kong and in places outside Hong Kong to minimize the risk of leakage of information. It was also pointed out that there would be no problems with time difference if the examinations take place in Macao or the Mainland.

The Administration has assured members that measures are in place to safeguard the confidentiality of examination papers. For instance, when conducting examinations in places outside Hong Kong, the HKEAA will sign agreements or contracts with the partner organizations, in which terms for protection of secrecy of examination information will be included. Breaches of the terms in these agreements will lead to immediate termination of the agreements and the international reputation of the partner organizations breaching the agreements will be tarnished.

The HKEAA anticipates that, in most cases, it will engage the local official examination authorities as the partner organizations. The law protecting the integrity of examinations administered by them in their own countries will also apply to those examinations conducted jointly with the HKEAA.

It was noted that sections 15 and 16 of the Ordinance concerning breaches of secrecy and impersonation only apply to persons appointed or employed or who assist in the work of HKEAA. Members have questioned whether candidates, their family members or friends will commit any offence in leaking examination information. Members have also expressed concern for the extraterritorial effect of sections 15 and 16 of the Ordinance.

The Administration has advised that a candidate found to have obtained examination information through improper means may be guilty of an offence under the Theft Ordinance and will also be disqualified from the examination.

The Administration has advised that sections 15 and 16 of the Ordinance concerning offences of breaches of secrecy and impersonation do not have extraterritorial effect. The Administration has explained that unless specified, criminal laws in general do not have extraterritorial effect. These overseas

organizations rely on the professional competency and reputation of the HKEAA in conducting examinations in Hong Kong on their behalf, as well as the legal framework of Hong Kong in which the HKEAA operates to protect the integrity of their examinations. Similar factors will be taken into consideration when the HKEAA decides on whether and with which agents it may jointly run any examination services outside Hong Kong. The HKEAA will ensure that relevant laws of that place will be referred to in the agreements to be made with the partner organizations. The Administration and HKEAA have stressed that in no circumstances will HKEAA sacrifice the interest of those candidates taking the examinations in Hong Kong.

As regards the types of examinations to be conducted by the HKEAA in places outside Hong Kong and its authority of conducting the examinations, the HKEAA has advised that at the present stage, it has planned to conduct mainly the Hong Kong Certificate of Education Examination and Hong Kong Advanced Level Examination outside Hong Kong which will help returning children of Hong Kong residents fit into the senior secondary education curriculum or acquire the necessary qualification for seeking employment in Hong Kong. Currently, the HKEAA has received requests from overseas examination authorities and professional bodies to conduct examinations for them, mainly in Macao and the Mainland. The HKEAA will consider whether local students, education institutions and the workforce will benefit from these examinations in deciding whether or not to accede to such requests.

The Administration has assured the Bills Committee that the work of the HKEAA is closely monitored by its Council which comprises university representatives and other key partners. The HKEAA will have to provide justifications and seek approval from its Council and the Secretary for Education and Manpower before it can conduct new activities.

The Administration has also undertaken to report to the Panel on Education on the arrangements made by the HKEAA and the partner organizations for conducting examinations in other places.

The Bills Committee has pointed out that the English and Chinese texts of clause 2(1)(a) of the Bill are not consistent with each other. The Administration has agreed to improve the drafting of the clause and will move a Committee stage amendment to this effect.

Madam President, the Bills Committee supports the Bill and the Administration's proposed Committee stage amendment to clause 2(1)(a) of the Bill.

Madam President, I will now speak in my capacity as Member of this Council. In fact, Members are in general very supportive of the Bill. It is most worrying that, in the event of leakage of examination questions, Hong Kong candidates will have to sit for the examinations again because confidentiality measures taken outside Hong Kong are beyond our control. As Members are aware, examination questions can be instantly received by way of short messages on cellular phones. However, the HKEAA has repeatedly assured us that cellular phones are not allowed to be brought into the examination venues even for examinations conducted outside Hong Kong. Of course, we can adopt a number of measures. Yet we must compete with information technology and the measures must be introduced promptly. It might not be possible for certain issues to be written in the law. Close attention must be paid in enforcement because it might not be possible for us to amend the law promptly whenever new technology appears. In the course of deliberation, we have therefore requested the Administration and the HKEAA to come back to the Panel on Education for discussion and follow-up actions before conducting new examinations or launching new initiatives. I hope the Administration can keep its promise and not to go back on its word and act according to its own wish after the passage of the legislation and exhaustion of all powers. Madam President, I hope the Administration can remember this and report back to this Council whenever new examinations will be conducted outside Hong Kong. Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Education and Manpower, you may now reply.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 (the Bill) aims to provide express authority for the Hong Kong Examinations and Assessment Authority (HKEAA) to conduct examination and assessment services outside Hong Kong. The Bill also seeks to suitably increase the fines for breach of secrecy and impersonation.

I would like to thank Ms Cyd HO and members of the Bills Committee for scrutinizing the Bill and for the constructive advice that they have tendered. The Bills Committee supported our policy direction of allowing the HKEAA to provide service outside Hong Kong and reminded the Authority that appropriate measures should be taken to secure the confidentiality of examinations so that the interests of the candidates would not be jeopardized. We could not agree more on this. We have explained to the Bills Committee the usual practice amongst examination bodies when they engage overseas agents to conduct examination service for them. The HKEAA has ample of experience being the entrusted organization, and it shall follow the best and most rigorous practices when the Authority seeks to provide its own examination service outside Hong Kong. We undertook at the Bills Committee that the HKEAA will only pursue, and we will only approve, an examination to be conducted outside Hong Kong when we are satisfied that the provision of such service would bring positive impact to the educational and manpower development in Hong Kong and the confidentiality of the examination is secured. We would report to the Panel on Education the security arrangements to be made later on when the HKEAA has worked out the details.

I am pleased to have the support of the Bills Committee for us to raise the fine levels for breach of secrecy and impersonation. Although the integrity of our examination system is not under any sort of risk, we consider it desirable to raise the level of fine of these offences to an appropriate level to reflect the intended deterrent effect.

I shall be moving a Committee stage amendment later on. It is to ensure that the English and Chinese texts of the Bill are entirely consistent with each other.

I propose that the Bill be read the Second time.

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

Council went into Committee.

Committee Stage

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

HONG KONG EXAMINATIONS AND ASSESSMENT AUTHORITY (AMENDMENT) BILL 2003

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003.

CLERK (in Cantonese): Clauses 1, 3 and 4.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 2.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam Chairman, I move that the clause read out just now be amended as set out in the paper circularized to Members. The amendment is proposed to ensure the complete consistency of the Chinese and English texts of the Bill. I hope Members will support and pass the amendment.

Thank you, Madam Chairman.

Proposed amendment

Clause 2 (see Annex)

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 2 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bill

PRESIDENT (in Cantonese): Bill: Third Reading.

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

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

Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003

has passed through Committee with 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 Hong Kong Examinations and Assessment Authority (Amendment) 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): Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003.

MOTIONS

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

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

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I move that the Construction Sites (Safety) (Amendment) Regulation 2003 (Amendment Regulation) as set out in the motion on the Agenda be approved.

The Amendment Regulation, made by the Commissioner for Labour (the Commissioner) on 28 May 2003 under section 7 of the Factories and Industrial Undertakings Ordinance (FIUO), aims at improving the overall safety performance of our construction sites and removing ambiguities in two of the provisions of the Construction Sites (Safety) Regulations (CSSR) in order to make them enforceable.

The Government is committed to enhancing safety at work on construction sites. Through years of concerted efforts by contractors, workers and the Government, there has been significant improvement in the safety performance of the construction industry. In 1998, there were some 19 600 accidents in the industry. The figure fell by 68% to about 6 200 in 2002. The accident rate of the industry also dropped from 248 per 1 000 workers in 1998 to 85 per 1 000 workers in 2002, which was a decrease of 66%. Despite the improving situation, there is always room for further improvement. The proposed Amendment Regulation aims at further improving the safety performance of the construction industry.

Work safety at construction sites is regulated mainly by the CSSR made under the FIUO. At present, compliance with the CSSR is primarily a matter for the principal contractor. The principal contractor is held responsible for all site safety and operation matters and for any plant located thereat. Even though a contravening act under the CSSR is committed by other contractors, it will be the principal contractor who is held liable for the offence. The rationale is that the principal contractor should have control over his contractors to ensure that a safe and healthy environment is maintained on the site. But, this may, in some circumstances, absolve other offending contractors and sub-contractors from any responsibility, which is not conducive to improving construction site safety and health.

In recent years, in addition to appointing the principal contractor, it is common for developers and authorized persons to appoint other contractors directly to undertake specialized work on construction sites. Under these circumstances, the principal contractor has little control over contractors which are not appointed by it and has difficulties in monitoring their safety performance on the construction site.

These other contractors and sub-contractors, as proprietors of industrial undertakings, have a general duty to ensure, as far as is reasonably practicable, the safety and health of their employees under the general duties provision of the FIUO. Where appropriate, they also have to observe provisions of the other regulations made under the FIUO. However, the general duties on contractors and sub-contractors are not as effective as the CSSR in ensuring safety on construction sites.

Unfortunately, these contractors and sub-contractors are not held liable for offences under the current provisions of CSSR.

Safety and health at work on construction sites requires the concerted efforts of all parties involved in the management of the project. While a principal contractor should bear the primary responsibility for the co-ordination of activities of all contractors and all safety matters on site, other contractors and sub-contractors should also have a statutory obligation to observe safety legislation. This will help improve the overall safety performance on construction sites.

We therefore recommend amending the CSSR to extend the duties currently imposed on the principal contractor to other contractors and sub-contractors who have control over the way the construction work is carried out on a construction site.

The Construction Industry Review Committee, in its report published in early 2001, recommended that the CSSR should be amended to enable prosecution action against sub-contractors for non-compliance with safety requirements in operation under their direct control. Today's proposed amendments are in line with this recommendation.

I wish to emphasize that the proposed amendments will not reduce the existing responsibilities of the principal contractor for the overall safety and

health at work on a construction site. The amendments aim to impose sanction on key stakeholders in an equitable manner for failing to comply with the CSSR. When an offence is discovered, we will identify and prosecute only the parties responsible.

In addition, the proposed amendments will not bring about increased costs to the construction industry. To contractors and sub-contractors, they already have a general duty to ensure the safety and health of their employees under the FIUO. The compliance costs incurred from the amendments will only be minimal. Furthermore, the amendments will not affect contractors' obligations under the Employees' Compensation Ordinance.

Separately, we would also like to address a technical problem which we found in Regulations 38A(1) and 44(1) of the CSSR. In an appeal case, the Court of First Instance ruled that Regulation 44(1) of the CSSR fell outside the enabling powers conferred on the Commissioner by the FIUO. Regulation 44(1) requires, among others, a contractor responsible for a machine to securely fence its dangerous parts to the satisfaction of the Commissioner. The Court ruled that the phrase "to the satisfaction of the Commissioner" contains uncertainty as the elements of the offence and what fencing measure will satisfy the Commissioner cannot be ascertained.

In the light of this ruling, we have examined other provisions of the CSSR and found that Regulation 38A(1) has a similar problem. Regulation 38A(1) imposes a general duty on the contractor to "ensure every place of work on the site is, so far as is reasonably practicable, made and kept safe for any person working there". The Regulation, however, does not specify any means for ensuring safety. We consulted the Department of Justice and were advised that this Regulation also fell outside the empowering provision of the FIUO.

Madam President, we recommend amending Regulations 38A(1) and 44(1) to prescribe measures for achieving the goal set down in the respective Regulations so as to make them enforceable. The proposed amendments are only technical in nature and will not impose additional operating costs on the industry. We propose that the Amendment Regulation comes into effect immediately after enactment.

The Legislative Council House Committee decided at its meeting on 6 June 2003 to form a Subcommittee to examine the resolution. I wish to thank

the Chairman, Ms Cyd HO and members of the Subcommittee for putting forth useful comments and constructive suggestions in examining the Amendment Regulation. We have made some amendments to the Amendment Regulation and were supported by the Subcommittee. We consulted the Legislative Council Panel on Manpower and the Labour Advisory Board and they were also supportive of the proposed amendments. I hope that Honourable Members would support my motion and pass the Amendment Regulation.

Madam President, I beg to move.

The Secretary for Economic Development and Labour moved the following motion:

"That the Construction Sites (Safety) (Amendment) Regulation 2003, made by the Commissioner for Labour on 28 May 2003, be approved, subject to the following amendments -

(a) in section 15 -

(i) in paragraph (a), by deleting the proposed regulation 38A(1A);

(ii) by adding -

"(aa) in paragraph (3), by repealing "unsafe place on the site" and substituting "place on the site where any hazardous conditions are present";";

(iii) by deleting paragraph (b) and substituting -

"(b) in paragraph (4), by repealing "making any place safe if all" and substituting "rectifying any hazardous conditions if all reasonably";";

(iv) by adding -

"(ba) by adding -

"(4A) For the purpose of this regulation, "hazardous conditions" (危險狀況) includes the following conditions that may give rise to a risk of persons falling from a height -

- (a) unprotected edge or opening at a place of work;
- (b) improper design and construction of a place of work;
- (c) inadequate or insecure support or anchoring of a place of work;
- (d) improper maintenance of a place of work;
- (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it."";

(v) in paragraph (c), in the proposed regulation 38A(5) -

(A) in paragraph (a) -

- (I) by deleting "(1A)" and substituting "(4A)";
- (II) by deleting "paragraph (1)" and substituting "paragraphs (1), (3) and (4)";

(B) in paragraph (b), by deleting "(1A)" and substituting "(4A)";

(b) in section 16, in the proposed regulation 38AA -

(i) by deleting paragraph (2);

(ii) by renumbering paragraphs (3), (4) and (5) as paragraphs (2), (3) and (4) respectively;

(iii) by deleting paragraph (3) and substituting -

"(3) Subject to paragraph (4), any contractor who has direct control over any construction work shall take suitable and adequate steps to ensure that, so far as is reasonably practicable, no person gains access to any place which is within the place of work where the construction work is being carried out and where any hazardous conditions are present.";

(iv) in paragraph (4) -

(A) by deleting "Paragraph (4)" and substituting "Paragraph (3)";

(B) by deleting "making any place safe" and substituting "rectifying any hazardous conditions";

(v) by adding -

"(5) For the purpose of this regulation, "hazardous conditions" (危險狀況) includes the following conditions that may give rise to a risk of persons falling from a height -

(a) unprotected edge or opening at a place of work;

(b) improper design and construction of a place of work;

- (c) inadequate or insecure support or anchoring of a place of work;
 - (d) improper maintenance of a place of work;
 - (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it.";
- (vi) in paragraph (6) -
 - (A) in paragraph (a) -
 - (I) by deleting "(2)" and substituting "(5)";
 - (II) by deleting "paragraph (1)" and substituting "paragraphs (1), (3) and (4)";
 - (B) in paragraph (b), by deleting "(2)" and substituting "(5)";
- (c) by deleting section 21(b) and substituting -
 - "(b) in paragraph (3), by adding "and the contractor who employs him to carry out the inspection" after "the scaffold";";
- (d) by deleting section 24(c) and substituting -
 - "(c) in paragraph (3)(b), by repealing "concerned" and substituting "responsible for the construction site concerned and the contractor who employs that person to carry out the examination".";
- (e) in section 34, in the proposed regulation 48(1A)(b), by deleting "remains on the site to carry out the construction work" and

substituting "employed to carry out the construction work remains on the site";

(f) in section 43 -

(i) in paragraph (a), by deleting "38AA(1), (3) or (4)" and substituting "38AA(1), (2) or (3)";

(ii) in paragraph (b)(v), by deleting "38AA(3) or (4)" and substituting "38AA(2) or (3)";

(g) in section 44, by deleting "regs. 38A(1A), 38AA(2)" and substituting "regs. 38A(4A), 38AA(5)".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Economic Development and Labour be passed.

MS CYD HO (in Cantonese): Madam President, I move that the Agenda, as it is set out, be passed. Thank you, Madam President.

PRESIDENT (in Cantonese): Ms Cyd HO, you may now speak on the resolution moved by the Secretary for Economic Development and Labour under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance, because you are Chairman of the Subcommittee on the resolution.

MS CYD HO (in Cantonese): Excuse me, Madam President. I move that the motion, as printed on the Agenda

PRESIDENT (in Cantonese): The resolution is moved by the Secretary for Economic Development and Labour under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance. Your Subcommittee is responsible for scrutinizing several of the related

provisions. We are now dealing with one of the provisions, to be followed by several others. As Chairman of the Subcommittee, you should have a report and deliver your speech according to the report.

MS CYD HO (in Cantonese): Madam President, may I request that the meeting be suspended for five minutes?

PRESIDENT (in Cantonese): Fine, the meeting is now suspended.

4.40 pm

Meeting suspended.

4.47 pm

Council then resumed.

MS CYD HO (in Cantonese): Madam President, a Subcommittee was set up by the House Committee to study the proposed resolution under section 7 of the Factories and Industrial Undertakings Ordinance (FIUO), namely the Construction Sites (Safety) (Amendment) Regulation 2003, the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) (Amendment) Regulation 2003, the Factories and Industrial Undertakings (Suspended Working Platforms) (Amendment) Regulation 2003 and the Factories and Industrial Undertakings (Loadshifting Machinery) (Amendment) Regulation 2003. I am speaking in my capacity as Chairman of the Subcommittee on the motion moved by the Secretary for Economic Development and Labour.

In order to improve the overall safety performance on construction sites, it is proposed that the Construction Sites (Safety) Regulations (CSSR) be amended to hold the contractors and sub-contractors who have direct control over any construction work responsible for the various statutory duties in addition to the principal contractor.

The Subcommittee has no questions about the purpose of the proposed amendments. However, in view of the multi-layer subcontracting system in the construction industry, members have expressed concern on whether the proposed amendments, if implemented, would impact on the responsibility of the principal contractor in terms of site safety.

The Administration has explained that the proposed amendments will not reduce the existing responsibility of the principal contractor under the CSSR for the overall safety and health on a construction site. In meting out sanction when an offence is discovered, the Administration will identify the responsibility of the parties concerned by analysing their respective roles and involvement, and the parties that are responsible for the offence will be prosecuted.

As the proposed amendments will hold contractors who have direct control over relevant construction work, be they specialist contractors or sub-contractors, responsible for the various statutory duties in addition to the principal contractors, members have asked whether there would be any insurance implications on the relevant industries consequent to the amendments. Members have also sought clarification on the responsibility of other contractors or sub-contractors in taking out employees' compensation insurance.

The Administration has explained that the FIUO and its subsidiary legislation are primarily concerned with the protection of the safety and health of employees at work on an industrial undertaking, including a construction site. Public safety is hence outside the purview of the FIUO, and the proposed amendments would not have any insurance implications in this area. As regards employees' compensation insurance, under the Employees' Compensation Ordinance (ECO), employers are required to take out an insurance policy to cover their liabilities under the Ordinance and common law in relation to work-related injuries to their employees. Other contractors and sub-contractors may also be required to take out insurance cover for their own workers. The operation of these compulsory provisions under the ECO will not be affected by the proposed amendments.

Madam President, the proposed amendments also seek to, in the light of the ruling made by the Court of First Instance in an appeal case, remove the ambiguities in regulations 38A(1) and 44(1). Members of the Subcommittee noted that the Court had pointed out in its ruling that the elements of the offence purportedly set out in regulation 44 are incompletely defined because of the

uncertainty in the words "to the satisfaction of the Commissioner". The Subcommittee also noted that the court ruling would impact on other legislative provisions which contain the drafting formula "to the satisfaction" of an enforcement authority, and had asked whether the Administration would consider reviewing all legislative provisions drafted with such formula. The Administration has undertaken to bring the attention of the relevant enforcement agencies to the court ruling. The Subcommittee also suggested that the matter be referred to the relevant Panel for follow-up.

Acceding to the advice of the Subcommittee, the Administration has incorporated the agreed amendments to ensure the consistency of drafting to better reflect its policy intent.

Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Economic Development and Labour, do you need to reply?

(The Secretary for Economic Development and Labour indicated that he did not wish to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Economic Development and Labour be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Proposed resolution under the Factories and Industrial Undertakings Ordinance to approve the three items of Regulation under the Ordinance.

PROPOSED RESOLUTION UNDER THE FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I move that the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) (Amendment) Regulation 2003 (LALGR), the Factories and Industrial Undertakings (Suspended Working Platforms) (Amendment) Regulation 2003 (SWPR) and the Factories and Industrial Undertakings (Loadshifting Machinery) (Amendment) Regulation 2003 (LMR) be approved.

The Amendment Regulations made by the Commissioner for Labour on 28 May 2003 under section 7 of the Factories and Industrial Undertakings Ordinance (FIUO) aim at extending the duties now imposed on the principal contractor of a construction site to other contractors and sub-contractors who have control over the use of these machines or equipment on the site.

Earlier on, I moved a motion to amend the Construction Sites (Safety) Regulations (CSSR) to extend the duties imposed on the principal contractor to other contractors and sub-contractors with a view to improving the overall safety performance on our construction sites.

Similar to the CSSR, three Regulations of the FIUO, that is, the LALGR, the SWPR and the LMR also contain provisions holding the principal contractor primarily responsible for breaches of these Regulations even if the breaches are committed by other contractors or sub-contractors. We, therefore, recommend amending these three Regulations correspondingly to reflect the proposed changes to the CSSR.

We recommend amending the definition of "owner" in the LALGR and the SWPR and the definition of "responsible person" in the LMR to include a contractor who has control over the way any construction work involving the use of machines or equipment is carried out. The proposed amendments will not reduce the responsibility of the principal contractor as an "owner" or a "responsible person".

The proposed amendments will not bring about increased cost to the construction industry. The responsibilities of the principal contractor will remain unchanged. For contractors and sub-contractors, as they already have a general duty to ensure the safety and health of their employees under the FIUO, the compliance costs incurred from the amendments will be minimal.

We propose that the Amendment Regulations come into effect immediately after enactment.

We consulted the Legislative Council Panel on Manpower and the Labour Advisory Board. They were supportive of the proposed amendments. I hope that Honourable Members would support my motion and pass the Amendment Regulations.

Madam President, I beg to move.

The Secretary for Economic Development and Labour moved the following motion:

"That -

- (a) the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) (Amendment) Regulation 2003;
- (b) the Factories and Industrial Undertakings (Suspended Working Platforms) (Amendment) Regulation 2003; and
- (c) the Factories and Industrial Undertakings (Loadshifting Machinery) (Amendment) Regulation 2003,

made by the Commissioner for Labour on 28 May 2003, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Economic Development and Labour be passed.

MS CYD HO (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee set up to study the proposed resolution under section 7 of the Factories and Industrial Undertakings Ordinance, I rise to speak on the motion moved by the Secretary for Economic Development and Labour.

In order to improve the overall safety performance on construction sites, it is proposed that the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulation, the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation and the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation be amended to hold the contractors and sub-contractors who have direct control over any construction work responsible for the various statutory duties in addition to the principal contractor.

As in the case of the Construction Sites (Safety) (Amendment) Regulation 2003, the Subcommittee has expressed concerns over whether the proposed amendments will impact on the responsibility of the principal contractors in terms of site safety and whether there will be any insurance implication on the relevant industries consequent to the amendments. In speaking on the motion on the Construction Sites (Safety) (Amendment) Regulation 2003 earlier, I have elaborated on members' concerns in this area. As such, I am not going to repeat them. Members have raised no questions on the provisions.

Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Economic Development and Labour, do you need to reply?

(The Secretary for Economic Development and Labour indicated that he did not wish to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Economic Development and Labour be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' MOTIONS

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

First motion: West Kowloon Cultural District development project.

WEST KOWLOON CULTURAL DISTRICT DEVELOPMENT PROJECT

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

Madam President, in future, our history textbooks may carry the following two records. Of course, the first record is normal: "In the 22nd year of the Emperor Dao Guang (that is, in 1842), the Nanking Treaty was signed between the Manchu Government and the British Government, in which Hong Kong was ceded to Britain." And in the short future, there may be a new episode in history: "In the seventh year of Chief Executive Chee-hwa (that is, in 2004), an agreement was signed between the Hong Kong Special Administrative Region and the super tycoons, in which 40 hectares of land in West Kowloon were ceded

for a period of 50 years. Subsequently, this piece of land may be called the leased territory of LI, or others may call it the leased territory of KWOK." Although this is still largely unknown, this situation may happen.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

Madam Deputy, the above description is, of course, merely speculation. However, I am afraid that if we do not call a halt today to the West Kowloon Cultural District development project being planned by the Government, this speculation may come true.

The Democratic Party thinks that the planning of the whole Cultural District development project has not gone through full discussion by the community. In the beginning, we also felt that there were problems. So for this reason, I have moved this motion in the hope that the deadline for submission of development proposals can be extended. However, during the meeting of the relevant Panel of the Legislative Council last week, to which people from different sectors were invited to voice their opinions, most of the groups held various opinions towards this Cultural District project. Therefore, we thought that even extending the deadline might not be able to address the existing "congenital" defects of the project. For example, if we do not shelve some of the contents requested in the proposals but only extend the deadline, it is questionable if there may still be some major changes. Thus, Mr Albert HO will move an amendment to my motion later, suggesting to "temporarily shelve" the project and to set up a statutory body tasked with the development of West Kowloon. Mr Albert HO will later on explain this request.

As regards the planning and cultural facilities of the Cultural District, we think that in the overall course of policy making by the Government, there are many irregularities that have to be rectified and debated.

For instance, the Government at present is upholding the canopy design of Norman FOSTER, determined to turn it into a new landmark of Hong Kong. Insofar as the concept of the original design is concerned, perhaps no one will hold any major query. However, when this design is implemented, we will have to be very cautious in handling this huge piece of structure. Experts or professional architects have told us that in order to implement this design,

whether in China or in foreign countries, it is necessary to go through the process of expert argumentation. Has that been done in Hong Kong? It seems that this process has not happened. What might have been done is to consult the opinions of a handful of people after the competition. Perhaps some people felt that it was quite good and this specific design was thus accepted. However, what about the argumentation by experts? There is no trace of this indeed. Experts have told us that the canopy would cover an area as vast as 20-odd hectares. Under the circumstances, it might block the entrance/exit of the Western Harbour Crossing or the ventilation ducts of the Airport Railway. Whether it will affect the air quality of that district adversely is also a necessary point of consideration. The height of the canopy is some 120 m, as tall as about 30-odd floors. The annual maintenance costs to be incurred may be astronomical. Some people from the cultural sector have told me about the Esplanade of Singapore, the structure which looks like two durians. I have been there and also found it quite interesting. However, the daily expenses for cleaning up the glass curtain walls are also very expensive. The Government told me that robots would be used to clean up the canopy. When I heard such a "cyber" answer, I did laugh for a while. Of course, I also hope that not only can these robots clean up the canopy then, but also replace our government officials in assuming the positions as accountable Secretaries. How nice it could be! Nevertheless, I feel sorry for the Government's explanation, because which it can think of such minor details, it is unable to explain clearly some major issues, unable to tell us why we have to do this. Everything is so unclear. Thus, if the Government should try to push through this project, I believe it will have a hard time trying to convince the public.

Apart from the design problem, the planning procedure has also been open to question. In July this year, in order to tie in with the Cultural District development, the Town Planning Board (TPB) announced an amendment of the South West Kowloon Outline Zoning Plan, under which a piece of land would be rezoned in one stroke from the previous coastal area to "Other Specified Uses" annotated "Arts, Cultural, Commercial and Entertainment Uses" without restrictions on height and floor development. The TPB was also prepared to relinquish its vetting power by clearly stating that in future, approval from the TPB would not be necessary in respect of amendments to details concerning residential, commercial building, hotel projects, and so on. In other words, no matter how the land is planned by the developer granted the right of development, the TPB will have no say. The Democratic Party can hardly agree with this approach of the TPB. It is because apart from giving unlimited powers to the developers, we also doubt whether this is in public interest.

In September this year, the Government sent out the Invitation for Proposals, inviting interested developers to make proposals on developing the Cultural District. The Government pointed out that 11 consortia have expressed interest of participation. Altogether 11 consortia have shown interest, it is delightful indeed. Nevertheless, looked closely, they have merely obtained the application forms, which does not incur any expenditure or cost. They may only want to take this opportunity to examine clearly the contents of the invitation. They will not lose anything by doing so. But if they really have to submit proposals or if they are interested in proceeding with the project, then it will be another issue. Besides, it is out of their control whether or not they will be chosen by the Government.

When we look at the details of the Invitation for Proposals, it appears that there are devils everywhere. The greatest problem with the invitation is excessively high threshold. A lot of stringent conditions have been listed, which include: For the multi-purpose properties owned by the developer, the construction fees calculated in money of the day should not be less than \$3 billion; the floor area of the office/retail developments managed should not be less than 250 000 sq m, while at least one of the properties has a floor area of not less than 100 000 sq m. Besides, the Invitation for Proposals has also stipulated that even the developers opt for a joint venture, members contributing 10% of the investment have to guarantee for other investors holding the other 90% of the stake. In other words, even in a project worth some \$20 billion, there are minor developers who only invest some \$2 billion. Once there are any problems with the project, they will have to shoulder a guarantee of more than \$20 billion. The threshold imposed by the Government is really too high and too harsh. Apart from two super property developers, who can actually meet the requirement? This is questionable indeed. If we say that the Government has not tailor-made this for the two super developers, that is, either LI or KWOK, who will believe otherwise?

Two weeks ago, when answering the question raised by Mr James TIEN, Chief Secretary for Administration Donald TSANG pointed out that it was necessary to implement this large-scale project as a single package because multiple tenders would involve very complicated documentation of land lease and it was a difficult task. It seems that the Government's philosophy of governance is indeed very weak. Whenever it meets a difficulty, it will not be willing to think but will pass it onto the consortia. In order to save some administrative troubles, 40 hectares of land is handed over a consortium which

can then monopolize the right of development. How can the public be convinced? How can people believe that the Government really has the ability to administer Hong Kong? Mr TSANG also told us that if there were multiple tenders, the cultural facilities would have to be scattered among different parts and the design of different facilities would not be compatible to each other. However, professional architects have told us that the Chief Secretary for Administration's remark is utterly layman. They said that even if there were separate developments, this would not give rise to major technical difficulties in the construction of an integrated canopy and closely tied cultural facilities. Therefore, they did not understand why the Government had to push through this project under a single package.

Madam Deputy, our greatest worry about the entire project is that in the playing field which is not level, the Government has allowed the emergence of a second super Cyberport in West Kowloon. Even now, the Government still says that the Cyberport is not a real estate project, refusing to acknowledge that it is a real estate project. The Government still maintains that it is not. However, as we can see, when the Residence Bel-Air was launched on the market, only lunatics would believe that it was not a real estate project. As stated in the Invitation for Proposals, the developer chosen could, in future, negotiate with the Government on the plot ratio of that lot, from 1.81 as specified in the Invitation for Proposals to an unlimited plot ratio. In other words, after being chosen, the developer can still say to the Government that the plot ratio of 1.81 is too low, that it has to be raised to 4.5. Otherwise, the project would not be viable and the cultural facilities cannot be properly accommodated. When everything is committed at that time, can the Government still say "no"? I think that it would be rather difficult. Even though a canopy is constructed in future, there may still be some skyscrapers of 40 to 50 storeys standing next to it, turning the area into another Tseung Kwan O, with the sense of space totally lost in the community.

In regard to the cultural facilities, it has long been specified in the Invitation for Proposals that a theatre complex, a performance venue which can accommodate 10 000 people, a cluster of four purpose-built museums, an art exhibition centre, a water amphitheatre and piazza areas will be built. What factors has the Government considered in deciding on these facilities? Has it openly and formally consulted the cultural sector or other related organizations? Has it conducted a survey on the cultural behaviour of consumers? Has it made a comparison on regional cultural facilities in order to study what kind of

facilities that Hong Kong needs? Has it conducted these surveys? Is the positioning of the cultural facilities focused on commercial cultural activities or are the minor cultural groups also allowed access to the venues? How are cultural facilities linked with local culture? For all of these questions, the Government has never specifically and clearly explained to the public. Besides, since the cultural facilities would be operated by a profit-oriented developer, we are very worried that it will only pay attention to highly commercial cultural activities, regardless of other minor or unpopular cultural activities. And in the end, the Cultural District will have no contribution to the development of local culture at all.

The existing planning of the Cultural District by the Government only emphasizes the hardware, but touches very lightly on the software. Assuming that the abovementioned cultural facilities can be implemented one after the other, do we have enough cultural professionals to take charge of operating and managing these facilities? Taking the museums as an example, some museum professionals have told us that about 60 museum professionals will be required by each museum. In other words, 240 professionals will be required for four museums. Will the Hong Kong Government do anything in education to tie in with this demand, so that there will be enough talents to work in the Cultural District? I am sorry that, so far, I am still unable to see any related arrangement. Maybe the Secretary has to tell us about it later.

Madam Deputy, the Cultural District project cannot be materialized simply by pointing with a finger. Having allocated the piece of land in West Kowloon, chosen the design by FOSTER and handed the project over to the developer for development, the Government hopes that the Cultural District will become a world-class design. This is not the way of dealing with arts. The project cannot be done simply because the Chief Executive has said so, nor should it be as Chief Secretary for Administration Donald TSANG said: If you are unwilling to support, the project will be withdrawn. Things cannot be done with such an approach. Senior officials' will cannot be forced downwards. One cannot say that these problems can be solved only with a few persons' efforts. The Government has to pool the cultural sector, property sector, professional groups and members of the public together for discussions. The project can be materialized only after a consensus has been reached and the details have been discussed. Otherwise, as in the present arrangement under which the project is handed over to a single developer for development at its own will, we cannot foresee what will happen then. Therefore, Madam Deputy, I

agree with the amendment proposed by Mr Albert HO, in requesting that the project be shelved temporarily so that various sectors will have more time for discussion while the Government can consider the future direction for arts development.

I so submit.

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

"That this Council urges the Government to comprehensively review the West Kowloon Cultural District development project, extend the deadline for submission of development proposals, and openly and thoroughly consult the cultural sector, professional bodies, the real estate sector, the Legislative Council, the public and relevant organizations, so as to formulate a development and operation plan that is open, fair and proper."

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

DEPUTY PRESIDENT (in Cantonese): Mr Albert HO and Mr MA Fung-kwok will move amendments to this motion respectively. Their amendments have been printed on the Agenda. The motion and the two amendments will now be debated together in a joint debate.

I now call upon Mr Albert HO to speak first, to be followed by Mr MA Fung-kwok; but no amendments are to be moved at this stage.

MR ALBERT HO (in Cantonese): Madam Deputy, the West Kowloon Cultural District involves the development of 40 hectares of waterfront land. This is at present the most valuable piece of waterfront land in Hong Kong, and its development potential should not be overlooked. We hold that the Government should definitely not use insufficient financial resources and technical difficulties as easy excuses to make a replica of the Cyberport by handing the planning and development of the whole piece of land under a single package to one or two consortia for monopolized operation.

I emphasize and warn here that if the Government still sticks to its own way, this is going to be another unforgivable fatal mistake of the TUNG Chee-hwa Government. The Democratic Party strongly demands that this project be temporarily shelved for six to 10 months. A specific decision should only be made after conducting a full and open consultation. The following are the four reasons supporting my proposal:

Firstly, this project covers a piece of land worth \$25 billion. The planning and development thereof will definitely involve a lot of long-term cultural and art development goals, and will also involve a lot of concrete planning. According to the Invitation for Proposals sent by the Government, one of the requirements is to construct a glass canopy designed by Norman FOSTER which may incur a construction fee of billions of dollars. As indicated by some experts, in addition to the various difficulties in architectural design, this large piece of art may also incur astronomical maintenance costs in the future.

Madam Deputy, Hong Kong today is facing a serious deficit problem. At present, the Government has said that it is not going to spend \$4.7 billion on building a headquarters at the Tamar site, and it also has to cut education and social welfare expenditures substantially. But it is telling us that it has to spend an enormous amount on building a glass canopy. Is it that easy for the Chief Executive or Chief Secretary for Administration Donald TSANG to make a directive behind closed doors, in determining the priorities? When such an enormous amount of social resources is involved and when a lot of other social projects have to be re-prioritized, should it be a little fairer to the Hong Kong people in allowing us to have more discussions? Facing the reduction of education funding, the non-construction of the government headquarters and the cut in social welfare expenditure, will you feel at ease with this decision made behind closed doors?

Madam Deputy, I do not seek to veto anything today, I just want more consultation. If the Government tells us that consultation is not necessary, as this glass canopy is designed by a world-renowned architect, is unique and will make a page history for Hong Kong, and thus reconsideration is not necessary, then my impression is that the Government — in fact, I should have said Mr TUNG Chee-hwa — is only fond of the glass canopy. This symbolizes his style that he only has high hopes and empty wishes, to the neglect of the actual social aspirations and people's grievances. I really do not understand how my colleagues can support this approach.

Secondly, the so-called tendering or invitation procedure that we have seen so far or the assessment method in the future is devoid of sufficient objective criteria. Even though the criteria are not totally objective, at least they should be demonstrated to us that they are fair or we can agree that they are relatively objective. To date, we cannot see even an outline planning blueprint. The main concept is only a glass canopy. It is true that we know how tall or big it is, and we also know what kind of museums will be built under it. However, frankly speaking, we have no idea how the numbers of museums and art galleries were arrived. A lot of people in the cultural sector also do not know how these figures were arrived. But now the Government tells us that it has sent the invitation for tenders. How is it going to make a decision in the future? Which design will be better than the others? We really do not know how the Government is going to compare a banana with an apple or an orange. The bigger problem is that, before tendering, a planning blueprint is nowhere to be seen. The planning blueprint should also include other planning restrictions generally imposed by the Town Planning Board. It is not right that we make these as the planning criteria only after a proposal is chosen. I have also said many times that it is just like shooting a football, that you only tell the footballers where the goal is after the shooting. This is an unfair rule which is difficult to accept. Besides, although in the interest of convenience there seems to be ample space for creation, the requirement on capital is rather high. The bidders are required to have experience on any large-scale construction project worth as much as \$3 billion, and have managed offices and commercial complex of an area not less than 2.5 million sq ft. We can clearly see that the participants with such qualifications are very few, and there can only be two to three such companies in Hong Kong. Is this fair competition? I agree with unitary planning. But is it necessary to opt for unitary development, with only one or two developers monopolizing the development?

Thirdly, Madam Deputy, a lot of people in the cultural sector have mentioned that so far the Government has not shown any interest in detailed discussion even on such basic issues as the cultural policy. The Culture and Heritage Commission has submitted a proposal to seek the Government's response. But up till now, no response has ever been made. Today, however, the Government has told us that we have to build a Cultural District. Even though this is a good project acceptable to us, how can the Government co-operate with those people in the cultural sector when some more specific cultural policies have yet to be determined? When the strategies on establishing good partnership are still lacking, why should we hastily launch the project to create

such expensive "hardware"? With such "hardware", will Hong Kong automatically become an Asian or even world-class cultural centre? With such "hardware", will a lot of talents be naturally nurtured?

Fourthly, the existing policy-making procedure is problematic. One point is that land is not regarded as money and thus it is not necessary to go through the Legislative Council and to undergo a more objective vetting procedure. We find this hardly acceptable. Mr Abraham SHEK has also raised some constitutional questions which we must address squarely. If this problem cannot be dealt with properly, we will absolutely not allow the Government to launch the project in haste.

Madam Deputy, during the six to 10 months when the project is shelved, apart from widely listening to various views, we hope that the Government can humbly learn from overseas experience. For example, in Daling Harbour of Australia, a Sydney Harbour Foreshore Authority has been set up to co-ordinate the development and management of a 400-hectare lot valued at more than 1.4 billion Australian Dollars. We reckon that this approach is very successful and worthy reference for us. Similarly, Canary Wharf of the United Kingdom can also provide a very good experience in development. In the course of its development, a statutory body was set up and very clear procedures were laid down. It could make full use of the experts from various sectors, including representatives of public opinions, who could also participate in the project. Hong Kong today especially needs to gather the experts from various sectors and to lay down open and transparent procedures, in order to decide how we are to develop this piece of land and how to make good use of our existing rather limited resources.

Madam Deputy, I hope that Honourable Members can support the original motion and the amendments today, in requesting the Government to conduct consultation afresh and to postpone the implementation of this project in the first place. Thank you.

MR MA FUNG-KWOK (in Cantonese): Madam Deputy, the West Kowloon Cultural District development project, apart from setting up a series of cultural facilities, should also shoulder a flagship role of promoting the cultural development of Hong Kong, the missions of enhancing the cultural position,

showing the wide vision of culture and tying in with the entire cultural policy. Thus, the whole development project should tie in with the cultural positioning and long-term cultural strategy of Hong Kong. If due consideration is not given to this, not only will the target and the positioning of the project become blurred, but the evaluation and assessment of the effectiveness of the project will also become difficult, if not impossible.

The Government of the Special Administrative Region (SAR) has now taken the winning design of FOSTER as the development blueprint and presented it as a single package in inviting proposals from developers. However, this winning work is only an architectural design instead of a development concept, which has thus aroused a lot of controversies. The Chief Secretary for Administration has pointed out that in planning this development project, there is bound to be a divergence of opinions. However, I would like to point out that the relationship between the development project and the long-term cultural policy and development is far more important than the exterior design of the structure. This is also a focus of concern to the cultural sector. The Culture and Heritage Commission (CHC) has pointed out that the first five winning works also comply with the design requirements and merit consideration.

The current mode of development is to hand the whole lot of 40 hectares to developers to make some proposals. However, what criteria will be adopted in the future to assess the merits of different proposals? The Government has been completely silent on that. What will be rated as "first class"? What will be rated as "second class"? The Chief Secretary for Administration said that the fairest and most reasonable way is for civil servants to be in charge of the selection, as they run the least risk of conflict of interest. I do not disagree with that. However, dare I ask how many civil servants have the "first class" cultural vision? Even if there are, what criteria will they adopt to make the assessment? What will be the direction of cultural development of Hong Kong in future? Is it a film museum or a visual media museum that we need? How are we going to arrange for "first class" programmes to fill the schedules of "first class" theatre complex and "first class" performance venues? Where will the millions of spectators annually come from? Does each performance need to be subsidized? Is it necessary to adopt the approach of the Harbour Fest? What is the relationship between creatives industries and this new project? In fact, I have lots of questions to raise and these questions must first be answered before we can move on to the specific stage of construction.

Indeed, the cultural sector has long been looking at the birth of the West Kowloon Cultural District as an unprecedented opportunity to implement the cultural policy and to improve the entire cultural ecology. And the cultural sector has also shown its strong support for this development project. During the past few years, the CHC has conducted two large-scale consultation exercises. Although the focus was not on the West Kowloon Cultural District, while the Government then had not yet formally introduced the project, the CHC had already proposed some important principles on the development of the West Kowloon Cultural District in the relevant consultations and the final report. The principles are that the planning of the cultural district should be people-oriented from the beginning to the end, founded on a partnership relationship and community-driven. It has also raised three points of concern: First, integration of different facilities within the community; second, integration with facilities outside the community; and third, cultural software should first be dealt with before developing the construction hardware. It is also considered that the Government has the responsibility to promote co-operation between the cultural sector and the business sector. These principles and concerns have gained general agreement in the cultural sector. But unfortunately, in the course of dealing with the entire West Kowloon Cultural District development project, the focus of the Government seems to have fallen on the construction of hardware, lacking a clear account of the direction of the operational development in future. This has given us the impression that the construction of hardware alone can upgrade the cultural level of Hong Kong, and it is worrying indeed.

Madam Deputy, to enhance the cultural standard of Hong Kong, the key lies in the contents of software. A glamorous shell alone cannot upgrade our cultural standard. Cultural work should begin with the fundamentals. Now, the Government has introduced this hardware-led proposal before responding to the development direction of the cultural policy of Hong Kong advocated by the CHC. I find that this is tantamount to putting the cart before the horse.

In regard to the future management and operation, the West Kowloon Cultural District is not simply a business. The Cultural District will become a focal point of art and culture in Hong Kong, shouldering the missions of promoting art and culture, strengthening the recognition of public identity, enhancing the quality of art and culture, and so on. Thus, the cultural vision, social responsibility, professional management level, the ability of sustainable development, and so on, of the organization responsible for its operation and management will directly affect the long-term development and reputation of

Hong Kong's culture. Simply injecting large amounts of capital or inviting international participation is not sufficient to guarantee quality contents and quality operation and management. Specifically after learning from the experience or lessons in relation to the outsourcing of management services of the Hong Kong Stadium and the Harbour Fest, the SAR Government should have gained a deeper understanding of the importance of professional operation and management.

In fact, I do not oppose to developers leading the development and operation of large-scale cultural projects. However, this is a new attempt in Hong Kong. It is very difficult to assess the operational management level of a developer in cultural projects according to its track record in developing commercial premises or other commercial projects. Therefore, should we run such a high risk in making it a single project to invite participation of developers? Besides, insofar as the different cultural hardware facilities in the district currently suggested are concerned, their operational conditions and requirements are different and require the participation, operation and management by many different professionals. Thus, the Government should study how a partnership relationship can be promoted between developers and the cultural sector, so that the cultural sector can participate in the planning and future operation of the facilities in the district. If the Government simply let the developers lead the way as in the present case, I believe the participation of the cultural sector may only become decorative, instead of being substantial, in the course competition among different proposals.

Since the Invitation for Proposals has already been sent out, what we can do now is to fight for some time to conduct further consultation as a remedy. Therefore, I support extending the period of invitation as the first step that should be taken. In future, the final decision should be made in accordance with the reaction of the community and of the various sectors.

The Government has emphasized on many occasions that the West Kowloon project is a cultural project. In that case, it should absorb the opinions of the cultural sector in areas like design, assessment procedures, specific implementation and even supervisory mechanism, instead of conducting some scattered and piecemeal consultation activities stressed by it. In considering the related project, the Government should at least reflect the various principles and concerns advanced by the CHC. Unfortunately, since the CHC submitted its

report in March, the Government has yet to give any response. Will everything related to the formulation of policy to develop the culture of Hong Kong disappear into obscurity with the end of term of the CHC? The approach adopted for the West Kowloon Cultural District development has set aside the views of the CHC in the interest of administrative convenience. This approach *per se* is disrespectful to the high-level advisory framework appointed by the Government. For this reason, in addition to supporting the original motion in extending the deadline for submission of proposals, I also seek to amend the motion by adding the various principles and concerns advocated by the CHC in relation to this project, which I hope the Government can seriously consider. I so submit. Thank you, Madam Deputy.

MR TIMOTHY FOK (in Cantonese): Madam Deputy, in his 1999 policy address, the Chief Executive of the Special Administrative Region, Mr TUNG Chee-hwa, pointed out that a cultural district of Broadway style would be built on the 40 hectares of reclaimed land in West Kowloon. It is certain that the project, if properly developed, will become the most important cultural landmark of Hong Kong. Not only can it attract foreign investors, but also raise Hong Kong's status as an international metropolis. However, since the mooted of the project, there have been a lot of controversies among the real estate sector and the cultural sector concerning this large-scale construction project. As a representative for the cultural sector, I would like to focus on the views of this sector.

First of all, Hong Kong is now at a turning point and in dire need of a breakthrough. The melting of Chinese and Western cultures has long been a feature peculiar to Hong Kong, and is also a spiritual pillar of Hong Kong as an international metropolis. In the past, Hong Kong has injected a large amount of resources in constructing some cultural facilities. Nevertheless, due to the concept of even distribution, these facilities are usually small in scale, of repeated design and scattered among different districts. Thus, they are unable to assemble into a charismatic whole, not to mention their characteristics and special features. Concerning the development project presently proposed by the Government, its imposition and creative style suffice to radiate throughout the Asian Region. More importantly, this development project can fully demonstrate the determination and resolve of the Government in developing local culture.

However, in implementing the West Kowloon Cultural District development project, the Government has so far focused on the hardware like venues and other facilities. In regard to the software contents of the project, such as the goal and direction of local cultural policy, stage progresses and the related policies and planning, specific contents are lacking. I reckon that this approach of building the venues first before talking about the mode of operation is not at all appropriate. Logically speaking, there should first be a goal and direction of the cultural policy, on which the development blueprint will be formulated. Then, the related government measures will be mapped out, the required facilities and other related resources planned and prepared, and finally, the project can be implemented.

Only in this way can we ensure that the facilities concerned can effectively promote the development of Hong Kong arts and culture, enhance the interest of Hong Kong people in arts and culture, nurture the knowledge of the public in the same, training talents and raising the special status of Hong Kong in the interchange of Chinese and Western cultures. Now that the planning concerned has already been put on the agenda, the first and foremost task is to open discussions with the local cultural sector immediately on the long-term cultural policy objective of Hong Kong, as well as related measures and plans so that the venues and facilities concerned can be put to appropriate use in future.

Many members of the cultural sector think that insofar as this matter is concerned, it is better be late than in haste. They request that the Government should postpone the project and conduct consultation systematically. For example, it can set up a consultative committee tasked to absorb the views of the cultural sector, instead of simply arranging a few consultation meetings to listen to the voices of the sector. I think that since the West Kowloon project is a cultural project, we should stick to the goal of cultural development. The negotiations between the Government and the developers on the financial aspect are definitely necessary, but conceptually and operationally, it is also necessary to fully assure the participation of the cultural sector. Therefore, it is suggested that the whole project should be conducted on the basis of a partnership signifying the interaction and co-operation among the cultural sector, the Government and the developers.

Madam Deputy, I am very glad that Chief Secretary for Administration Donald TSANG has given an assurance to build a world-class cultural district, instead of providing some second-class facilities. Therefore, I hope that the

Government can provide a master plan on the development project. Not only will it contain hardware like venues and facilities, but also the goal of the cultural policy, as well as software like the quality and quantity of the related cultural activities. The Government should consult the opinions of the sectors concerned and the general public, and lay down other associated arrangements accordingly, so that not only will the West Kowloon Cultural District possess a beautiful shell, but also rich cultural contents that can give Hong Kong a soaring status.

As West Kowloon is the last valuable site of Hong Kong, the Government should consider its mode of development very clearly. With new thinking and concepts embedded in the planning, the project should be conducted in a fair and impartial manner consistent with the interest of the whole society of Hong Kong.

MR ABRAHAM SHEK: Madam Deputy, the concept of creating a cultural hub in the West Kowloon reclamation area is a project which every citizen should support and be proud of, had it been carefully created. It could put Hong Kong on the world map as a cultural destination, and could further solidify our position as Asia's World City. The West Kowloon project would also provide work opportunities for a large army of unemployed construction workers. It will provide development opportunities for the developers, work for the job-hungry contractors, as well as facilities for the arts and cultural groups and performing venues for these professionals. However, the Government's proposed method for implementing this project is drawing criticism from many sectors. Developers, architects, engineers, surveyors and other professionals have expressed discontent. There is dissatisfaction among the arts and cultural groups.

Why should a government's project like this — with all its good intentions for the public — draw such harsh reactions? The answer is obvious, and has been explained and heard in this Chamber and outside, of which I would not elaborate further.

Here, I stand to salute the Chief Secretary's strong commitment in canvassing support and his unfailing effort to push for the implementation of this project, despite public criticisms (be they constructive or otherwise). I praise Mr TSANG's obedience and loyalty in administering government's policies, be

they right or wrong, and this reflects his sterling character as a respected former civil servant and now a chief principal officer. One good thing coming out of this project so far is that it reveals Hong Kong still has excellent administrators to effectively carry out policies amidst hardship and criticisms. Further, they could have been even better had they listened to those criticisms. Had I not been a representative for the property development and construction industry myself, I would have been easily swayed and persuaded by Mr TSANG's eloquent arguments and reasoning for implementing this project. But unfortunately, his arguments this time lack his usual logic and objectiveness.

The Government feels that in view of the present deficit position in Hong Kong, the best way to implement this plan is through privatization under a single developer. With this supposedly innovative concept, the Government then will not have to pay for this mega project, nor would it need to treat this as a public works project requiring the Legislative Council's funding approval. Yes, it is true that it can bypass the Legislative Council's scrutiny of how public funds are being spent. It is also true that it needs not draw on our reserves to build this project. But such a way of thinking is a fallacy. We may not have to pay a dollar from our public reserves, but we have to pay a large price in terms of land asset to fund this project.

Mr TSANG, this is not a new concept as related to this Council yesterday. This idea of using land to fund public works programmes is a firmly embedded principle of the past and present governments. The Mass Transit Railway, the Kowloon-Canton Railway Corporation, the Urban Renewal Authority, the Housing Authority, Disneyland, and so on, are part and parcel of this doctrine. It is nothing new. In those projects, the public was well aware that we were funding public facilities through land. They were advised, consulted and subsequently agreed by the Legislative Council through the enactment of various ordinances. In this particular case, the traditional method has been an exception rather than a norm. We were only advised of the plan when the bidding documents were released. An explanation is called for because we are using our children's and grandchildren's land to fund the project, and the public has a right to know the details.

When using land as a subsidy, the Government has a responsibility to fetch the best price possible for the land. The best competitive price is the market value. However, under the Government's present proposal, as stated in the bidding documents, it excludes all developers who have not participated in a

single project that exceeds \$3 billion in construction costs. Ask yourself how many developers in Hong Kong then are qualified to make this bid? I can tell you not more than three or four. A \$3 billion construction project is very large and significant even by international standard. You said in your answer that there are 11 parties who have expressed interests. I would like you to reply, and would like to ask you to please check how many of them are qualified under your present guidelines.

The fact is that, the bidding process for this project will be restricted to only a selected few. What happens if the selected few parties form an alliance? Such collusion would have a significant effect on the price of land. Do not tell me this would not happen, and if it did, you would abandon the scheme. Why is it that the Government could not come up with a better plan to separate the cultural hub from the sale of land to fund the arts facilities in the first place?

In addition, the Government should also introduce another exclusion clause to discourage small to medium-sized developers from joining with big ones by requiring a joint and several guarantee. This will make it impossible for any genuine joint venture to be established. I would like to hear the Government's reply to the idea of introducing these two exclusion clauses, and the effect they might have on the property value of these pieces of precious public land which ultimately belong to the people of Hong Kong. The Government has, time and again, declared that this is not a real estate project. I now call upon the Government to come clean and tell the world that this is in fact a real estate project for the purpose of creating a cultural and entertainment hub for the public. There is nothing to be ashamed of.

With a 42-hectare site at a plot ratio likely to be 3.5, creating up to 14 million sq ft of property development, how can this not be a real estate development project? The cultural and entertainment facilities will likely take up about 3 million sq ft, and the rest of the land will likely be dedicated to residential, commercial and hotel development. Let us not lie to ourselves or to the public that this is a cultural project and not a real estate one.

The Government had advised this Council that because they are inexperienced in handling such a mega project, there is the likelihood of having legal and technical complications. Furthermore, they do not have a master blueprint, therefore, the best way to proceed is to leave it to the private sector and engage only one single developer to implement the project. Such thinking

is also faulty and it belittles the talents readily available within the Civil Service. We have created many renowned new towns which are now the pride of Hong Kong. To say that the Government could not produce a master blueprint for this area is laughable — I would say it is more a lack of will than a lack of talents!

If the Government is genuinely and truly sincere in creating a cultural and arts hub in West Kowloon, they should draw up a master plan or a development blueprint with the arts and cultural facilities that include areas for

DEPUTY PRESIDENT (in Cantonese): Mr SHEK, please stop speaking.

MR LEUNG FU-WAH (in Cantonese): Madam Deputy, I do not think that there can be any objective and scientific standards that can enable us to assess the quality of any culture and to determine the relative desirability of the "single package" and "multiple package" approaches. There can be no definite answer to the question of who is correct and who is wrong. But I maintain that practice is the best way to ascertain the truth.

From the standpoint of the labour sector, I naturally hope that the Government can launch the project as soon as possible, because the sooner the project is implemented, the sooner local construction workers will find more job opportunities. When workers have jobs, the unemployment rate will certainly drop; when workers have more money in their pockets, their consumption desire will certainly increase, ultimately helping to boost domestic consumption and in turn the overall economic development of Hong Kong.

We support the West Kowloon Cultural District development project introduced by the Government. The implementation of this project will not only upgrade Hong Kong's cultural status in the world, but also create a huge variety of jobs. While the construction and cultural industries will benefit directly, many other industries, such as the tourism, catering, hotel and even retail industries will also be benefited. Therefore, from the perspective of employment, I object to the suspension of the West Kowloon Cultural District development project.

This explains why I will oppose the amendment of Mr Albert HO today, which requests the suspension of the West Kowloon Cultural District

development project. Even if the Government does not advance the implementation of the project, I hope that it will not suspend it either. After all, we do not know how long the suspension will be, and there is no common view on this in society. Different stakeholders may seek to define suspension differently. Therefore, I fear that once the Government decides to suspend the project, albeit for just a very short time, the whole project may well end up being shelved indefinitely due to the repeated delays caused by one factor or another. This is definitely the last thing I wish to see.

What is more, at this stage, the Government has not yet finalized anything under the West Kowloon Cultural District development project, and it has only set the deadline for proposal submissions from developers in March next year. As for whether the Government will entertain the request of some for a deferment of the deadline, nothing has yet been decided. The Government is still holding discussions with the various sectors in society on the project. Although some sparks have flown between the Government and the various sectors in the process, discussions on the project have been going on without any interruption. That being the case, in the time to come, the Government and the various sectors can well continue their discussions. As long as everybody wishes to make the project a success, all problems can be solved eventually. But, certainly, it all depends on the continued progress of the project. Therefore, the Government must not suspend the project, lest it may be halted indefinitely, much to the disadvantage of Hong Kong as a whole. Should this happen, we will become another laughing stock in the international community, being "Hong Kong people talking to Hong Kong". Madam Deputy, I am sure you should know I am not referring to "Hong Kong people ruling Hong Kong" but to "Hong Kong people talking to Hong Kong".

Madam Deputy, I wish to reiterate that I oppose the suspension of the West Kowloon Cultural District development project. I so submit.

MS EMILY LAU (in Cantonese): Madam Deputy, I rise to speak in support of Mr WONG Sing-chi's motion and the respective amendments of Mr Albert HO and Mr MA Fung-kwok.

Madam Deputy, on the 12th of this month, when the Chief Secretary for Administration replied to Mr James TIEN's question, he mentioned the glass

pyramid at the Louvre in Paris, the Sydney Opera House and the Guggenheim Museum in Bilbao, Spain, describing them all as world-famous landmarks highly attractive to locals and foreigners as well as immensely useful to local tourism, and so on. I often like to look at the Victoria Harbour (the Harbour), and I very much hope that we can also have our own beautiful landmarks. Madam Deputy, as you also know, our Cultural Centre has been criticized so severely. Why has such an ugly building been constructed in this nicest place of the world? Well, then, it was designed by civil servants. I have always thought that we should really construct some beautiful buildings on the two sides of the Harbour, and I will support the idea even if this means spending more money. That was why when FOSTER's design took the first prize, I immediately said that it was beautiful. But now, the more I look at the design, the more worried I am, Madam Deputy, because the photograph provided by him is a bird's eye view of the whole structure. Honestly, just how many people will look at the structure from high above, on board a flying plane? The design can be called truly beautiful only when it also appeals to people on boat rides in the Harbour, as in the case of the Sydney Opera House. But will the structure be equally appealing in that case?

Yesterday, a number of organizations from the arts sector came to this Council and told us that the design had not been mentioned in any publications the world over. According to them, this is a prize-winning design, and if it is really going to be adopted for construction, if it is really beautiful, then there should have been some descriptions of it in the literature and publications of the sector. But no one has ever mentioned it. And, instead, some have talked about the music house/opera theatre in Los Angeles. No one has ever talked about this design, however. I do agree with the Chief Secretary for Administration that aesthetic appeal is a highly contentious matter, because standards will vary from person to person.

But the point is that what we are discussing now is not simply a question of aesthetic appeal. We have actually held two joint meetings, one on the 18th of this month and the other on the 25th, and I do not know how much consultation was conducted by the authorities before these two meetings. But according to those Members who have spoken before me, there did not seem to be too much anyway. Yesterday, the Chief Secretary for Administration said in a fit of anger that the matter had been discussed for a very long time already. Just since when have all the discussions started? October 1998.

The Chief Executive announced in his policy address at that time that a new performance venue equipped with advanced facilities would be constructed in the West Kowloon reclamation area. A year then passed, and in October 1999, it was again announced that an open competition on the design of a major performance venue would be conducted. It was October 1999. A month later, the Executive Council issued an order, announcing that the land use of the West Kowloon reclamation area would be reviewed, and that the area would be developed into a world-class integrated arts and cultural district. Madam Deputy, money was again wasted in the process because some road construction and infrastructure projects already approved by the Finance Committee had to be cancelled. So, the matter in fact had been taking twists and turns all the time. That was the situation in 1999. Then in April 2001, a design concept competition was launched; in February 2002, it was announced that FOSTER's design had won the first prize. And, in September 2002, the setting up of a project steering committee headed by the Chief Secretary for Administration was announced. In September this year, an Invitation for Proposals was announced, with the deadline for submission scheduled on 19 March next year.

Madam Deputy, in the process, the relevant panels of this Council, especially the one chaired by Dr TANG Siu-tong did hold one or two meetings on the matter. I admit that with the exception of Mr Albert CHAN, who demonstrated such foresight, no one had ever raised any opinions at all. At that time, we knew only that there would be some proposed designs, and so on. In a way, we should be blamed, for we could have raised objection a bit earlier. But when the Invitation for Proposals was issued, all were taken aback. Many Members turned up for the two meetings on the 18th and 25th — some sat in the Public Gallery above and some down here in this Chamber. All said that they had been given no chance to air their views. Mr Albert HO, for example, asked how many music halls and galleries there would be. There were also queries about the basis of all those figures. So, everybody voiced disagreement. Mr MA Fung-kuo, however, put forward a very good idea, that the Culture and Heritage Commission be tasked to give high-level advice to the Government.

But now, three years since the very beginning, now came this bombshell and everything is settled. Some people have told me that the Government has never said anything, and they were just invited to a meal, over which they were told, "Thank you so much, but your advice is no longer required now." These people feel that they have not been given any respect at all, nor do they find their

recommendations included in the report or adopted for implementation. So, when all these organizations came before us in the Legislative Council, some dismissed the construction as a mere solid cover; others said that it was just like a toad; still some others said that they did not know what would be constructed, for there seemed to be no facilities at all inside the structure, and so on. The Culture and Heritage Commission recommended a sort of "partnership" between the software and the hardware. But now, such a "partnership" is nowhere in sight; and there are only a "toad" and a "solid cover". There is a big question mark over what should be constructed inside.

Madam Deputy, I also wish to say a few words on the question of money. I am a member of the Public Accounts Committee, and I hate to see the Government bypassing the Legislative Council in doing things. The Chief Secretary for Administration may still remember that back in 1996, when the then Director of Audit mentioned the provision of extra office space and another VIP room for airlines in the Kai Tak Airport, we said that we supported the Director's view that such a provision had bypassed the Legislative Council. The Government then admitted that the provision did represent a technical violation of the Public Finance Ordinance, and made an undertaking to uphold the legislature's control over public finance and the principle of public accountability. It went on to say that for this reason, before the works concerned started, it would definitely obtain the approval of the Finance Committee. But now, it is said that this is not a capital works project, and Madam Deputy, with such a simple remark, they have thrown away all the rules of the game. The lot is worth some \$4 billion and measures 40 hectares, and the project with a worth of some \$20 billion

MR YEUNG YIU-CHUNG (IN Cantonese): Madam Deputy, I am so delighted to see that the Hong Kong Special Administrative Region is going to allocate its last valuable lot to the cultural sector for the development of an arts and cultural centre. The Government is certainly well-intentioned in its endeavour to create a world-class cultural district in Hong Kong as a means of boosting local cultural activities or turning the place into an events capital. However, as far as the West Kowloon project is concerned, the Government has failed to sort out the direction of its cultural policy clearly and give a sharper focus to the whole project. And, the contents and terms of the Invitation for Proposals have also led to widespread arguments in society. The Democratic Alliance for Betterment of Hong Kong (DAB) maintains that given the scale of the West

Kowloon project and its far-reaching impact, the Government should consider the idea of extending the deadline for proposal submission. All areas of doubts relating, for example, to the positioning of the project, the role of the Government and also the particulars of planning should be reviewed thoroughly.

The entire cultural sector has been cherishing high hopes in regard to the Government's endeavour to turn the West Kowloon site into an international cultural and arts centre. The sector hopes that the West Kowloon Cultural District can become a talents training ground which can boost our cultural development. Unfortunately, following the issue of the Government's Invitation for Proposals, we cannot help fearing that the project may well become another property development project, or just another tourism promotion scheme. The Invitation for Proposals has not set out any detailed cultural policy as guidance for the proponents, much to the worry of the cultural sector. It seems that the Government has failed to make clear the theme of the West Kowloon Cultural District and the types of investments required. Is it basically a project on promoting and developing local arts and culture, on upgrading and enriching our cultural ingredients, with the aim of attracting people from other places of the world? Or, is it intended to turn Hong Kong into an events capital, where foreign cultures and arts are imported and promoted, and where large itinerant exhibitions and performances are held to attract inbound tourists? Is it going to be a project with a single cultural theme? Or, is there any blueprint on more than one cultural level? Is the project a promotion of high culture, a project on opera houses, for example? Or, is it also going to accommodate common culture, the sub-cultures of the streets? All these questions are extremely important to the cultural sector. If investments are made in cultural ingredients, we may nurture the intangible asset of quality cultural life. If investments are made in show businesses, we may reap monetary benefits. If the Government does not set down any clear policy guidance, how can developers draw up any reasonable planning? This is such a huge project which is supposed to help upgrade the cultural quality of our future generations, so if the Government does not work out a clear positioning for it before giving the developers a free hand in project co-ordination, planning, design and even operation, in brief, a free hand in the provision of a one-stop service, we really doubt whether the cultural trends and situation as perceived by the purely commercial organizations concerned can really enable them to cater for the demands and expectations of the cultural sector. Will the future West Kowloon Cultural District become "neither fish nor fowl", so to speak?

Madam Deputy, precisely because a cultural policy is the soul of cultural promotion, we maintain that in proceeding with the West Kowloon project, the Government should first draw up an integrated cultural policy. There can be a development direction, support and assessment criteria only when there is a cultural policy. However, studies on this will inevitably require more dialogues and more time. There is less than half a year to go before the deadline for proposal submission, so there will not be sufficient time for thorough discussions. Therefore, it is extremely necessary to extend the deadline, so that open and detailed consultation of the cultural sector and professional bodies can be conducted.

Another incomprehensible aspect of the West Kowloon project is that in the so-called "international cultural and arts centre", commercial and residential developments will actually occupy an area two times bigger than that for cultural facilities. This is really a wrong emphasis, really hard to understand. This also leads people to doubt whether the Government's real intention is to launch a luxury housing development in the name of constructing a cultural district. We maintain that since the West Kowloon project is classified as a cultural project instead of a property development project, the Government will need to make more reasonable arrangements in terms of land use planning, so as to develop the cultural vision of Hong Kong.

With these remarks, I support the motion.

MR JAMES TIEN (in Cantonese): Madam Deputy, we are of the view that this 40-hectare lot in West Kowloon is actually the only sizeable piece of land that can be used for housing construction since the enactment of the Protection of the Harbour Ordinance. Therefore, suppose it is the genuine intention of the Government to do good to our future generations, to the future of Hong Kong, it can be said that the lot has been put to a good use. We also think that the Government should do so. But still, is there any need for all this haste?

I of course take the Government's point that the land has been formed for eight to nine years, and that there are now weeds all over it. However, we still find land prices rather low now, so we do not think that the property development part of the project will bring any substantial revenue to the Treasury. What are the justifications for all this haste now? I understand from my friends in the cultural sector that the supply of cultural facilities in Hong

Kong is actually sufficient for the time being. It is simply not true that venues are all fully booked every evening and many events and programmes cannot be held due to a venue shortage. Therefore, I think it will do us good if the Government can consider this proposal in detail.

As for what the cultural sector should do, since Mr Timothy FOK and Mr MA Fung-kwok, the representatives of the sector, have offered plenty of advice, I shall not say anything further. We have instead noticed that the proposal of the Government covers several cultural facilities and also a canopy covering 26 hectares. The Liberal Party is a bit worried about this proposal. In terms of design, as also pointed out by Ms Emily LAU, the canopy will certainly look grand and magnificent from the sky. But if one looks at it from the sides, how many pillars will one see? So, whether the proposal is practical and how feasible it is should warrant further studies.

Admittedly, we definitely have the means to construct the canopy if we are talking about just several billion dollars — from \$1 billion to \$4 billion, maybe. But still, we should think about the question of maintenance. As pointed out by some Members, in other countries, people have also asked questions on maintenance costs. The other day, here in this Chamber, two architects, when offering their advice, asked what would happen if a building under the canopy caught fire and the flames rose all the way up to the latter. In that case, I think even if the canopy is not burnt down, there is still the question of how to clean up its charred surface afterwards. No one seems to have thought about this question. I suppose the question to be asked here should be: Should such a canopy be constructed in the very first place? How much should be spent on its construction — \$1 billion or \$4 billion? Suppose serious problems emerge after its construction, should we pull it down? Because of all these questions, I hope the Government can reconsider whether such a magnificent canopy should ever be constructed.

Truly, the Government has already indicated that it is unable to construct the canopy, and it intends to let the commercial sector do it under a "single package" tender. Mr Albert HO recommends the Government to establish a statutory body responsible for co-ordinating and implementing the project. This is similar to the Airport Authority (AA) in concept. The Liberal Party thinks that the recommendation merits positive consideration. The Government itself may be unable to undertake the construction required under this project, but is it possible for it to consider the establishment of a West Kowloon Development

Board similar to the AA, also with a Chairman and membership comprising representatives of the cultural sector, property developers and architects?

Since the Government has decided to adopt the "single package" model, many developers say that they want to give their views. I have talked to some of them, and they say that they have received an Invitation for Proposals. They are interested, and they may take part in bidding next year. I have also asked them why they cannot submit a tender now, and their reply is that under the existing tender policy of the Government, anyone may comply with all the requirements of the tender and first construct several cultural complexes and the canopy; then other facilities can be constructed entirely as required by the Government: various shopping arcades measuring 7 million sq ft in total and hotels cum offices measuring 3 million sq ft to 4 million sq ft. In other words, even with a plot ratio of 1:8, buildings measuring totally more than 10 million sq ft in floor area can be constructed.

There is, however, another story. Anyone who wants to ignore all these requirements completely may still submit a tender, called a non-confirming bid, where a developer is free to make any proposals. In other words, some developers may also submit a tender; they will not need to construct any shopping arcades. Once they have constructed all the facilities required by the Government, they can construct housing units measuring 10 million sq ft in total. The rest will have to depend on their subsequent negotiations with the Government. If such a tender system is adopted, some developers may take part in the bidding, and the Government may receive five to six tenders. Actually, if the overall idea of the Government must be followed, that is, if shopping arcades must be constructed together with hotels, I guess there will at most be two to three tenders only. In that case, the Government will have to spend a couple of years negotiating with them. And, if it negotiates with one or two single developers only, many other developers will become worried.

The Chief Secretary for Administration will certainly not be worried. But there are so many government departments, and they all have the autonomy of conducting negotiations with developers on their own. These government departments can exercise flexibility on all matters ranging from the types of buildings to be constructed to their respective heights; even the plot ratio can be flexibly increased from 1:8 to 3:5. But I must say many problems may arise in the process. The Chief Secretary for Administration has said that the Independent Commission Against Corruption will be invited to step in right at the beginning of the tender process. But this is not the best solution.

Madam Deputy, the Liberal Party knows that on top of the proposals in the original motion, Mr Albert HO has added one on suspension in his amendment. The Chief Secretary for Administration has also mentioned this to me. Although we do not have a very great demand for cultural facilities now, it is nonetheless not so desirable to suspend the project abruptly, because in that case, it may well be held up for five to 10 years. We in the Liberal Party also maintain that it is wrong to suspend the project for five to 10 years. However, the suspension mentioned by Mr Albert HO is just temporary. I heard him say clearly just now that he was just talking about a temporary suspension of six to 10 months. Since there are so many arguments now, I think it may be good if we can shelve the project for six to 10 months. The Government may then be requested to hand over the lot to a development authority which may, in turn, allow one company to use this invaluable lot as a means of gathering the \$12 billion to \$14 billion, as mentioned by Members, for the construction of five cultural complexes, including the canopy. The rest of the land may be auctioned. That way, the Government's overall revenue from this project may very well exceed the amount which is possible under the current proposal.

Therefore, the Liberal Party will support Mr Albert HO's proposal on a temporary suspension. But it hopes that the suspension will last only six to 10 months. Recently, Legislative Council Members have voiced many views, views about the shelving of the construction of a new Legislative Council Complex. The plan has been shelved year after year, for several years already amidst talks of a temporary suspension. So, even if the West Kowloon project is to be suspended for six to 10 months, I do not think that it will suffer any substantial hindrance anyway. Thank you, Madam Deputy.

MR ALBERT CHAN (in Cantonese): Madam Deputy, everybody has his own dream. Over the years, people have been criticizing the metro development and town planning of Hong Kong. I have been criticizing the harbour development of Hong Kong for some years, too. In particular, the glamour of the Pearl of the Orient has been overshadowed by the lack of landmarks and distinctive features in the overall metropolitan imposition. Sir Norman FOSTER's design stirred up my mixed emotions when his canopy blueprint hit the sky. At last, the dream I have been dreaming for so many years is about to come true.

I feel that the West Kowloon development project would lead Hong Kong to a new era and make Hong Kong a real international metropolis. However,

the problem-ridden West Kowloon project would probably make my dream become a mirage, while Mr Albert HO's amendment would further shatter it.

Recently, the Government has announced a series of cancellation or deferral of a number of infrastructure plans; some are devastated by legislators single-handedly — such as the Government's decision to postpone the Route 10 and Sha Tin to Central Link projects, cancel the construction of the new government headquarters and stop producing Home Ownership Scheme (HOS) flats. Thus construction projects valued at tens of billions of dollars have been caused to abort. The current economy is already very gloomy, the cancellation of a series of projects, or deferral and cancellation of this West Kowloon project would add to the woes of Hong Kong economy which is already miserable enough, and this may even throw Hong Kong economy into a bitter winter. For that reason, I consider there is a problem.

In the past, I used to criticize the defect-ridden nature of the West Kowloon project, and I had been strongly criticizing the Government in particular about the idea of a cultural centre. Last time in July, I said that I would do all I could to oppose the entire West Kowloon project had the Government not amended the cultural centre part of the West Kowloon project. That is, if the operation and management of this part of the project were to be handed to the developer, I would oppose the entire West Kowloon project with all my strength on a full scale. Nevertheless, the Government changed its stance and stated that it would verify the developer's cultural and recreational development proposal and further consult the developer and relevant consortium before making any decision.

I remember that more than a decade ago, the economy of Hong Kong was quite gloomy after 4 June and there was unrest in the public confidence in Hong Kong politics. All of a sudden, the Government announced a \$160 billion rose garden project. At that time, many people expressed various concerns, and despite all odds, it proved that the rose garden project had salvaged Hong Kong economy and restored confidence. I believe the prevailing political confidence is worse than it was in 4 June in 1989, because the catastrophes caused by TUNG Chee-hwa are far worse than 4 June.

Since Hong Kong is facing a high unemployment rate and a political crisis, I think we should take some emergency measures to deal with the crisis, and we should adopt extraordinary measures to deal with problems arisen at this extraordinary time. For many years, I have strongly opposed collusion between

the business sector and the Government and the market being monopolized by some consortiums. But how should the entire West Kowloon project be proceeded with? Could there be any way other than the single tender approach? If Mr Albert HO's proposal is adopted and the entire project be overseen by an authority, could my dream be materialized the day I kick the bucket? What is the financial implication to Hong Kong? I think all of these questions warrant our consideration and contemplation.

Furthermore, in recent months, many organizations and people from various sectors have been discussing the matter over and over again with the Government. Many Honourable colleagues said that since the Government had not carried out any consultation as far as the entire project was concerned, legislators should assume certain responsibilities, because legislators had raised no objection to the plan when it was tabled to the relevant panel; consequently, the Government started to work on the plan by September as there was no objection after it had consulted the Legislative Council. I think we should reflect on ourselves and determine whether we have done all the necessary work before criticizing others. In a sense, making criticisms after the event could be positive and one may even turn back. However, as the tender exercise has been initiated, to what extent will the international reputation of Hong Kong be affected if the project is shelved? This time around, not only Hong Kong consortiums are invited to submit tenders, international consortiums are likely to submit tenders too. It seems that I am speaking for Chief Secretary for Administration Donald TSANG. As far as this topic is concerned, I think we should look at the series of developments and the relevant sequelae. In the meantime, we should also examine whether the decision to entertain the request to shelve the project is a must. In addition, as we are facing a number of criticisms and views, will the Government reach a point of no return if it keeps the project going? It is because all of the 11 tenders are just intentions and concepts, so changes may take place in the course of development. If the Government is willing to extend the closing date of the tender invitation period and give some leeway so as to allow the cultural and business sectors to give more opinions, thereby demonstrating that the Government is willing to accept views from various sectors, that the consequence or result eventually would be in public interest, cost-effective and consistent with the views of the cultural sector and everybody, why should we not give them a chance to deal with these dissimilarities through the tender exercise? Why should we not give Hong Kong and the public a chance? Whether it will give the Government a chance is another question. However, I think that this project will give Hong Kong a chance, and it will also give me a chance to realize my dream.

Undoubtedly, Members have been criticizing that the entire West Kowloon project is problem-ridden, I consider their comments appropriate and accurate. However, could these questions and criticisms not be reconciled in the course of tender examination and negotiations? I do not think they could not be solved. I think that as the economy is in the doldrums, Hong Kong would head towards poverty in a speedy manner if there is no stimulation by a large-scale development project. I hope Members can give Hong Kong people and Hong Kong a chance!

MR HOWARD YOUNG (in Cantonese): Madam Deputy, cultural tourism, whether connected with modern culture or cultural relics, has become a major form of tourism in the world now. The use of cultural spots as a means of promoting tourism has also emerged as a new global trend in recent years.

In its proposals regarding the policy address last year, the Liberal Party also advocated the enhancement of Hong Kong's tourism infrastructure, and special reference was made to the West Kowloon Cultural District as a component of cultural tourism. Our advocacy was based on the observation that practically all major cultural events in the rest of the world must depend on the patronage of inbound tourists, and that locals alone cannot possibly render enough support. Sydney in Australia, Broadway in New York and even the cultural zone of London are all heavily reliant on the patronage of inbound tourists. Therefore, it can be said that the development of cultural facilities can at the same time support the tourism industry, resulting in a kind of complementary interaction.

As a representative of the tourism industry, I naturally long for the early completion of the West Kowloon Cultural District because it may become a very significant landmark of Hong Kong in future. Landmarks are extremely important to Hong Kong, and we need some man-made landmarks similar to the Golden Gate Bridge in San Francisco and the Statue of Liberty in the United States. In Sydney, Australia, the Opera House has become a cultural landmark.

Besides, the Liberal Party also agrees that the software construction of the Cultural District, that is, the performances there, should not be ignored and must be attached importance equal to that of the hardware facilities. That is why the Liberal Party agrees that the Government should attach importance to software

construction. The reason is that it is most important to decide what types of arts performances can increase the appeal and foster the true development of the project, thus making it truly attractive both in appearance and essence.

Madam Deputy, the Chief Secretary for Administration once said that despite all the controversies before its completion, the Guggenheim Museum in Bilbao, Spain, has nonetheless become a sort of immortal cultural landmark. Yes, the Guggenheim Museum in Spain has indeed transformed Bilbao from a declining city into a famous spot of cultural tourism which attracts 1.2 million visitors a year. But the success of Bilbao is largely attributable to the American brand name of "Guggenheim", and also to the corporate management emphasis on economic efficiency. And, it is far smaller in scale and far less complex than our Cultural District in terms of construction.

Should Hong Kong also identify a similar brand name as "Guggenheim" for its West Kowloon Cultural District? How and where can we find a similar brand name manager to ensure that the management and operation of our huge Cultural District can meet world-class standards? How should hardware facilities match software facilities? I think all these questions are interrelated and should be discussed in detail.

In Singapore, for example, the Esplanade: Theatres on the Bay costing HK\$2.7 billion was opened last year. One year of operation has already incurred a loss of some HK\$10 million. It is surrounded by shopping arcades, high-class hotels and restaurants measuring 8 000 sq m in total area, very much similar to the proposed West Kowloon Cultural District, but tourists say that the cultural activities there are not attractive enough. Some even refer mockingly to the cultural centre as a "Durian Big White Elephant" (for it is shaped like a durian).

In Hong Kong, the development of the West Kowloon Cultural District will cost as much as \$24 billion, which is almost nine times the investment in the case of Singapore, and the total land area in question here is also six to seven times larger. We can thus easily imagine that Hong Kong will have to shoulder a very heavy burden. What is more, no cultural development direction has yet been determined for the West Kowloon Cultural District. There is just a veneer of hardware facilities. It is not unreasonable for society as a whole to fear that the project may become a white elephant.

I have cited the examples not to stifle the West Kowloon Cultural District project. Our Party Chairman, Mr James TIEN, has explained that by "temporary suspension", we actually mean that we should consider the idea carefully for several months more before moving ahead. The Liberal Party actually hopes that the authorities can act prudently and make good preparations, so as to construct some really good cultural facilities for the people of Hong Kong while promoting Hong Kong's cultural tourism, developing the Cultural District into a world-famous tourist spot and turning the last new lot in Hong Kong into an internationally renowned landmark.

Madam Deputy, I so submit.

MS AUDREY EU (in Cantonese): Madam Deputy, we are indeed facing a dilemma today as we have to make our voting decision on the motion and the amendments. This is because, insofar as the West Kowloon project is concerned, the views I have heard so far are all for. People are in support of the objectives of the project. In fact, everyone hopes to see the expeditious implementation of the project. However, we also have to pass a motion to temporarily shelve the project, or even as suggested by Mr LEUNG Fu-wah, we may have to abort the project. Or even like Mr Albert CHAN has just said, it may tarnish the reputation of Hong Kong. Therefore, the temporary shelving of the project, as proposed by the motion, is actually not what we want to see to happen. This is especially so for Mr Albert CHAN just said that he had a dream. However, I also worry that if we do not shelve the project, and let him continue dreaming, his dream may eventually become a nightmare. The Legislative Council has recently held a hearing. People from different sectors of the community, such as the real estate sector, the cultural sector, especially the professional sectors, have come here to tell us that, if the project should go ahead in the manner as stipulated in the original tender, it will encounter a lot of material problems. It is not like what Mr Albert CHAN has said, that all we have to do is to conduct discussions in the tendering process and then all the problems could be solved.

Today, I have read an article in the *Hong Kong Economic Journal*, which is a letter written by Danny YUNG to the Chief Secretary for Administration. He said that the objectives and the general direction of the tender were very clear and were worthy of our support, yet its details reflected many problems which were mainly due to two reasons. Firstly, maybe it was due to the abrupt end of

the Culture and Heritage Commission in March this year. Ms Emily LAU has also mentioned this problem just now. Secondly, after the Hong Kong Government has implemented the Accountability System for Principal Officials, there is insufficient support with the Government for the research on cultural policies. Officials generally do not have any professional knowledge of the cultural development and trend in the world, not to mention any regional cultural strategy. She pointed out that, against this background, it was understandable that a major gap might exist between the objectives and the details of the tender. In particular, she mentioned that the tender assessment of the West Kowloon project should see the participation of professionals from the cultural sector. As the Government does not possess professional knowledge on cultural businesses, the officials should know their own shortcomings and should not be too arrogant as not taking the views of others into consideration.

In fact, we can see that the development project proposed by the Government comprises some very magnificent buildings, including the Theatre Complex, an in-door Performance Venue, museums, Water Amphitheatre, and of course the canopy that towers 120 m above the ground and covers at least 55 % of the development area. On the surface, this is a magnificent design, and there is a full range of excellent cultural and arts facilities.

However, the Government has not explained clearly how it has arrived at the amount of facilities required. According to the information provided by the Administration, neither serious market research and studies nor consultations among the cultural sector and other people have been conducted to ascertain the need for Hong Kong to develop any particular domains of cultural and arts activities, or the lack of any kinds of venues and facilities. There has not been any estimation on the future patronage of such facilities or any possible wastage. The canopy, not commonly found in other parts of the world, has also been criticized by the professionals as unrealistic or that it might give rise to many problems in maintenance and repairs.

As the Government has already declared earlier on that it will not launch any further reclamation projects, West Kowloon Reclamation would be the last major piece of reclaimed land in the Victoria Harbour, which will provide an area of 40 hectares for construction. The people would naturally support the Government's proposal to turn this site into a world-class arts and cultural area, instead of making it a pure property development. If the development is successful, it will become a landmark for Hong Kong.

As mentioned by many Honourable colleagues, the single tender approach would lead to many other problems. I would not rehash such points here. For this reason, it is very difficult for the people to put the minds at ease.

Besides, people in the cultural sector have also pointed out that it is very difficult for cultural businesses to become profitable. Even theatres in the Broadway of New York have also incurred some losses recently. If the future operating authority is vested in the developers, we do not know what kinds of cultural programmes would be staged, or whether such programmes would be popular with the people, or how cost-effective such programmes could be.

(THE PRESIDENT resumed the Chair)

Of course, we all understand that the Government is short of resources now, and, on the other hand, it may not be possible for it to develop such cultural facilities by way of tender. However, Madam President, as a proverb goes, "If our head is not so big, we should not wear a hat that is too big." We should not say that we have to adopt this approach simply because there is no other alternative. As so many people are now saying that this approach is problem-ridden, Madam President, under the present circumstances, I can only say that I have to support the original motion and the amendments. Thank you, Madam President.

DR DAVID CHU (in Cantonese): Madam President, under the West Kowloon Cultural District development project, the Government plans to develop a number of core cultural, recreational and arts facilities on the 40 hectares of land in the West Kowloon Reclamation. This is basically a well-intentioned proposition. And, given the acute fiscal deficit now, there is in fact nothing wrong with using property development as a means of supporting cultural development, thereby lessening the Government's burden.

However, the Government's adoption of a "single tender" approach to this large-scale, \$24 billion development project will induce small and medium developers to think that they are deprived of any opportunity of participation in the development. And, while there are concrete planning for cultural facilities, the Government has nonetheless failed to initiate adequate consultation and

discussions on the cultural ingredients associated with the West Kowloon project and on the operation and management of the facilities in the future cultural district, thus arousing the discontent of the culture sector. Besides, in the Invitation For Proposals on the West Kowloon project, the Government has only specified the minimum requirements without setting down any specific limitations on plot ratios and building heights; and also required the construction of a mammoth canopy, considered to be costly in both construction and maintenance and also in violation of the Fire Services Ordinance, thus stirring up further discontent from the professional bodies of the architectural and town planning sectors. I am of the view that the three major areas of contention connected with the project now are largely attributable to the fact that a consensus is lacking in society, caused in turn by inadequate mooting and consultation. As we all know, without popular and extensive support, it will be difficult to implement such a project, which involves so many aspects and the interests of so many sectors. Therefore, the Government should now carry out a review of the West Kowloon project, extend the deadline for proposal submission beyond March next year and conduct wider and more in-depth consultations on the cultural policy and tender approaches. That way, members of the public can conduct fuller discussions, and interested consortia will be given more time for syndication and studies on the best development proposal.

As for the formation of a statutory body, be it called the West Kowloon Cultural District Development Board, to assume responsibility for the financing and operation of the West Kowloon project, I will not render any support, because I fear that this may create a very bad precedent and lead people to request the formation of a statutory body whenever there is a large-scale project.

With these remarks, Madam President, I support the original motion and Mr MA Fung-kwok's amendment.

MR NG LEUNG-SING (in Cantonese): Madam President, the Government's West Kowloon Cultural District development project has generated wide discussions in the community, in particular the cultural, real estate, construction and engineering sectors, thus highlighting the complexity of this project and its controversial nature in some measure. It has been reported that people in the cultural sector are worried that this is just a white elephant project with unrealistic targets, and some members of the real estate construction sector have

voiced dissatisfaction towards the single tender approach. It seems that the divergence of views among various sectors has stemmed from the Government's inadequate consultation and the ambiguous positioning and direction of the project.

It was learned that the West Kowloon Cultural District development project started in 1999, back when the Government wanted to build a cultural district based on the "Broadway" model, with a view to developing Hong Kong into a first-class cultural metropolis in Asia or the world, thus in turn promoting economic development. In its Invitation For Proposals, the Government proposed to build core cultural and arts facilities such as a theatre complex, performance venue, museum cluster, art exhibition centre, and so on. To a certain extent, this will solve the existing problem of inadequate performing venues and meet the need of large-scale performance, entertainment, sports and ceremonial events and attract tourists from all over the world by way of such cultural performances. In principle, this idea of promoting the integration of the three areas of cultural and arts, tourism and commerce should merit our support. For such a culture-oriented development project, the Administration should certainly take the initiative to positively face up to all sectors of the community, in particular it should strengthen co-operation and communication with the cultural sector. This includes making reference to such underlying principles as "people-oriented", "establish partnership" and "community-driven" as put forward by the Culture and Heritage Commission, thereby setting clear targets and positioning for future cultural policies. On the economic front, feasible modes of operation should also be laid down, and by doing so, the development project can really promote the long-term and sustainable cultural development of Hong Kong.

From the perspective of practical needs, Hong Kong really lacks venues for the holding of major cultural, sports and ceremonial events in Hong Kong. This is really an obstacle to promoting the development of cultural, arts and sports activities and inconsistent with the development positioning of Hong Kong as an international metropolis. Therefore, I think the early implementation of the relevant project is in line with the overall interests of the community. We must note that the planning processes of many landmark cultural structures over the world were full of controversies and this is nothing strange. For example, the Glass Pyramide du Louvre in Cour Napoleon designed by the renowned master, Mr I M PEI, had been a point of extensive contention, and could only be constructed with the resolute decision of the French President who dismissed all

dissenting views. It is certainly easy to conduct public consultations in the process of public policy making, for the real difficulties lie in how brave and wise decisions can be made after consultation, and this is a test on the wisdom, strength and commitment of government leaders.

Members of the community are aware that this West Kowloon site has been left unused for nine years and do not wish to see valuable land resources being wasted. Moreover, under the current situation, the implementation of the construction project is definitely conducive to stimulating local economic activities and effectively improving the unemployment situation. Therefore, the Government should speed up negotiations with various sectors, listen to views from professionals, carefully analyse and assess the pros and cons of different options and make resolute decisions for early implementation of the project, so as to be a responsible and efficient government. I definitely do not wish to see this project turning into another bizarre saga like the Tamar development plan — a project that is revisited from time to time and finally shelved indefinitely.

Madam President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, today the Democratic Party has moved a motion debate on the West Kowloon Cultural District development project and requested the Government to consult the cultural sector, real estate sector and professional bodies afresh before formulating a future development plan.

We can see that various political parties and groups have unanimously criticized the Government for forcing through a development plan from top down without adequate consultation and preparation. This has resulted in (as we can see) criticisms from many people in the local cultural sector, real estate sector, professions and environmental protection bodies. In view of the current developments, I feel that that there are only two options, one of them being to abolish the plan and start afresh and the other to postpone the plan.

In this Council, I have also heard many views from various sectors. I personally feel, and heard, that everyone also feel that to postpone the project is a better way out, and that is, instead of setting the deadline at 9 March, it should be extended. If the Government adopts such an open attitude, then I think it should accept this proposal. I also feel that if we can extend the deadline, then

we would actually strike a better balance in relation to an issue that has always been a worry and concern for members of the community. Furthermore, as regards the suggestions of members of the community, I do not know whether the Government has really listened carefully to everybody's voices. As such, Madam President, how can adjustments be made in relation to the expression of opinions? Here, I would like to make several suggestions for the Government's consideration:

Firstly, yesterday, the Chief Secretary for Administration said the Government and society should not apply conventional thinking in developing the West Kowloon Cultural District. If I have not misinterpreted the Chief Secretary, then what he meant was that the project would not be implemented by the Government alone. By adopting the new mode of thinking as mentioned by the Chief Secretary, such facilities will be managed by the private sector in future.

In fact, from what I gathered at the last two meetings, the cultural sector does not object to a bottom-up approach in developing the West Kowloon Cultural District through the private sector. However, they are most unhappy that the Government has set old parameters for the existing project. For example, it has planned to build cultural facilities like a theatre complex with three theatres, a cultural and arts performing venue with at least 10 000 seats, a museum cluster made up of museums with four different themes and an amphitheatre. Madam President, the cultural sector questions whether such grand facilities can really meet the needs of Hong Kong? Has the Government conducted studies and surveys on the needs of users? I think it is necessary for the Government to reconsider this point. Furthermore, apart from the above facilities, what are the details of other developments on the site? As some parameters have been imposed in advance and the positioning of the project is not clear, some people have criticized the West Kowloon Cultural District development project of being only a replica of the Cyberport in that it is a real estate project rather than a cultural project. As such, I think the Government should relax the requirements in relation to cultural facilities in the specifications of the Invitation For Proposals and it should look into such issues again.

Madam President, my second proposal is to consult the cultural sector and professionals and give them an opportunity to participate in the formulation of plans, or even appoint them to the assessment committee. Though the Government, private sector and the Legislative Council have conducted

consultations and studies in relation to the West Kowloon Cultural District development project, we have all eventually come to the conclusion that the Government has given people an impression that it is opinionated, so I think the Chief Secretary should really give some thoughts to this. What happens now is "you say what you want and I do what I like". The Government simply does not listen to the views of others. This is especially obvious from the impression I got at the first Legislative Council meeting on this issue. I had a strong feeling that though the Government had purportedly conducted a so-called consultation, all deputations from various sectors still felt strongly that their views had not been taken on board by the Government. I really want to say that since the Chief Secretary for Administration thinks that the West Kowloon Cultural District can become a landmark for Hong Kong, meet the needs of Hong Kong people, the cultural sector and users, and that this function should be enhanced, it is all the more necessary for the Government to listen to their views. Why has the Government not taken their views seriously so far? If the Government thinks that it is right and proper, then it has not taken into consideration the idea that, during this planning process, several dozens of organizations from different sectors really want this major construction project of Hong Kong to embody everybody's verve. I think the SAR Government has also made the same mistake in recent years.

Moreover, Madam President, certain people in the cultural and professional sectors have commented that the Government itself lacks cultural and professional knowledge and professional engineering expertise in formulating work plans. Since professionals are led by laymen, the shortcomings of the Government are exposed and the end product will be neither fish nor fowl. In fact, a balance should be struck between outside professional expertise and general knowledge within the Government. The Government should be modest in taking on board advice of the cultural sector and professionals and work with them on this basis, instead of going separate ways.

Furthermore, Madam President, the Chief Secretary for Administration has disallowed people from the cultural sector and professionals to join the assessment committee because of interest considerations. The Chief Secretary for Administration pointed out that it would be fairer if the Government itself was responsible for the project for there would be no conflict of interests. On the contrary, people in the community have a more complicated background and countless ties. However, I pointed out to the Chief Secretary for Administration at yesterday's meeting that it seemed that all such persons were

treated either as interest groups or thieves. If that were the case, I would like to refer to an example I cited yesterday about a major development project in a certain district, and that is, the Hammer Hill Road Park. At that time, the same planning department of the Government considered that the design of the Hammer Hill Road Park is in harmony with that of the Sung Dynasty, but this view was not shared by the Chi Lin Nunnery opposite to it. Why should such a good scenic spot not be in harmony with the environment? This issue was repeatedly debated in the Legislative Council, and eventually through our efforts, the Government finally listened to public views and adopted the design of the Chi Lin Nunnery and incorporated it into the plan as a key suggestion. In fact, by taking a look at the PC of public housing nowadays, we can see that each public housing project was vetted by the professional members of the PC when public housing estates are built. So, why has the Government adopted two different standards? Therefore, I cannot accept the argument advanced by the Government yesterday. I think the Government should not dismiss the views of the professionals *per se*.

Madam President, I would still like to talk about many things, but since I have some difficulties in speaking today, I could not proceed to many other points. However, I hope that the Government can take public views seriously and not let a group of people down. They would really like to complete a project that is both acceptable to Hong Kong and can be viewed as a good project in the world.

I would like to say a few more words and that is, the recent 1 July incident and the District Council election concluded recently are actually a message from the people, telling us that their views have not been accepted by the Government. They are not happy with the Government, not happy with those people, including political parties, who support the Government. I very much hope that the Government will not make the same mistakes again, and will seriously consider why it has failed to heed the views of so many groups and organizations. Thank you, Madam President.

DR RAYMOND HO (in Cantonese): Madam President, Hong Kong is a commercial city. Apart from commerce, finance and professional trades, it seems not easy to find other aspects to compare with other countries or cities. In terms of sports, the level of sports performance in Hong Kong is far below the international level. In terms of art, with the exception of movies, the name of

Hong Kong can hardly be seen in the global arts and cultural community. I reckon that apart from maintaining its status as a commercial and financial centre, it is necessary that we reposition Hong Kong in order to explore more income sources, solve the deficit problem and enhance the status of Hong Kong internationally. Hong Kong movies are famous worldwide. We should make use of this competitive edge to develop the arts and culture of Hong Kong, and to position Hong Kong as a city prosperous in commerce, arts and culture in the long term so as to attract more tourists to visit Hong Kong. In this connection, the construction of the West Kowloon Cultural District in the government development plan is necessary and cannot be delayed.

The Hong Kong economy has been in the doldrums for many years. Although the unemployment rate has been falling slightly recently, overall speaking, it is still on the high side, especially in the engineering and construction sectors. The unemployment rate of professionals, technicians and construction site workers has reached as high as 20%. As a matter of fact, the number of government contracts on infrastructural projects has been diminishing in recent years. If new contracts do not come on stream, this will certainly mean disasters to the sectors concerned. The Government should not overlook this. Thus, I implore the Government to open discussions as soon as possible with various sectors on the West Kowloon Cultural District development project which is a subject of debate recently, so that the problems concerned can be solved and the project launched.

While the ultimate beneficiaries of the West Kowloon Cultural District development project are all the people of Hong Kong, but given the huge investment, I agree that the Government should slightly extend the deadline for submission of development proposals. In doing so, the Government can conduct sufficient consultation and find a more desirable development arrangement. Besides, the Government should also listen to various opinions so as to construct a cultural district more consistent with the interests of the community. One example is the design of the planned canopy. Since it may incur huge costs in repairs and maintenance, the engineering sector has already aired its views on whether the design should be maintained or modified. And here, I will not dwell on the details again. The Government should gather views from more quarters before making a final decision. However, irrespective of the mode eventually agreed, the Government should make a substantial start on this project in 2004.

Madam President, I believe the West Kowloon Cultural District will become a significant landmark in the development history of Hong Kong. In addition to attracting more tourists to Hong Kong, it can also transform Hong Kong into a cultural and arts capital and enhance the international status of Hong Kong. Therefore, I hope that the Government can review the present development project as soon as possible and construct a more comprehensive cultural district to take us one step nearer to the status of a world-class cosmopolis.

I so submit.

MR LAU PING-CHEUNG (in Cantonese): Madam President, before I go to the proper part of my speech, I wish to make a declaration of interest. The Government made an announcement early in the week that it had received 11 Expressions of Interest in submitting proposals on the West Kowloon Cultural District development project. The company I work for may become one of the companies providing consultancy services on materials surveying. I already made a written and verbal declaration of this potential interest at the meeting of the relevant panel on 18 November. The professional institutes and trade association that I represent have already submitted their written and verbal submissions to the panel. I shall now repeat their main views on the West Kowloon Cultural District development project, in the hope of getting a government reply later on at this meeting.

In general, the industries concerned do not have any objection to the implementation of this project. However, they have still expressed various views on the overall planning, design, tender approach and even the hardware and software matching in relation to the implementation of the project.

The Hong Kong Institute of Architects (HKIA) believes that "the selection of a single consortium operating under the B.O.T. scheme should not be the only solution for the development of the West Kowloon Cultural District. HKIA proposes alternatives as follows: (1) Establish a 'West Kowloon Cultural District Development Board' (WKCDDDB); (2) the WKCDDDB will coordinate the development by phases according to an Overall Master Layout Plan; assess and approve the proposals of each phase and monitor the operations in each phase; (3) technically it is entirely feasible and appropriate to implement Foster's Sky-Canopy and conceptual design phase by phase. WKCDDDB should handle

technical coordination with reference to a set of established Control Drawings; (4) hold design exhibitions and public meetings before making the final decision, as they would normally be carried out for important projects in other countries and in the Mainland; and (5) All financial and operational arrangements should be reviewed and approved by the Legislative Council."

The Hong Kong Institute of Planners says, (in English) "The Institute fully supports the development of a world class Cultural District for Hong Kong. Careful deliberations among major stakeholders are important to ensure the success of the project. This is only possible if Government adopts an open approach to allow more public participation in the selection process and in the long-term statutory planning control of the project At present, there are many 'What if' scenarios that need to be further considered and addressed before proceeding into next stage of development."

The Hong Kong Institute of Surveyors has analysed the pros and cons of the various government schemes on developing a cultural district. In particular, it has examined the risks associated with varying degrees of private-sector participation proposed by the Government. The Institute says, (in English) "Government holds the view that the single package is the best approach to an 'integrated development'. Balanced against this are the perception of favouritism to a single developer; the need for proper allocation of risks; the need to cope with the changes that are bound to arise over the project lifespan; and the likelihood of the Government being held hostage to past-contract change. From both contractual and technical points of view, we consider that the Development can be, and should be, broken down into a series of packages without necessarily compromising its integrated design and operation."

The Association of Architectural Practices says, "It is fundamentally and gravely wrong in principle for the Government to make property developers to take the lead and require them to subsidize arts development The Association is of the view that resources can be obtained from the land sales in the real estate part of the project and used to finance arts and cultural development. That way, the Government can concentrate fully on local arts development without any limitations". The Association also supports the original motion.

I shall now present my personal observations and analysis. The worries felt by the architectural and culture sectors are largely caused by the Government's adherence to the conventional "consultation" strategy throughout;

a number of consultation meetings have been held, but the industries concerned are not treated as "participants". This worry of the public is not unjustified. According to the Government, this is a cultural development project. The concept proposed by the Culture and Heritage Commission was incorporated into the concept plan competition held in 2001: to reclaim "our history, identity and creative spirit evokes memories: a new exciting place that people can still relate to and find comforting familiarity with". I asked a question on this point in this Council in April last year, but the Government just replied that the concept "was stated as a point of reference for participants, not as a judging criterion for the Jury." I notice that in the eight-point remarks of the Jury on the winning works, there is not any mention of Hong Kong's history and culture and its people's identity.

Besides, when the Government launched the concept plan competition the year before last, the first thing it did was to exclude all architects and planners under government employment (who account respectively for 10% and 70% of these two professions in Hong Kong) from the competition. Since a substantial portion of the relevant local professionals was excluded from the competition, how can the above requirements be attained? I therefore wrote to the Chief Executive, telling him that the four professional institutes in my functional constituency opposed the arrangement.

There were also representatives of the local industries in the Jury. Though members of the Jury were appointed in their personal capacity, their professional background, expertise and status in their professions and society were definitely reasons for their appointment. There were 161 entries, and it was indeed difficult to select one of them which could highlight the Hong Kong spirit. And, because of confidentiality reasons, local members of the Jury could not show the entries to their respective sectors for discussions. It now turns out that the industries concerned are highly skeptical of FOSTER's design, especially the Sky-Canopy; it has even been pointed out that the design may not meet the basic requirements of the law and may thus need special exemption from the Government. Was this due to the Jury's oversight? Did the Jury raise any queries? Or, was this just because the Government refused to listen? I think the Government really owes the public an explanation, so as to do justice to the Jury.

One of the fundamental issues connected with the West Kowloon Cultural District development project is the mode of procurement; whether the Government will itself finance the project is the key issue. One option is to

adopt the conventional approach of selling the lands and using the proceeds to finance the construction, operation and management of cultural facilities; in that case, the Government will of course have to assume responsibility for the management of these facilities in the decades to come. Another option is to make use of private-sector capitals instead of any public money, and to draw on the people's expertise in cultural and arts matters for the operation and management of those facilities. This is in line with the principle of "big market, small government". It is very hard to tell which of these two options is correct.

Madam President, besides hardware, the Cultural District will also need a long-term cultural policy as its matching software. The Government, the consortia and the arts and cultural sector Madam President, I so submit.

DR TANG SIU-TONG (in Cantonese): Madam President, the West Kowloon Reclamation, measuring 40 hectares, is located on the west side of the Victoria Harbour and therefore the heart of urban Hong Kong. It is thus a very precious piece of land. For this reason, the various sectors are very concerned about its future development. Following an open concept plan competition earlier on, the Government has finally decided to construct an integrated cultural district on this piece of land, equipped with a mammoth glass canopy. There will be large theatres, museums and many other facilities, all meant to upgrade Hong Kong's cultural level. It is also hoped that the cultural district can become a landmark of Hong Kong. This is certainly a very good intention. But the Government may have overlooked one point, that the West Kowloon Cultural District development project is not just a property development project, because while various hardware facilities must be constructed, the project will also need software support in terms of operation and management before it can become a success. The Hong Kong Progressive Alliance (HKPA) supports the Government's proposal of developing this precious piece of land into a world-class integrated cultural district. But it also thinks that the Government seems to have put things in the wrong order in terms of planning.

As rightly pointed out by many cultural organizations, however magnificent a cultural venue may be, in the absence of any quality cultural activities, what we have will be nothing but a beautiful shell. For cultural activities to boom and prosper, we need promotion under a long-term cultural policy. The Government must never think that once a cultural venue with world-class facilities and a unique design is constructed, there will be instant and rapid cultural development in Hong Kong. In the consultation document

submitted by the Culture and Heritage Commission to the Government in November 2002, it is already stated very clearly that great importance must be attached to the "cultural software" in the development of the West Kowloon Cultural District. This highlights precisely the point that the Government must first draw up a cultural policy, and then build the first-class hardware facilities.

However, without adequately consulting the cultural organizations and the public, the Government has now unilaterally decided on the planning approach. It also insists on adopting the "single package" model for this development project, thus arousing a strong public outcry and numerous criticisms. I personally hold an open attitude towards the question of whether the "single package" model should be adopted. The Panel on Planning, Lands and Works and the Panel on Home Affairs of the Legislative Council held two joint meetings, at which it was decided that the Legal Adviser of the Legislative Council should be tasked to study whether this "Finance and Construct" development model will in fact violate the principle of funding approval by the Legislative Council. This should of course be discussed at a later time, because we must get the report from the Legal Adviser before we can ascertain what the actual case is. But we still think that before there is any consensus in society, it is very unwise to lightly lay down the development direction of such a huge project which involves so many aspects. The most urgent step that the Government must take now is to defer the deadline for proposal submission — it is scheduled on 31 March next year, but I hope it can be deferred. After this, sufficient time must be allowed for thorough consultation of the various sectors in society, especially the cultural sector. And, the future direction of our cultural development should first be studied before deciding what type of hardware facilities should be constructed. The success of the famous Guggenheim Bilbao, Spain, is precisely attributable to the fact that the direction of software development was shaped before hardware facilities were planned. The Government now adopts the "single package" model, so it is only natural that interested consortia will need more time for syndication and financial analyses before they can come up with reasonable proposals. A short span of just several months will definitely be insufficient. That is why we propose that the deadline be deferred. I agree with the Chief Secretary for Administration, Mr Donald TSANG, that it is a waste of resources to leave the precious West Kowloon Reclamation idle for prolonged periods of time. But if any rash decision is thus taken on this \$24 billion investment project just for the sake of avoiding its being left idle, with the risk of failing to achieve the desired results subsequently, I must say that will be a waste of resources on both fronts.

Madam President, the three major principles of "a people-oriented approach", "partnership" and "a community-driven approach" advanced by the Culture and Heritage Commission in respect of the West Kowloon Cultural District development project should merit our consideration. These three principles point precisely to the need for long-term arts education to foster a tripartite partnership among the Government, the commercial sector and the community, one under which concerted actions are taken to develop arts and culture, with the ultimate aim of achieving community leadership and community-wide participation in cultural matters. This should be the only direction of development under Hong Kong's cultural policy. It is only by setting down a clear objective and a long-term cultural policy, it is only by drawing on the people's expertise to assist in the management and operation of the cultural facilities in the West Kowloon Cultural District, that we can make the development project a success.

Madam President, the blueprint for the West Kowloon Cultural District development project is completely devoid of any proposals on any cultural software, any cultural policy. The whole project is biased towards hardware development. I fear that this hardware-driven approach to cultural development planning will in the end reduce the West Kowloon Cultural District to a world-class "white elephant" with just aesthetic appeal but no real cultural value, with just a physical form but no life and verve.

With these remarks, Madam President, I support the original motion and Mr MA Fung-kwok's amendment.

MR IP KWOK-HIM (in Cantonese): Madam President, the 40-hectare waterfront site earmarked for the West Kowloon Cultural District development project (the project) has been left vacant for years. In 1998, the Government started to consult various sectors, including the District Councils and the Legislative Council, on the utilization of the site. In 2001, an international concept plan competition for the Cultural District was held. Such work has laid a good foundation for the development of the Cultural District. The Democratic Alliance for Betterment of Hong Kong (DAB) hopes that the Government can continue to consult widely with an open attitude so as to enable the Cultural District to complete on schedule.

After all these years of consultation, the plan of developing a cultural district on the site has gained wide acceptance. The issue that needs to be

addressed now is how to do better in terms of planning, development and software, to ensure smooth operation and management of various facilities in future after the completion of the project.

Insofar as finance is concerned, the DAB understands that it is simply impossible for the cash-strapped Government to fork out more than \$20 billion to finance the development of such a huge cultural district. We agree that introducing private-sector participation in cultural affairs is feasible and appropriate.

I listened to the views tendered by the architectural, engineering and arts sectors at the panel meetings held yesterday and on 18 November. The real estate and construction sector emphasized more than once their reservations about the award of the tender to a single bidder. Representatives of the real estate and construction sector attending the meetings suggested dividing the entire development project for tender in order to minimize risks and enable medium-sized developers to take part in the project. Apart from this, there were suggestions that the project be developed in phases, and that the core cultural projects be jointly developed by the public and private sectors. Insofar as non-cultural core projects are concerned, we can see that property developers are greatly divided on the award of the tender to a single bidder. In the opinion of the DAB, the Government should adopt an open attitude to allow the real estate and arts sectors to fully express their views. Furthermore, Members should be given more abundant and sufficient information in good timing so as to enable them to make informed judgement.

At present, the cultural and arts sectors are most concerned about the software problem. They are concerned about the future operation and supervision of the Culture District and the role to be played by the cultural sector. Actually, the Cultural and Heritage Commission has, in its policy report published a long time ago, advanced several underlying principles in relation to this development project, namely the implementation of the "people-oriented", "partnership" and "community-driven" principles. The report has also stated that the authorities should attach importance to the integration of cultural facilities within and without the district, consider the contents of software, and promote the fostering of a partnership relationship between developers and the cultural sector. I consider all of this merits reference by the Government. These principles, if implemented, can help remove the worries of the cultural and arts sectors too. For these reasons, the DAB supports the amendment proposed by Mr MA Fung-kwok.

In fact, insofar as the establishment of a partnership relationship is concerned, the Government and developers may refer to the experience of overseas countries in the management of cultural districts. In the United States, cultural districts are often managed by a governing body or board of directors comprising representatives of artists in residence and facilities in the cultural district. Given the scale and facilities of this world-class Cultural District which is going to be built in Hong Kong, it should be possible for developers to propose a mode of co-operation that can allow participation by more parties.

It will take at least three years or so before the construction of the West Kowloon Cultural District can commence. In the interim, the Government may examine the possibility of opening up this site for use by the public for their enjoyment. Actually, the Government will only need to provide some simple, temporary facilities, such as a waterfront promenade, cycling ground and temporary car park on the site. Alternatively, it may consider leasing part of the land for the staging of carnivals and the like. Opening up this piece of land for public use can enable the public to admire the views of the Victoria Harbour. At the same time, it will not be necessary to leave the site to the mercy of weeds. So, what is the point of not doing that?

As regards the amendment proposed by Mr Albert HO, the DAB considers that the original motion moved by Mr WONG Sing-chi, seeking to extend the deadline for submission of development proposals, suffice to resolve the problem arising from the gap of six to eight months mentioned by Mr Albert HO. As such, it will be unnecessary to highlight the message of shelving the project. For this reason, the DAB will support the original motion.

Thank you, Madam President.

MR FREDERICK FUNG (in Cantonese): Madam President, the West Kowloon Cultural District development project (the project) has recently stirred up extensive controversy. Both the Hong Kong Association for Democracy and People's Livelihood (ADPL) and I consider it more appropriate for the future direction of the project to be determined from the angle of end-users, that is, the public, and in the overall interest of the people of the territory. We also share the view that, in examining whether the Government should adopt the proposal of extending the deadline for submission of development proposals or shelve the project altogether, we should analyse the matter on the basis of the intent and

fundamental goals of the project *per se*. Whether the tender should be awarded to a single bidder or more than one bidder should not be taken as a decisive factor, though this is crucial too. As long as the tendering process is highly transparent and conducted in a fair and impartial manner to avoid a repeat of the mistake committed in the case of the Cyberport, it will be acceptable to us.

To start with, both the ADPL and I identify with the idea and concept of the entire project. The 40-hectare new reclamation area at West Kowloon is one of the largest sites in Hong Kong at the moment. Facing the harbour, it commands an exquisite environment. If it can really be developed into a world-class arts, cultural and entertainment district, as indicated by the Administration, and become a landmark, Hong Kong will surely be able to further boost its international reputation and stimulate its economic development. At the same time, multiple purposes can be achieved, because the cultural standard of the people of Hong Kong can be upgraded too. However, we can say that incalculable potential revenue has been lost if we look at the project from another angle. Since the announcement of the project by the Chief Executive in his policy address in 1999, the site has been left vacant in the past four years, despite that planning has been completed and specific design proposals have been gathered and shortlisted through competition. For these reasons, both the ADPL and I consider that, from the macroscopic angle, the development of the Cultural District must not be delayed any longer. Given that the community has reached a consensus on the significance of the project, and that this infrastructural project will create more employment opportunities for workers with low skill or education levels, it will be most unfortunate should this project be completely negated and shelved.

I find the arguments that the general community opposes in principle the implementation of the project rather weak if the project can benefit the public at the end. However, why are the people in the real estate, construction and cultural sectors refusing to fully accept the proposal raised by the authorities and instead fiercely criticizing the Government in one voice? Both the ADPL and I take the view that the crux of the problem actually lies in the fact that the Government has made two crucial mistakes in its handling of the project.

First, it was only until September this year that the Government formally invited outsiders to submit development proposals since the conception of the project was raised by the Chief Executive in 1999. The fact that the Administration has never formally consulted the public in the past four years on

the details of the Cultural District has attracted fierce criticisms from the cultural sector, which considers that the Government is leading as a layman and has completely undermined the participation of the professionals. As a result, the Chief Secretary for Administration was forced to take remedial actions not long ago by meeting hurriedly with stakeholders with respect to the development project. Actually, the cultural sector's worries cannot be dismissed as scare mongering. Nor are they fabricated. The proposed core facilities to be constructed at the Cultural District include a Theatre Complex, a Museum Cluster and a gigantic canopy 120 m above ground. These huge and expensive facilities, once not well-received, will become white elephants one after another, and result in a serious waste of time and social resources. As such, both the ADPL and I support the proposal of extending the deadline for submission of development proposals so as to enable the Government to consult the relevant sectors and the public. By introducing public participation and fostering a tripartite partnership between the Government, the public and professionals, another opportunity will be made available to collect more views and invite the stakeholders to come up with more ideas for the Government's consideration in respect of the specifics of the development of the Cultural District.

Second, according to the initial proposal of the Government, the ratio between the arts and cultural facilities and real estate development is 3:7. Moreover, the developer will be allowed to use profits from commercial and residential developments to subsidize the daily operating costs of the arts and cultural projects. With the contract awarded going to last 30 years, the developer will assume the dual responsibility of construction and operation. The ADPL and I hold that the Government's proposal be putting the cart before the horse, for the Cultural District may be reduced to a property development in disguise. At the same time, the term of the contract is too long. In the event that the developer complicates the issue midway, saying that the cultural items are not making money, and demand a modification of the contract terms or add new commercial development items, I am afraid the Government, which always respects the spirit of contract, will put itself at the mercy of the developer. For these reasons, the ADPL and I propose that the Government should conduct another review of the development mode of the entire project, and strive for fairer and more favourable terms. At the same time, it may consider introducing social liability terms by, for instance, demanding the developer to, in the course of construction and future operation, employ a certain ratio of local workers with a view to improving the local employment situation and opportunities, thus safeguarding the interest of local workers.

In sum, both the ADPL and I do not oppose the West Kowloon Cultural District development project in principle. Neither will we resort to forcing the Government to "abort" the project as our ultimate demand. What we strive for is a fair development and operation proposal that is highly transparent and beneficial to the public and introduction of public participation in the process. The Government really has to listen to the views expressed by the relevant sectors and members of the public and make reference to them.

Madam President, I support the amendment proposed by Mr MA Fung-
kwok and the original motion.

DR YEUNG SUM (in Cantonese): Last week, Madam President, the Legislative Council Panel on Planning, Lands and Works invited professional and cultural groups to express their views on the West Kowloon Cultural District development project (the project). Prior to the meeting, we invited the relevant groups to exchange views with us too. The project was seriously questioned by the groups, both at the Panel meeting and the one with us.

It is needless for me to repeat the views expressed by the groups at the meeting; I believe those colleagues who attended the meeting should have already known them. To sum up, the following points were raised by the groups during their meeting with us.

First, the mode of development by single tender is not the only feasible option. This model, insisted by the Government, will ultimately benefit only a certain super property developer, not the public. Dividing the tender is absolutely feasible. Even professional architects have advised us that a divided development would not affect the integrity of the design. While the Chief Secretary for Administration may disagree, this analysis is made from the angle of professional architects.

Second, the requirements set out in the Invitation For Proposals (the Invitation) were extremely stringent, and yet highly flexible. They are stringent in the sense that the threshold set by the Government is so high that only one or two super property developers will qualify at the end. Members can actually guess which developers they will be. At the same time, the development plan is highly flexible because, after being chosen, the developer will still be able to "negotiate" with the Government with a view to revising the plot ratio, carrying

out reclamation in the Victoria Harbour, and even modifying various details of the plan. In the end, the interest will tilt towards the super developer.

Third, cultural groups were not consulted before the decision was made on the cultural facilities. We were told by friends from the cultural sector that the centre stage of the project was supposed to be held by cultural programmes. As future users, they were extremely dissatisfied that they had not been publicly, formally and thoroughly consulted by the Government before the latter deciding on the facilities to be built.

Fourth, we were told by professional museum staff, though they were in favour of constructing the galleries, that no museum in the world (even those which are doing quite well) has managed to really achieve self-financing. Neither the Louvre can do this. Operating a museum is practically a losing business. It is worried that the future museum, should it be operated entirely by a private organization, will become excessively based on showbiz and popular culture.

In handling the project, Madam President, the Government has, in an extremely tough manner of governance, insisted that the tender be awarded to a single consortium for development when confronting this Council. On the other hand, it has adopted a respectful attitude that everything is negotiable when confronting the prospective successful developers. The Invitation is indeed conniving at the prospective successful bidder by allowing it to modify land use without being subject to monitoring by the Town Planning Board. I have begun to feel confused, not knowing whether the Government is serving public interest or that of the super property developer.

Madam President, Chief Secretary for Administration Donald TSANG has spent much time meeting with people from the cultural sector to "make amends", probably because the Government has been criticized by various sectors for its work related to the project over the past month. Of course, it is always better late than never. After all, it is good that the opinions of the cultural sector are listened. However, the sector is not merely confined to the six arts groups funded by the Hong Kong Arts Development Council's Three-year plan. There are many arts groups of various sizes too. Of course, we cannot expect Chief Secretary for Administration Donald TSANG to be able to meet with all cultural groups. As such, he should not expect to have absorbed all the views of the cultural sector by meeting with just a few arts groups. Furthermore, in addition

to the cultural sector, the project also involves a great number of professional sectors, including the planning, surveying and architectural sectors, and even green groups. As the deadline for submission of development proposals is less than four months from now, I believe it is unrealistic of the Government to expect the greatest consensus can be reached and a perfect project be identified. For these reasons, we hope the project can be temporarily shelved to enable the Government and the people to communicate more effectively and hold discussions in a mature manner, rather than leaving the decision to the supremo's will. I believe Chief Secretary for Administration Donald TSANG is good-intentioned, however, we should act in the light of the situation.

Recently, the Chief Secretary for Administration said that he would not allow the Cultural District to turn into a second-rate cultural facility. His remark was dismissed as a laughing stock by my friends from the cultural sector, who told me that only outsiders who knew nothing about culture would say he wanted first-class facilities, while those who were well-versed in culture would not describe certain facilities as first-rate or second-rate. Although I appreciate the determination of the Chief Secretary for Administration to carry out the project properly, I still hope that he can be more receptive and listen to the views presented by the cultural sector because they are going to be the end-users. If they worry about the project, about the possibility of having to swallow their pride in front of the successful property developer in the future operation of the cultural facilities and in staging cultural activities in the venues controlled by the developer, then we will have to review whether the option conceived by the Government is the best one. In overseas countries, cultural facilities and activities are mostly subsidized by their own governments. I fear that, should the Government refuse to make any commitment, only selected programmes, such as the Alan Tam & Hacken Lee Live Concert, Harbour Fest, and popular overseas musicals, can be staged in the Cultural District. Some quality and meaningful cultural activities will be rejected by the developer simply on the ground that there is no market for them. How can Hong Kong, with such an artistic standard, become an international city? For these reasons, I subscribe to the amendment proposed by Mr Albert HO which calls upon the Government to set up a statutory body to concentrate on the operation and development of the Cultural District, so as to enable the development of the future cultural activities in the Cultural District to establish a true link with local heritage.

With these remarks, Madam President, I support Mr Albert HO's amendment.

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

MR LEE CHEUK-YAN (in Cantonese): Madam President, I rise to tender Chief Secretary for Administration Donald TSANG a piece of advice, that backing up one step will open up a new vista. Regarding the amendment proposed by Mr Albert HO to temporarily shelve the project, Chief Secretary for Administration Donald TSANG told me that he was extremely reluctant to see the passage of this amendment. However, I think the shelving of the project temporarily will only give him more room; he will surely find a new vista by backing up one step. What I see now is that the Government is under flak from all sides on the West Kowloon project. For example, estate developers are extremely dissatisfied with the project and looking for ways to divide it up. However, I strongly back the Chief Secretary for Administration in rising up against the estate developers on the project, for we do not want the project to be reduced to a real estate development. If the project is divided into multiple packages, it may only proceed as an ordinary real estate development on a piece of land eventually. I think we do need more time to strive for a consensus among the people of Hong Kong, if we so wish, and I thus advise the Chief Secretary for Administration to back up one step. If the consensus that a cultural icon is needed can be reached among the people of Hong Kong, the project may really need to proceed by way of a single tender. Otherwise, how can we create such an icon? If part of the project is constructed in this way, but designs of other parts are different, it can hardly become an icon.

Certainly, as far as I know, the cultural sector does not oppose the creation of an icon. They consider it a good thing to construct cultural facilities that can become an icon; it is not their main concern whether or not the project is to be implemented by way of a single tender. Insofar as I understand it, the content of the project is indeed the greatest concern to them. If the content is good, they do not care how the project is taken forward. The question they considered the Government is now facing is whether it has sufficient time to make the content and concept satisfactory. I believe if a good job can be done in this respect, the project can proceed much more smoothly in future. However, I doubt if it is really not possible to allow us more time to perfect the content and concept. In order to make the content and concept satisfactory, the public should first be consulted. If consultation and tendering exercises are conducted concurrently, people will not know what the content of the

consultation exercise is. In fact, the tender document has already decided in some measure many issues from the outset. If the decision about the tender is final, the timeframe will be limited to a few months. As such, even if estate developers are determined to do a good job by employing experts to organize the entire project, they will not be able to get it done in only a few months' time. Therefore, I really cannot understand why the Chief Secretary for Administration cannot back up one step for a new vista to hear more views and strive for a consensus among various parties. In this case, we can continue to back the Chief Secretary for Administration up in rising up against estate developers. We do not regard the project a real estate development. It is imperative that the project will not be reduced to a real estate development but remains a genuine cultural facility item.

The Chief Secretary for Administration said that the Government was short of money and thus unable to underwrite the project. I may not necessarily disagree with the views of the Chief Secretary for Administration, for Hong Kong does need to spend much money on a lot of items. If estate developers are willing to take up the burden, and the community considers the concept of the project feasible, we will certainly support it. We have no point to decline to do so. We do not support the project now because it was launched despite the fact that many issues remain outstanding. We are afraid that the project will turn into a real estate development, in detriment to the cultural aspect. We do not want that to happen, neither does the Chief Secretary for Administration. Therefore, will the Chief Secretary for Administration please do not bear this heavy burden — as he said?

Yesterday, I read a newspaper report criticizing the Chief Secretary for Administration for excluding the private sector from the selection exercises, insisting that the selection must be undertaken by civil servants. The Chief Secretary for Administration said that anyone who takes part in the exercise must have a clear background with no conflict of interests, and it is not a question of whether anyone is willing to assume the responsibility. This is a project involving \$20 billion and no one should be make single-handedly responsible. Now it seems that he will shoulder the responsibility of the project, the \$20 billion project, all by himself. This is what he wants to do, which is uncalled for indeed. Now, I advise the Chief Secretary for Administration not to bear the responsibility all alone, for once he takes up the burden, he is literally taking all the blame for this "wok" — the design of the West Kowloon project resembles the outline of a "wok". This is unnecessary.

I think if that the authorities are willing to open the forum on the project for the cultural community, a consensus will finally be reached. As I see it, the cultural sector is not declining to support the project, it just wants to consider the content and concept carefully first, so that more criteria can be included in the tender allowing more expert input in the deliberations. As for the selection exercise, I do not think that it must be undertaken by civil servants. Frankly speaking, civil servants may not necessarily be good at selection work. If the Chief Secretary for Administration is of the view that persons with conflict of interest are not suitable for the job, the selection can be undertaken by a committee composed of experts.

We have in fact offered many constructive suggestions to the Chief Secretary for Administration. We do not think we are taking advantage of the weak prestige of the Government — the executive-led Government is at no time weak — but it is really time the Government listened to the views of the public. The Chief Secretary for Administration should see that introducing the project at this stage might possibly put it under flak from all sides. However, if the project can win the support of a group of people, in particular those who hope to do a good job wholeheartedly for the cultural sector, it can proceed much more smoothly.

Madam President, we therefore support Mr Albert HO's amendment that suggests to temporarily shelve the project. I must make it clear, we only wish to shelve the project temporarily but not to let it die in the womb. We do not want the West Kowloon project to meet the same fate as the government headquarters project at the Tamar site. We only hope that the Government can back up one step for a new vista, spending more time on defining the concept clearly before launching the project. I think only by winning more support from the community can this project bring real benefits to the community. Thank you, Madam President.

MISS MARGARET NG (in Cantonese): Madam President, I actually do not know too much about this topic, but having listened to Members' remarks this evening, I have come to realize the significance of this debate. The information given by Ms Emily LAU is particularly useful.

I must confess that I have always been wary of the control of cultural facilities by property developers. But during the debate this evening, Members

seem to show such a strong support for this project, and they all focus on cultural facilities. This reminds me of some consumer goods such as cosmetics, credit cards, and so on. Merchants or banks often offer some gifts which can be redeemed after one has made purchases up to a certain amount. Usually very appealing, these gifts are often not offered in shops. That is why if one wants to have them, one will have to buy many unnecessary goods. It is not so good to focus solely on the gifts. Similarly, besides focusing on cultural facilities, we must also ask questions about the project as a whole. I observe that there will be problems with the whole project. When major problems are detected, should we first think very carefully and tackle them properly before actual implementation? I notice that many Members support this project. Mr LEUNG Fu-wah, for example, is extremely concerned about the increase in jobs as a result of the project works. This is no doubt a factor that should be considered. But if we really notice that there are problems with the project itself, we simply should not ignore them and proceed with the works first, just for the sake of workers' employment opportunities. We must not think that way. Nor should we think that since we need cultural facilities but do not have enough money for that, so if others offer funding free of charge, we must take it and proceed with the works first. And, Mr Albert CHAN, who is not so much a dreamer usually, has associated this project with a dream of his. He seems to say that though there are many practical problems with this project, they must not be allowed to hinder the realization of his dream, or else he will feel frustrated. Dreams are of course important, for without them, things will never get started. But once we have a dream, we must pragmatically explore whether it is possible to realize it. Or, like Ms Audrey EU, we must ask ourselves, "Will the dream turn into a nightmare?" I think this project is still plagued with many major problems. None of the speeches delivered by Members today can convince me that all these problems have been solved, can be solved, or may hopefully be solved, for all of these problems are fundamental.

This leads to the second point I wish to raise — the temporary suspension of the project. Why is it inadvisable to invite tenders first and then work out further plans later? I observe that the Government very often adopts this approach, but in the end, it will invariably fail to solve the problems, and only plunge itself deeper and deeper into trouble until no extrication is possible. The Tamar project, for example, still has to be shelved eventually despite huge sums have been spent on preparation. In the case of the reclamation project, for example, since the Government hastened to award the contract once a decision

was made, it now also has to pay huge compensation. Therefore, if we think that there are still major problems with no solutions, and if we do not know how to solve them, the Government should shelve the project instead of pushing it through.

Madam President, I have listened to the remarks of many Members this evening, and I have considered the views of both sides. I consider that the arguments for the continuation of the project are hardly justified, but Members wary of the project are able to advance very cogent opinions. After weighing the pros and cons, I would like to advise the Chief Secretary for Administration to really accept our opinions. This will understandably cause inconvenience to the Chief Secretary for Administration, and he may well grumble and complain why we did not say so at an earlier time. I can appreciate how he feels. I do not intend to refute the Chief Secretary's words once again. But honestly, is our consultation mechanism really so convenient as to allow people to voice their views at the most appropriate times? Or, is it true that the Government simply wishes to "muddle through", so that it can take the next step? Or, are we really to blame for voicing our views so late in the process? Being late is still better than having a nightmare, having no turning back, better than having to pay huge compensations subsequently, or better than finding the whole project a failure on completion. The Chief Secretary for Administration may well weigh the pros and cons. Since there are so many major problems, the project should be shelved for the time being. This is what a prudent government should do. Since the problems have been raised, whether the Chief Secretary for Administration is going to shelve the project or open discussions afresh in the future, I believe that all Members of this Council will surely express their views actively and seek to solve the problems in a pragmatic manner. Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr WONG Sing-chi, you may now speak on the two amendments.

MR WONG SING-CHI (in Cantonese): Madam President, once I found the dining table back home wobbly, my wife and I then talked about replacing it. I made a mental note on this. But when I went shopping, I forgot to buy the dining table. When I went shopping in a department store at another time, I saw a beautiful tablecloth and bought it. But I was scolded by my wife when I was home. She questioned how I could buy a tablecloth before buying the table. Dining tables come in different shapes, designs and hangs, thus the tablecloth could only be placed on the piano or other places, failing to fully perform its function as a tablecloth. In this analogy, most parts of the project development area are likened to the dinning table that should be regarded as a foundation. Without this foundation, anything put on top of it can only be regarded as a tablecloth, just a landmark to feast the eyes as a tablecloth does. Cultural facilities and the contents of a cultural policy are indeed the foundation of the project. Eventually, when we can only see the tablecloth and realize that things covered by it are in no way related to the tablecloth, we will not be able to tell where the cover should be moved. On the other hand, facilities supporting the cover have basically not been finely developed. I therefore suggest the Chief Secretary for Administration to listen more to his wife and not to forget her words.

Actually, I support Mr Albert HO's amendment. Why should I support Mr Albert HO's amendment, and would it be self-contradictory? Initially, I thought extending the deadline would allow more people to discuss the issue and might thus smooth out the process of work. But after careful thoughts, I realized that many issues had already been predetermined under the existing work process from the outset. What have been predetermined? The following: the construction of the cover and the canopy, the essential components of the cultural facilities beneath it, the proposal for the single tender, and the world-class and first-rate international facilities to be included. However, have these issues been subject to thorough discussion? The answer is in the negative. No specific discussions have been held. Otherwise, Members and organizations would not have put forward so many views. If the canopy is to be constructed without any discussion beforehand, we will not know what to do if the effect of the canopy turn out to be dissatisfactory in future. The Chief Secretary for Administration will of course say that it does not matter, for estate developers and project developers will bear the responsibilities, and that nothing can be done even if the result is not satisfactory. It is impossible. Even if we find the canopy not satisfactory, it will remain in Hong Kong as a landmark, as the Chief Secretary for Administration said. If the project is beset with many problems, it will not bring any benefit to the people of Hong Kong.

Therefore, if the project is pursued as per the Invitation For Proposals with so many issues having been predetermined, the room left for discussing and perfecting the project will be little. Mr LEE Cheuk-yan was right in saying that by shelving the project temporarily, the Chief Secretary for Administration and the Government would have more room for manoeuvre in future. There will be more room for discussions on the cultural policy, the examination of facilities in Hong Kong and the co-ordination of facilities in this cultural district with those of other districts. They may also discuss ways to further enhance the facilities and development of this cultural district. The mode of operation of this cultural district also requires detailed discussion. Otherwise, it will be wasteful if no one implements it or knows how to follow up. Many details have to be attended to, including how to improve the environment. If a higher plot ratio is planned and many skyscrapers are thus built, we may, in future, find the skyscrapers not blending in with the canopy and producing an undesirable effect. These will then become eyesores to us.

I hope that the Chief Secretary for Administration will take our views and shelve the project temporarily. Mr Albert HO has made it crystal clear just now that shelving the project temporarily does not mean deferring it for eight to 10 years. It does not mean that we have to spend another nine years to breed the weed, we just need to wait for half a year or 10 months to allow the Government more room to discuss these many details. I thus urge Members to support Mr Albert HO's amendment. Thank you, Madam President.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, Honourable Members, the debate on the West Kowloon Cultural District (WKCD) project in this Council today involves one motion and two amendments. The original motion of Mr WONG Sing-chi urges the Government to comprehensively review the whole project and extend the deadline for submission of development proposals. Mr Albert HO's amendment asks the Government to consult afresh various sectors in the community and even to shelve temporarily the entire project, while the amendment proposed by Mr MA Fung-kuok stresses that the project should uphold the principles of being people-oriented, facilitating a partnership between developers and the cultural sectors, and being community-driven.

The Government welcomes Members to raise questions and debates on public affairs, for this is one of the ways in which the Government is subject to

monitoring by the Legislative Council. Members' concern for the WKCD project has indeed become heated only in recent days. Not so long ago, some developers requested the Government to divide the project so that they can construct it in a piecemeal manner and, immediately, it was seconded by some Members who subsequently raised a series of questions in Council. Yet today, a Member has gone one step further to demand shelving the whole project.

Before today, Members did not advance any similar views and were prepared to see the commencement of the project, but they have suddenly changed their mind.

For instance, on 4 July this year, which was not so long ago, at the meeting held by the Legislative Council Panel on Planning, Land and Works (PLW Panel), Members provided valuable input on how we could implement the project more expeditiously. Mr WONG Sing-chi, the sponsor of the motion today seeking a comprehensive review of the project, then specifically urged the Government to take forward the project with determination and avoid repeating the mistake of abruptly shelving the project. Just now when I heard his strong criticisms of the same proposal fully supported by him at that time, and even championing for Mr Albert HO's amendment of shelving the whole project, I felt truly lost and puzzled. I am afraid Mr WONG Sing-chi must be suffering from serious amnesia.

The concept of the WKCD project can be dated back to 1996. At that time, an extensive survey targeted at inbound tourists was carried out by the then Hong Kong Tourist Association (HKTA), and millions of tourists were polled. Among them, 1.3 million tourists indicated that they were interested in cultural, entertainment and major events, and believed that Hong Kong should enhance the promotion of these activities among tourists. In 1998, the HKTA reported to the Legislative Council and proposed that an additional cultural and performance venue should be constructed and the film industry of Hong Kong might become a tourist attraction.

In the same year, the Chief Executive, Mr TUNG Chee Hwa, proposed in his policy address that Hong Kong should be developed into an Asian cultural and arts centre. One of the key plans was the project of the WKCD.

Subsequently, we abandoned the usual practice of developing the project on our own and launched a Concept Plan Competition in 2001 to invite design

concepts from around the world. The Competition attracted a total of 161 entries from participants around the world. The winning submission was selected by a Jury made up of 10 international experts. This is the design we are all familiar with now, a wavy horizontal layered structure covered by a large canopy.

We have also carried out several relevant researches and studies, including the "Cultural Facilities, a Study on their Requirements and the Formulation of New Planning Standards and Guidelines" commissioned by the Planning Department in 1999 and the "Consultancy Study for the Provision of Regional/District Cultural and Performance Facilities in Hong Kong" commissioned by the Home Affairs Bureau (HAB) and Leisure and Cultural Services Department (LCSD) in 2002. In addition, there were various subject-specific surveys. We have also considered thoroughly the Policy Recommendation Report of the Culture and Heritage Commission published in 2003. These are the foundations for the current development project and all these reports are public publications.

We have interviewed in these studies people from the industry and arts bodies, Legislative Council Members, District Council members, organizers of cultural events, applicants for performance venues, inbound visitors and members of the public, so as to assess extensively citizens' and tourists' demands for cultural services and facilities.

Against this background, we issued the Invitation For Proposals (IFP) to developers around the world in September this year. I must also point out that, in this process, the Government has constantly consulted the views of Legislative Council Members and professionals. We have been keeping the Legislative Council informed of the project progress and the next step to be taken and in this connection, we have also consulted Members' views, with a view to drawing up policies in line with the interest of society as a whole.

On 18 November 1999, the Government briefed the PLW Panel of its decision to develop the southern portion of the West Kowloon Reclamation (WKR) into a world-class integrated arts, cultural and entertainment district, and to delete part of a then existing works contract for a road and infrastructure. All this was endorsed by Panel members.

On 13 December 1999, the Government informed the Legislative Council Panel on Home Affairs (HA Panel) of its decision to develop the southern portion of the WKR into a world-class integrated arts, cultural and entertainment district, and again we got the endorsement of Panel members.

On 9 March 2000, the Government briefed members of the PLW Panel on the details of the WKCD Concept Competition and the idea was supported by the Panel.

On 8 May 2002, the Government submitted the design of Foster, the First Prize winner and other four winning submissions to the PLW Panel. During March to October, these submissions were exhibited in 12 venues in the territory. We have been getting support for the winning submission and very little criticism. After promulgating the results, both the HAB and the LCSD conducted a series of consultations on the cultural facilities of the WKCD, and over 130 people from the cultural and arts sector attended these activities.

On 4 July 2003, the Government again briefed the PLW Panel on this important date that an IFP for the WKCD project would be issued to interested developers. In the relevant paper submitted to the Legislative Council, we have stressed in paragraph 6 that the WKCD project should be planned and executed as an integrated development. This approach would enable more efficient planning and provision of infrastructure, internal transport services and facilities or structures extending over large areas of the site. It also showed in paragraphs 13 and 15 of the same paper that this would be developed as one single project. At that time, we received positive and supportive response from Members and also valuable suggestions on various areas. After considering these suggestions thoroughly, we have made suitable amendments to the IFP. Members also urged the Government not to shelve the project, so as not to injure public confidence. In summarizing the discussion, the Chairman of the Panel also urged the Government to optimize the WKCD project to promote economy and create employment opportunities. We followed their views in taking forward the project and invited proposals from around the world in two months' time. Yet, all of a sudden, we are listening to opposing views from Members, like bolts in the sky.

At the same time, the Government has attached importance to views expressed by professional bodies on the project. From 23 to 29 February 2000, it consulted the Hong Kong Institute of Architects (HKIA), the Hong Kong

Institution of Engineers (HKIE), the Hong Kong Institute of Surveyors (HKIS), the Hong Kong Institute of Planners (HKIP) and the Landscape Architects Association (LAA), the University of Hong Kong, the City University, green groups and the Real Estate Developers Association, to gauge their opinions on the details and arrangements of the Concept Plan Competition.

On 26 April 2000, the Government briefed the Hong Kong Arts Development Council (ADC) on the holding of an international concept plan competition for the WKCD project and the idea was supported by the ADC. Subsequently, on 22 January 2001, the ADC was again updated on the progress of the Concept Plan Competition.

From 7 to 22 August 2000, the Government briefed the Culture and Heritage Commission on the commencement of an International Concept Plan Competition for the WKCD project. On 9 January 2001, it updated again the Working Group on WKR development under the Commission on the progress of the International Concept Plan Competition for the WKCD project and got the support from members.

After we sent out the IFPs, on 8 September 2003, we again briefed professional bodies on the content of the IFP and solicited views from the HKIE, HKIA, HKIP, LAA, HKIS and the Associations of Architectural Practices.

Thereafter, three rounds of briefing sessions were held, including meeting members of the HKIP on 22 October, representatives of the HKIA on 4 November and members of the HKIS on 10 November. And a briefing session will be held on the 12 December with members of the HKIE.

Why do we need so many surveys and consultations? It is because we are aware of the importance of this project. We know that the completion of this project must answer the aspirations of the public.

I believe the public will also feel that, comparing with other advanced countries in terms of cultural and arts development, we are lagging behind. Among our existing cultural facilities, there may not be anything that we can be truly proud of. The Arts Fairs we have are mostly bazaars selling arts and crafts products, but not venues for Hong Kong artists to exchange ideas of creation or where arts development can be fostered. Notwithstanding the high patronage rate of our museums, we can hardly pool people or make visitors feel that they must come back every year.

People here are very hard-working and look forward to improving their living quality, thus it is essential to enliven their lives with arts, culture and entertainment. Apart from providing their children with commercial entertainment, they also want them to have access to cultural activities of world-class. Our primary aim for pushing ahead with the WKCD project is to make a change and enhance the living quality of the public.

In fact, if we look around at our neighbouring cities, we can see that they have attached increasing importance to cultural and arts facilities. As we all know, world-class financial hubs, such as New York and London, will not enjoy their current status if they have not made investments in cultural which has reached a similarly advanced and updated state.

Hong Kong as a modernized metropolis — being the financial centre in Asia and an international city, we need a balanced development. We must have something on the cultural side to support us and to enhance our competitiveness.

Besides, the economic benefits that will come from the WKCD project will be enormous. Apart from property proceeds, we can create 500 professional posts in the short term, and in the next six years in a row, there will be over 5 000 posts for construction workers. In the long run, in terms of operating and managing the cultural facilities in the district, we estimate that it should create more than 1 000 permanent posts.

Yet, at this time, we are also facing a serious deficit problem. In the next five years, at least, we may not have sufficient public resources to construct this enormous cultural project costing over \$20 billion.

We all know that the resources of the Government are limited, but outside the Government, there are plenty of them. In the private market, there is an excessive supply of capital. According to our estimation, there are at least \$3,000 billion capitals looking for an outlet. As enterprises are more sensitive to the demand in the market and they do business in a more creative and flexible manner, it should be perfect timing to involve the private sector in public development.

After thorough consideration, we decided to construct this new landmark in a new manner. Instead of putting major public cultural projects in the hands of the Government alone as we did in the past, we are going to adopt the

community-driven approach. By involving the participation of private consortiums, we are not going to use any public money. Apart from making use of private funding, this will also enable us to enlist advanced technology and talents from the private sector.

Our aim is not only to set up a landmark of culture and construction, but also a hub of sustainable development which requires comprehensive, thorough and flexible commercial considerations and design. The Government has constructed quite a number of cultural and arts facilities already, however, they are considered far from perfect for a lack of commercial acumen in operation.

We very much hope that the WKCD project can make a breakthrough on this front. With their flexibility, the business sector can enter into partnership with world-class museums and institutes or experts in cultural facilities to provide varied cultural and entertainment programmes that can attract not only artists and arts lovers, but also a comfortable environment for members of the public to enjoy their leisure, thereby promoting consumption and breathing life into the city.

Businessmen are experts in making commercial benefits out of facilities and attracting people. We need a lively landmark frequented by people. We can find a similar successful example in the Mid-levels escalators. The facility was originally constructed to facilitate residents on the Mid-levels. At the end, it brought life to the older district along the alignment, attracted many local residents and overseas visitors, and created quite a number of job opportunities in the services sector. This kind of property-driven effect will become even more prominent in the WKCD. The Louvre in Paris is a very good example, worthy reference, as it combines arts with consumption and entertainment in a successful manner.

It has also been suggested that the Government should sell or charge, through a development agency, part of the land in WKCD in exchange for construction capitals. If we do that, we will be using taxpayers' money to underwrite the project. Another problem is, we will have to construct this cultural and arts hub in the old manner. We have to do the design and the planning ourselves, and will come up with something very similar to the existing Hong Kong Cultural Centre and community halls. In addition, cultural and commercial activities cannot be integrated for we cannot get hold of data related to commercial operation or the types of shops to be provided to tie in with these cultural facilities, thus failing to attract patronage.

At that time, having spent all our money or even more than we have expected to, we will definitely not achieve the effect of creating a cultural landmark or achieving any property-driven effect. We will sacrifice the economic benefits for the coming decades if we attach too much importance to the land sale proceeds in the shorter term.

Therefore, the WKCD project warrants a comprehensive design and support. This vision will not be realized by a divided or piecemeal development. Nor can it be done by the Government alone. Either option will not give us a world-class landmark which is all-embracing and appealing.

To develop the project as a single package has attracted some criticisms. Some people say that only one or two consortia will have the capability to participate and to compete in a single project of such a large scale. Some people even say that the Government will be labelled as favouring these consortia regardless of the result of the assessment.

I would like to point out that we attach the utmost importance to maintaining a level playing field which is most essential in making Hong Kong an international financial centre. We pursue impartiality, we desire competition, but at the end, only one bidder will be selected for the government project. It could be one single consortium or a syndicate made up of several consortia.

Two weeks ago, I already explained here the disadvantages of dividing the WKCD project. But I have to reiterate one point, that is, we are not excluding the participation of small and medium developers. The requirement for proponents to have constructed a project costing less than \$3 billion within 15 years was drawn up with reference the requirement of similar projects in the past. The aim is to protect public interest.

We have allowed developers to form a syndicated consortium to participate in the competition. The responsibilities taken up by these consortia should be joint and several so as to ensure that the whole project will not fall through even if one of the participants withdraws. But this requirement is not rigid.

At present, 12 consortia have expressed interest, with three of them coming from overseas. It proves that it is groundless to claim that only one or two consortia will have the capability to compete.

In a capitalist community, it is a natural phenomenon for different consortia competing to fight for their respective interest, and Hong Kong is no exception. However, if an appeal is made to the Government of the Hong Kong Special Administrative Region to ignore the nature of the project and work for the interest of any consortium or to settle any conflict of interest among them, it is certainly something we are not going to do. We will not work against the interest of the public and violate the principles of fair competition under these pressures.

Nonetheless, we must let the public feel and see that the competition is fair. We have issued the IFP for the development project worldwide. The future selection will be conducted by senior officials. We will also invite the participation of the Independent Commission Against Corruption (ICAC), and no Principal Official will take part in the process. The relevant Principal Official will submit the winning proposal to the Legislative Council for deliberation before a decision is made by the Executive Council. Information of other proponents will be submitted to Members for reference on the premise of violating any principle of commercial confidentiality.

We know many people are worried that the selected consortium will alter its original design plans for its own commercial interest and turn the cultural district into a commercial/residential district. We have sufficient monitoring and regulation in this aspect. The gross floor area, plot ratio or even building height of the construction will be specified in detail in the land lease and statutory town plans which are subject to the comprehensive regulation of the Town Planning Board.

Concerns have been expressed to the effect that developers may not have sufficient expertise and talents in arts and cultural business operation, thus resulting in these professional facilities to be constructed by laymen. I must stress here that we have required proponents to enter into partnership with high-level and experienced operators in organizing arts and cultural entertainment, and to submit promotional proposals on arts and cultural facilities.

Our focus is not only the hardware — the construction of the landmark, but also the software — the contents and management to be embedded into the landmark. Only through this can we ensure that the landmark will be lively, effective and sustainable in development.

Our ideal mode of management is a management body jointly formed by operators, the cultural sector, the public and the Government, so that the operation of the landmark can strike a balance between arts and culture and commercial benefits. We also require the selected operator to deposit performance bond, so that in case of any management default on the part of the operators, the Government can use the bond to continue the operation, thereby obviating an additional burden on taxpayers.

There are indeed still a lot of issues that require the participation of various sectors. A vast domain, such as a matching comprehensive cultural policy, a policy on facilities management, strategies on exhibitions and performances, training of talents in arts and culture, the promotional strategies in respect of the arts and cultural market, and so on, will be involved. These are the specifics that will ensure that the arts and cultural contents in the hardware are more enriched, creative and attractive. The Government is prepared to listen to public views in this aspect, especially the views of the arts and cultural sector. We hold an open mind on these issues and no decision has yet been made.

Since the WKCD project involves significant commercial considerations, we must listen carefully to public views to ensure that the design will meet market needs and will be more commercially viable.

The local cultural sector may find the past approach of community-driven insufficient. The construction of this project provides a very good opportunity to address the issue. Though not all the problems can be solved, it is considered helpful to outlining a blueprint for arts and cultural development and enabling the early launching and implementation of relevant policies. We have maintained considerable contact and dialogues with the cultural sector and the same will continue in future. The people in the cultural sector with whom we have made contact support in principle this cultural project and we will continue to listen to their valuable input.

The construction of a landmark which is a breakthrough in itself will invariably arouse great controversies in the initial stage, and it is true all over the world. The Tour Eiffel in Paris, the glass pyramid designed by Ieoh Ming PEI in front of the Louvre and the Guggenheim Bilbao, Spain of late are well-known examples.

In a pluralistic community like Hong Kong, it is natural for the people to express divergent views. The controversies aroused in relation to the WKCD project may be positive, for they have enabled the public to know and understand the project better. However, it is important that an issue about which there is already a consensus should not be shelved and all the surveys, studies and consultations conducted afresh whenever we hear different views. This attitude is simplifying the matter and stifling a project which is both economically beneficial and creative, thereby delaying the creation of over 5 000 jobs for unemployed construction workers and depriving the relevant professionals of employment opportunities.

In the past two weeks or so, I have met with a number of arts and cultural bodies. I have been touched by their sincerity in arts and cultural activities, as well as their eagerness for the breakthrough to be brought about by the project. The Government has examined Members' questions repeatedly. We have conducted considerable studies on the WKCD project in the past seven years and obtained substantial data, and we have relayed them to the public and the Council. According to these studies and data, the implementation of the WKCD project is meaningful and supported by objective justifications. The proposal to shelve the project as suggested by Mr Albert HO is hasty and indiscreet.

The Government is keenly aware that the ultimate objective of implementing this project is for the welfare and benefit of the community and to bring economic benefits. Therefore, apart from a serious design, uniqueness, life and appeal should also be built into the landmark. In our opinion, we can adopt a more proactive approach by conducting ongoing discussions on such aspects as the assessment criteria, the contents of the facilities and the mode of supervision on the operation. While it is impossible to prescribe a set of absolute criteria in arts, the Government will definitely not impose its own standard on our artists and citizens. The WKCD project belongs to the territory as a whole. The Government has to engage in in-depth deliberations with various sectors.

To this end, we are prepared to extend the deadline for submission of development proposals by three months, that is, from 19 March to 19 June, with a view to improving the WKCD project further. As a matter of fact, to allow proponents more time in preparing the proposals will be beneficial to the future assessment and selection process.

Nevertheless, if Members endorse Mr Albert HO's amendment regardless of the studies and consultations conducted by the Government and various parties on the WKCD in the past years, the consent Members have given to this project in the past, the ultimate objective of the project to benefit Hong Kong people, and the economic benefits and job opportunities brought about by the project, I can do nothing but to accept Members' preference. I will act humbly according to Members' decision and shelve the project immediately. The IFP issued worldwide will be withdrawn tomorrow on 27 November. The entire project, including the relevant issues raised by Members in the debate and the planning of related arts and cultural facilities, will be referred to relevant bureaus for reconsideration.

I fully appreciate that, if Members have made up their mind in shelving the project, even if the Government has indicated a willingness to consult the Legislative Council on the winning proposal and to extend the deadline for public consultation, they will go on finding faults, and our work will not get the recognition of Members in future. The energy and money of proponents will be wasted and so will our time.

I wish to remind Members that, since 1996, the Government has invested seven years in examining, planning and consulting on the WKCD project. The land at the WKR to be used for the project was formed in 1993. It has been laying there unused for 10 years in our city centre. I hope Members can consider carefully whether we should let this prime lot to lay unused for another seven years just for the empty work proposed in Mr Albert HO's amendment, and let Hong Kong people wait for another seven years?

Honourable Members, in conclusion, I implore you to negative the amendment proposed by Mr Albert HO, so that the Government can join hands with the cultural sector and professionals, and spare no efforts in taking forward the cultural landmark we are longing for in the West Kowloon District.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr Albert HO to move his amendment to the motion.

MR ALBERT HO (in Cantonese): Madam President, I move that Mr WONG Sing-chi's motion be amended, as printed on the Agenda.

Mr Albert HO moved the following amendment: (Translation)

"To delete "comprehensively review" after "That this Council urges the Government to" and substitute with "temporarily shelve"; to delete "extend the deadline for submission of development proposals," after "the West Kowloon Cultural District development project,"; to add "afresh" after "and openly and thoroughly consult"; and to add "; the Government should also consider setting up a statutory body to co-ordinate and implement the relevant plan" after "so as to formulate a development and operation plan that is open, fair and proper". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert HO to Mr WONG Sing-chi's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Mr Kenneth TING, Mr James TIEN, Miss Margaret NG, Mrs Selina CHOW, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr Howard YOUNG, Ms Miriam LAU, Dr LAW Chi-kwong, Mr Abraham SHEK and Mr Michael MAK voted for the amendment.

Dr Raymond HO, Dr Eric LI, Dr David LI, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Dr Philip WONG, Mr WONG Yung-kan, Mr Timothy FOK, Ms LI Fung-ying, Mr Henry WU, Mr LEUNG Fu-wah, Dr LO Wing-lok and Mr IP Kwok-him voted against the amendment.

Geographical Constituencies and Election Committee:

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

Mr CHAN Kam-lam, Mr Jasper TSANG, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Albert CHAN, Mr Frederick FUNG, Dr David CHU, Mr NG Leung-sing, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Mr MA Fung-kwok voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 11 were in favour of the amendment and 14 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 13 were in favour of the amendment and 12 against it. Since the question was not

agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): Madam President, I move that in the event of any further divisions being claimed in respect of the motion on the West Kowloon cultural district development project or any amendments thereto, the Council do proceed to such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU 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.

I order that in the event of any further divisions being claimed in respect of the motion on the West Kowloon cultural district development project or any

amendments thereto, the Council do proceed to such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr MA Fung-kwok, you may now move your amendment.

MR MA FUNG-KWOK (in Cantonese): I move that Mr WONG Sing-chi's motion be amended as printed on the Agenda.

Mr MA FUNG-kwok moved the following amendment: (Translation)

"To add "consider the 'software' contents before planning the cultural facilities," after "That this Council urges the Government to comprehensively review the West Kowloon Cultural District development project,"; to delete "and" after "extend the deadline for submission of development proposals,"; to delete "so as to formulate" after "the public and relevant organizations," and substitute with "and uphold the 'people-oriented', 'partnership' and 'community-driven' principles put forward by the Culture and Heritage Commission for the West Kowloon development in formulating"; and to add "; and in the process of development, the Government should also facilitate a partnership between developers and the cultural sector, so as to allow the latter to participate in the planning and future operation of the facilities in the district" after "a development and operation plan that is open, fair and proper". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr MA Fung-kwok to Mr WONG Sing-chi'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): Mr WONG Sing-chi, you may now reply. You have up to one minute 55 seconds.

MR WONG SING-CHI (in Cantonese): Madam President, I was criticized a moment ago by the Chief Secretary for Administration for having requested the Government not to shelve the project and today changing my mind by asking the Government to do otherwise. I guess the Chief Secretary has not read the record of the meeting carefully. What I said at that time was I feared few people would be interested in bidding for the project should the Government insist on acting in its own way. Should that happen, the entire project would easily fall through, and then the Government would shelve the project lightly. This would be the last thing I would like to see. I hope the Secretary can look at the record of the meeting carefully before making any criticism.

The remark made by the Chief Secretary earlier in fact demonstrates that the Government has not truly listened to public opinions, and that it is really biased in listening to opinions. In very simple terms, today the Chief Secretary is still insisting that repeated consultations have been held and a number of matters have been dealt with. Has he asked himself why people from so many sectors, including the architectural and engineering sectors, and even professionals from the cultural sector, have put forward diverse views, if repeated consultations have been conducted? This shows that the so-called consultations held by the Government are questionable. The Government merely wishes to give a brief introduction and explanation; it does not truly want to solicit the views of various organizations.

None of the 23 Members who have spoken in the debate clearly raised opposition to the Government's plan. Given the enormous efforts made by the Government, why are there so many voices of opposition? The Government merely wishes to listen to voices it loves to hear. Members tendering their advice are taken by the Government as voicing opposition to it. Under such circumstances, I very much fear that the Chief Secretary will find it even harder to listen to public opinions and the heartfelt wishes of the people in performing his task in future. Thus, the public will naturally be dissatisfied with the work of the Government. I hope the Chief Secretary can truly consider carefully the points made by Members today. Instead of voicing opposition to the implementation of the project by the Government, Members have merely said that the Government should make more efforts to enable the project to be conducted in a smoother manner for the benefit of the public. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Sing-chi, as amended by Mr MA Fung-kwok, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Credibility of the Equal Opportunities Commission.

CREDIBILITY OF THE EQUAL OPPORTUNITIES COMMISSION

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

The Equal Opportunities Commission (EOC) is a statutory body set up by law to implement the following three Ordinances, that is, the Sex Discrimination Ordinance, the Disability Discrimination Ordinance and the Family Status Discrimination Ordinance. The EOC promotes and upholds equal opportunities in Hong Kong and protects the people of Hong Kong from being treated unfairly, especially in respect of employment relationships, on grounds of sex, physical disability or family status.

The EOC was formed in 1996 and its past chairpersons included Dr Fanny CHEUNG and Ms Anna WU. For more than seven years since its establishment, the EOC has gained public recognition and commendation for its efforts. One example of its work is its undaunted legal action against the Education Department to disband the system of allocation of secondary school places where boys and girls were subject to mixed allocation. This serves to build up its reputation as an organization committed to upholding equal opportunities in Hong Kong.

Unfortunately, not long after assuming office on 1 August this year, the former chairperson Mr Michael WONG dismissed the Director of Operations designate, Mr Patrick YU. On 23 October, Mr Patrick YU held a press conference on his unjustifiable dismissal by the EOC. The incident snowballed from a case of unreasonable dismissal into a controversy. It was revealed that Mr Michael WONG had gained special favours from the Chief Executive to enable him to receive remuneration as the chairperson of the EOC while also getting his pension, thus enjoying double benefits. Then it was discovered that when still serving as a judge, he was suspected to have received a gift of air tickets from a wealthy businessman without declaring the same to the Judiciary. Mr WONG was also alleged to have divulged confidential papers of the EOC, including the personal data of job applicants.

When interviewed by the media, Mr Michael WONG was asked to confirm a speculation that there would be significant staff changes in the EOC after he assumed office. His response then was it would have to be done slowly and it could not be done all at once. He also said that there were many talents in Hong Kong and he would follow the procedures and conduct open recruitment.

This caused suspicions among the public that he was appointed by the Chief Executive to downsize the EOC. To quote the headline of a weekly magazine, this was to "purge the EOC". Before Mr WONG tendered his resignation in public, he had a private meeting with the Secretary for Home Affairs and a Member of the Executive Council. There were reports that people to that meeting had drafted a lengthy statement against the former chairperson Ms Anna WU, setting out the so-called "six deadly sins" during her term of office. Although Mr Michael WONG did not read out that statement during the press conference called by him on the occasion of his resignation, when the statement was exposed, this kind of smearing tactic would lead people to believe that the Chief Executive and some conservative forces in the Government would like to see a dynastic reform of the EOC, such that both its manpower and resources would be cut with the aim of preventing it from taking frequent legal actions against illegal acts of discrimination or even trying to reduce the EOC into a "yes man" of the Government. This spate of incidents has really undermined the credibility and reputation of the EOC and it is indeed regrettable.

Despite the resignation of Mr Michael WONG, the controversy is not yet over. The public still fails to see why after the EOC had endorsed the appointment of Mr Patrick YU as the Director of Operations of the EOC at the end of May, the same people who had agreed to hire Mr YU came out on 20 September and said he should be dismissed and that the employment contract of Mr YU should be rescinded. At the meeting of the EOC on 18 September, was there any discussion on matters related to dissolve Mr YU's contract? A resolution was passed at that meeting to authorize the then Chairperson to handle matters related to the contract and did that authorization include an early termination of the contract? In the meeting of the EOC on 18 September, were details of the telephone exchanges disclosed which included an express intention to dismiss Mr Patrick YU? All these remain a mystery even to this date. Was the EOC or Mr Michael WONG who thought that Mr Patrick YU was unfit for the post of Director of Operations of the EOC? Were normal procedures followed during the entire process and in the dismissal? In the events this year, is the word "unfit" merely a pretext used by Mr Michael WONG to get rid of people who did not share the same political beliefs as his? If yes, will similar dismissals or extermination of dissidents continue?

Moreover, before Mr Michael WONG openly announced his resignation on 6 November, he had a private meeting with the Secretary for Home Affairs, a Member of the Executive Council and individual members of the EOC. Were discussions held during that meeting on the internal work of the EOC, including

the so-called "six deadly sins" of the former chairperson Ms Anna WU? When the Chief Executive went so much out of the way as to accede to Mr Michael WONG's request in granting a rare approval by way of discretion to his receiving double benefits and appointed him as Chairperson of the EOC, was Mr WONG tasked with any secret mission? All these have not been clarified. But they are very important. For the incident causes doubts as to whether the Chief Executive wants to appoint some conservatives to revamp the objectives of the EOC and reduce it to a mere political showcase. These are all issues of concern, grave worries to the people of Hong Kong.

Though questions have been raised in this Council on this spate of incidents, no satisfactory replies have been given by the Government and the EOC to dispel the doubts. On the other hand, the replies and responses made by individual members of the EOC and the Government only serve to highlight the division in the EOC and that certain members of the EOC think that the EOC is an instrument in the service of the Government and that it is an organization in which the Chairperson can enjoy absolute powers. Though the EOC is seen as an independent statutory body, the Government has done nothing to stop the person appointed by it as the Chairperson to damage the credibility of the EOC in such a blatant and public manner.

The international reputation which Hong Kong enjoys lies in it being a free place where human rights and equal opportunities are respected. If the EOC of Hong Kong ceases to be an institution committed to the defence of equal opportunities and the elimination of discrimination, then it will not command the trust and support of the public. This will do enormous harm to our international reputation. For this reason, the Democratic Party urges the Chief Executive and the Government to learn the lesson from the "Michael WONG Kin-chow incident" and adopt expeditious measures to restore public confidence in the EOC.

With these remarks, I beg to move.

Mr Fred LI moved the following motion: (Translation)

"That this Council urges the Chief Executive and the HKSAR Government to learn the lesson from the "Michael WONG Kin-chow incident" and take expeditious measures to restore public confidence in the Equal Opportunities Commission."

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

PRESIDENT (in Cantonese): Mr Andrew CHENG, Mr LEE Cheuk-yan and Ms Emily LAU will move amendments to this motion respectively. The motion and the three amendments will now be debated together in a joint debate.

I now call upon Mr Andrew CHENG to speak first.

MR ANDREW CHENG (in Cantonese): Madam President, on the incident of the unreasonable dismissal of Mr Patrick YU, the Director of Operations designate of the Equal Opportunities Commission (EOC), by former Chairperson, Mr Michael WONG and its subsequent development into an issue of the public questioning the credibility of the EOC, the way it has been handled by the Government is regrettable. However, a more unfortunate outcome is that, apart from the series of mishandlings by the Government in this incident and its failure to uphold the credibility of the EOC, the public has been led to believe that the Government and even the Secretary are trying to change the working direction established by the EOC and they are even suspected of having taken part in undermining the EOC's credibility. I hope the truth of the matter is not what has been reported in a weekly magazine, that the Government and the Secretary are trying to "make a case of" Anna WU.

After the press conference called by Mr Patrick YU to relate his unjustifiable dismissal by the EOC, the Home Affairs Bureau which is responsible for the appointment of members of the EOC did not do anything. It put up an excuse that the EOC was an independent statutory body and that it would not be proper for the Government to intervene. So the new Chairperson of the EOC was free to act on authority of the resolution passed by the EOC to delegate powers to him to handle the matter of Mr Patrick YU's contract. Subsequently, the Chairperson decided to dissolve the employment contract signed between the EOC and Mr Patrick YU. As the government department tasked with following up the work of the EOC and accountable to the Legislative Council, the Home Affairs Bureau officials should know that the position of the Director of Operations in the EOC is not an ordinary position and the employment contract was offered only after a careful selection process. As a statutory body which upholds equal opportunities, the EOC should exercise

special care in recruitments to fill senior positions. It should never reach any decision rashly and it should honour its words. What the Bureau should have done is to examine if the appointment procedure in this case and the dissolution of the contract in question are in line with the normal procedures or not. An explanation is also owed to this Council and the public. However, nothing has been done by the Home Affairs Bureau, including the Secretary.

Then there was the incident about the divulgence of some internal papers of the EOC, including those on the personal data of applicants. However, the response made by the Home Affairs Bureau was that the divulged papers were the internal documents of the EOC, not the confidential papers of the Government, and that if the issue of privacy was involved, the relevant laws could be invoked. This kind of "none-of-my-business" mentality held by the Bureau is in total disregard of the responsibility of the Government in seeing to it that the EOC operation is fair and impartial, that human rights and the principle of confidentiality are upheld. Bureau officials should at least express their concern about the possibility of any misconduct on the part of the EOC and urge it to offer an explanation to the public. Unfortunately, the Bureau under the leadership of the Secretary has done absolutely nothing in this regard.

The Home Affairs Panel of the Legislative Council had originally scheduled a meeting to discuss the "Michael WONG Kin-chow incident" on 7 November. For an important matter like this, Dr Patrick HO, the Secretary for Home Affairs, refused to attend the meeting, offering two reasons, that he was busy and that the invitation from the Legislative Council had been made too late. Had Dr HO been a newly appointed Bureau Director, this might be an acceptable reason, lame though it was, but Dr HO had been in office for a long time and he should have known very well that the panels of this Council might invite representatives from the Government to attend their meetings. Invitations are extended to the departments and the departments will decide which officers to attend the meeting. The fact is the Secretary for Home Affairs has, since he has assumed office, seldom attended any meetings of the Panel on Home Affairs. In the second special meeting, the Secretary went as far as saying that this should not be his responsibility and it would suffice if the Permanent Secretary or the Deputy Permanent Secretary would attend the panel meetings. Obviously, that shows that the Secretary does not know anything about accountability at all. There are reports that even before Secretary Dr Patrick HO and Mr Andrew LIAO, a Member of the Executive Council, met with Mr Michael WONG on a private occasion, Secretary Dr HO had informed

the Legislative Council that he would not attend the meeting of the Home Affairs Panel on that day and that the Deputy Permanent Secretary would attend the meeting in his place. This is entirely unrelated to the remark made by him in the morning of that day, that he had a meeting with the Chief Executive to report on and discuss matters related to Mr Michael WONG's resignation. As an accountable Bureau Director, he should not have behaved in such an irresponsible and evasive manner.

Madam President, a more serious point is that, Secretary Dr Patrick HO had attended a meeting with Mr Michael WONG in his capacity as a Bureau Director, but he said that meeting with Mr WONG and many important members of the EOC was a private meeting. After that meeting, it is surprising to see the so-called "six deadly sins of the EOC", a statement which makes scathing criticisms against the former chairperson of the EOC, Ms Anna WU, during her term of office. According to media reports, we have an impression that the statement was drafted during that private meeting and this "six deadly sins of the EOC" statement has seriously undermined the credibility and reputation of the EOC.

However, Secretary Dr Patrick HO told Legislative Council Members on the second special meeting and also the public that he knew nothing, for by sheer coincidence, he was simply not there then. This so-called alibi, Madam President, is utterly unacceptable indeed. I believe it is also inconceivable to many people. By common sense, in any gathering, meeting or dinner, any reason for leaving the scene of the meeting or conversation would probably be visiting the toilet. If this is really the case, then as I can recall, in the second special meeting, the Secretary had remained seated for four hours without leaving his seat, not even going to the toilet. Therefore, even in the private gathering on that day, if the Secretary really had to excuse himself to the toilet, allow me to make a further speculation, even if he had the cramps, that would only be a matter of an hour or half an hour, or just 10 to 20 minutes. But it appears that a case of the cramps would not be so likely, for the Secretary has been in pretty good shape recently. So under normal circumstances, a visit to the toilet may just take eight to 10 minutes, but what a coincidence it is that during that eight to 10 minutes of the Secretary's absence, the statement was drafted.

So if this is like the case recounted by the Secretary to us the other day, that by such sheer coincidence he was not in the scene, I would only have the

impression that it is case of only God knows, besides the Secretary and the "gang of four" on that day who may know anything, while the public is left in the dark. Yes, Mr Albert HO has just reminded me that it is the "gang of five", there was one more person there. If the Secretary was really there, unfortunately I will have to say that the Secretary is probably lying and trying to evade responsibilities. If by sheer chance that I have made the right guess, that is, the Secretary had a stomach upset or he left to attend to something, but he did not tell us what he had done; or if the Secretary was really not on the scene but he had never bothered to learn anything about the contents of the statement on the "six deadly sins of the EOC", and that he did not care a bit and did not read the reports to see if they were true, or if they had damaged the credibility of the EOC or smeared it, then in so doing, the Secretary is actually an accomplice in undermining the credibility of the EOC.

Therefore, Madam President, as the representative of the Democratic Party, I propose the amendment today is to express our regrets for the improper way in which Secretary Dr Patrick HO has handled the "Michael WONG Kin-chow incident". Thank you, Madam President.

MR LEE CHEUK-YAN (in Cantonese): Earlier on Mr Andrew CHENG expressed his regret over the improper way the Secretary had handled this affair, but perhaps he should commend the Secretary for the respect he had showed for the Legislative Council, so much that he refrained from going to the toilet for four hours. What more can we ask of him? So, in this respect, we should sing him some praises!

Now the Equal Opportunities Commission (EOC) is in such a bad state that it is heartrending. It is no longer the EOC it sets out to be. Its credibility is gone. The whole community of Hong Kong should mourn for the demise of the EOC. I should think that Mr TUNG, Dr HO, Michael WONG, Raymond WU and the entire EOC itself should all share the blame and no one can shirk the responsibility.

I wish to talk about the Secretary first. I do not wish to comment on the private gathering which Mr Andrew CHENG talked about earlier, for Mr CHENG has talked about it already. And many Members would talk about it later. I think from the outset it was a mistake for the Home Affairs Bureau to recommend the appointment of Michael WONG to Mr TUNG. Both the act and the recommendation itself were wrong. I do not know if the Secretary

would agree that they have made the wrong appointment, for they have entrusted the office to a person who was bent on enjoying double benefits. So how can a person like that have any commitment to society? They have appointed a self-willed person who dismissed Patrick YU arbitrarily. I will talk about this incident in detail later.

Justice Michael WONG is one such person who impresses people that he is a self-willed person. Is it not a mistake to appoint such a former judge? Why was he appointed? The Secretary said that he was well-experienced in the judicial circle, but just as I had asked the Secretary many times — he knew well that I would rise to speak today — what kind of experience did Michael WONG have with reference to the EOC? Despite my asking the Secretary many times, he failed to give me an answer. If the person has no experience with the EOC and with anti-discrimination work, then why was he appointed? Similarly, will you appoint a male chauvinist as a member of the Women's Commission, and a boss of a triad society as the Commissioner of Police? You will not do that, will you? You got to match things nicely and there can be no mismatch in this matter. Then why should he be appointed? Is it because he is obedient? Is it because he is willing to take up the scheming plot of purging the EOC as Mr Fred LI has alleged? Is it because he wishes to help the Government avenge over the EOC for suing the Government? Was the Government harbouring any evil intentions? I do not think the Government will admit any one of these.

It is lucky that Raymond WU often comes forth to disclose the secrets. So, Secretary, he is really doing you harm again. For this Raymond WU often says that as Anna WU is a lawyer, she likes to sue people; and as Michael WONG is a judge, he is sensible in handling matters. I do not know why judges can handle matters sensibly. I only know that judges in the Labour Tribunal like to see people settle their disputes and they never give a judgement or conduct a trial. So perhaps he knows that judges like to do that, but does he hate the EOC suing others? From the angle of the victims, there are times that no reconciliation is possible. The EOC will also try to encourage reconciliations, does it not? For victims, if they really want to see justice done, they will have to take the case to court, so does he think that the EOC should not initiate any lawsuits? Did the Government have a hidden agenda already in place to require the EOC not to claim damages for the victims or their legitimate rights so legal action would not be taken? Is that the case? For if it is not, then why was a judge appointed? Is it because, as Raymond WU says, there should not be so many lawsuits?

Perhaps it was precisely because of this that there was some sinister plot to purge the EOC, so was Michael WONG therefore obliged to dismiss Patrick YU? There was a need to oust Patrick YU for he was hired by the former Chairperson. Or may be YU was not hired by the former Chairperson, but he was hired by a selection panel in the EOC. Was a need felt to remove this stumbling block? Perhaps some people were thinking that this stumbling block would cause too much trouble. But no one could have anticipated that they were moving this stone of Patrick YU only to fall on their own feet, making a mess right at their own doorstep. It was even beyond the wildest imagination of Justice Michael WONG.

I would also like to talk about this dismissal saga. Every time when I hear the Government talk about it, it would say that it is a labour dispute. I must stress that it is not a pure and simple contract problem. Honestly, if it is, then there is no need for this Council to bother about it. It has nothing to do with contract. The case is crystal clear. It is a political persecution perpetrated by Michael WONG. He holds political discrimination against the former EOC chairperson and the person hired by the EOC selection panel. If the vocation of the EOC is to help people who are discriminated against fight for their rights, what it has done in this present case is political discrimination. Even if political discrimination does not fall within the ambits of the three Ordinances, the EOC cannot discriminate against anyone. If it does, then if people go to the EOC to see Justice Michael WONG and find that WONG is just as discriminatory as their employers, how can these people trust him? How can they trust that the EOC is fair and impartial?

The credibility of the EOC is gone. The main reason for this is its conduct in this matter. It was clearly discriminating against Patrick YU. Obviously it was because Patrick YU had been interviewed by the *South China Morning Post* for no justifiable reason. But press interviews do happen every day in Hong Kong. Was YU dismissed for such a trivial matter? It was Michael WONG who wanted to dismiss him. That is totally incomprehensible. A lame reason was given later, that YU did not know his job in the EOC. Although YU was appointed as the Director of Operations, he had not yet assumed office, so how could it be asserted that he did not know his job? How did you know that he knew nothing about his job when you had only talked with him for some time? The selection panel had met with YU many times and all the procedures were complied with and it was considered that he was the right person. How could Michael WONG say that YU was not suitable when he had only talked with him once? Also, please do not forget, Michael WONG had

said to Anna WU, "You are walking into your own funeral." If this is translated, it would mean that Anna WU was digging her own grave. I do not know how this should be translated. But at last he has to go to a funeral and the most tragic thing of it all is that it is a funeral of the EOC. Now we really have to pay our last tribute to the EOC. The EOC has been so messed up by the Government. It is in utter chaos and it is now in tatters. We all hope that the motion today can bring the EOC to life.

The dismissal incident has shattered the credibility of the EOC, and that is an important reason. The incident is not only unfair to Patrick YU, but it has also dealt a heavy blow to the credibility of the EOC. Ms Emily LAU says that all members of EOC who have done things to undermine its credibility should be dismissed. I think actually she is referring to Raymond WU. To be honest, Raymond WU is a problem. I do not want to list out all the things he has done. For example, it is reported that it was Raymond WU who recommended Michael WONG. He is the one who works behind the scene to dismiss Patrick YU. He takes pleasure in playing the smearing game. He sets out the "six deadly sins". He says that there are people who issue medical certificates for no reason. He smears the academic qualifications of Patrick YU. There could be many such examples if we should list them one by one. This has become, as he put it, a hot-potato incident. Actually, I would think that the words "disgusting" and "despicable" would better describe it.

Having said that, I do not wish to make any more comments on him, for what I think should be done now is to discuss how to restore the credibility of the EOC. Two things are important in my opinion. First, and that is the most important one, is to appoint all the members of the EOC afresh. Only people with a real commitment to the EOC should be appointed. Second, the chairperson designate must avail himself to questions asked by Members of this Council. That is like sitting for a benchmark test that we hear so often these days. Can we not ask a person to come to the Legislative Council and ask him questions before his appointment, so that we can see if he is capable and let him appear before the public?

I hear that other political parties do not support my idea of requiring the chairperson designate of the EOC to appear before this Council before his appointment. It looks therefore that this amendment of mine will go down. But the question remains: Why can this matter not go through the Legislative Council? Why are Members gladly relinquishing their duty, that is, to monitor the Government? The executive is still in the lead and persons are still

appointed by the executive. I am only asking that the selected appointee will come to this Council for questions. That is meant to let us see his capability and let the Government know that before anyone is appointed, that person should be considered suitable and that this Council will agree to it so that the Government will be prudent when making appointments and that the Michael WONG incident will not repeat. This is the greatest aim I hope to achieve with my amendment. I hope Members will support it. Thank you, Madam President.

MS EMILY LAU (in Cantonese): Madam President, over the last couple of months or more, the reputation of the Equal Opportunities Commission (EOC) has really been seriously injured. As I have said on many occasions, when I am asked what has been done to the benefit of Hong Kong under the leadership of TUNG Chee-hwa's administration, I would invariably reply that we have the EOC. I said so even when I was in foreign countries. However, it will be very difficult for me to give an answer now. This is not going to be easy anymore, for there is now nothing to speak of.

Madam President, this has become a big problem. Certainly, I very much support Mr Fred LI's motion. But I would like to enrich the contents of the motion. He stresses the need to restore confidence. But how? Some people said that confidence could be restored by the resignation of the Secretary. I agree with the remarks made by some colleagues earlier on. Mr Andrew CHENG, for example, opined that the Secretary had mishandled the incident. In other words, the responsibility of the Government is not solely to appoint its Chairperson and leave everything else for the EOC to handle. I believe the most important responsibility of the authorities is to safeguard the credibility of the EOC. If something has happened and if it will create an impact, the authorities should follow it up immediately. But what we have seen now appears to be just the opposite. So, I have to propose an amendment to suggest that all EOC members whose behaviour has impaired the credibility of the EOC should be removed. I hold that these people should go. As also mentioned by Mr LEE Cheuk-yan and other Members, Raymond WU is certainly one of them, but there may also be some other people.

Madam President, I think Ms Anna WU does deserve an apology. As mentioned by a number of Members earlier on, during the so-called private gathering on 5 November, it was proposed that a resignation statement be drafted for Justice Michael WONG and in this statement, some allegations had been made. Although Mr Michael WONG did not read out these allegations the next

day when he delivered the statement, a very long statement was tabled at a meeting of the Legislative Council on 14 November. In that statement, many allegations were included, and Dr Raymond WU had also admitted on other occasions that he had assisted in drafting the statement, adding that the Secretary was present too. Nevertheless, when Dr Raymond WU was subsequently asked to confirm this point, he said that he had no memory of it. This is indeed infuriating.

Besides, Madam President, when Dr WU attended the meeting, I had put questions to him and he said that the allegations were hearsay. He meant that the allegations were made based on hearsay. I said since he had served on the EOC for almost seven years and if there were these allegations, could it be that even he, being a member himself, did not know whether there were cases of favouritism, whether figures had been inflated, whether the structure was overly bloated, and whether money had been squandered. He has been a member for six or seven years and he told us that he did not know, but the EOC had resorted to asking a newly appointed Chairperson who had taken office for several months only to make such smearing allegations. Madam President, how did Dr WU respond at that time? How did Dr WU, an EOC member and a Deputy to the National People's Congress, respond? He said that he had not read the papers — I instantly thought of Secretary Frederick MA at that time, and Madam President, it so happened that he was sitting in the same seat over there — He said that he had not read the papers because as he tended to get on somebody else's nerves and as he tended to go here and there, he might be accused of having disclosed the information in the papers. How can such a person continue to serve as a member of the EOC? He does not read the papers at all, and despite his service as a member for so many years, he had made allegations based on hearsay and then encouraged a Chairperson who would soon resign to put down these allegations in writing to sling mud at another person. Regarding what Ms Anna WU had said on that day, he denied everything, saying that this was not the case. He simply denied everything.

At that time, officials of the Home Affairs Bureau had produced some statistics to prove that the allegations were wrong and yet, the Secretary still refused to come out to clarify that the allegations were unfounded. All he had said was that he would express his view only after the allegations were substantiated (he appeared to be suggesting that the allegations had yet to be substantiated). However, he would not take any action to prove or disprove these allegations. How can such a person hold the office of a Secretary? That

is how I feel. Steps should have been taken to prove the validity or otherwise of the allegations, for these allegations are not meant to be a joke. They are allegations involving an ex-Chairperson of the EOC and the EOC as a whole. I hope that tonight, the Secretary will tell us whether he has ever taken actions to verify these allegations and whether he is aware of the information and statistics provided by officials who were present on the 14th (including those from his Bureau). So, I think the Secretary and the other people owe Ms Anna WU an apology.

As regards the so-called private gathering on the night of the 5th, Madam President, that is also outrageous. Why should discussions on whether or not the EOC Chairperson should resign be conducted by way of a private gathering? The Secretary said that the gathering was arranged by a lady friend, and this lady has turned out to be Ms Priscilla WONG, wife of Executive Council Member Andrew LIAO's younger brother, Mr Martin LIAO, and she was appointed as a member of the EOC only in May. So, that private gathering was arranged by her to discuss whether or not Mr Michael WONG should resign and a statement on his resignation was also drafted on that occasion. Ms Anna WU had asked whether the statement was written by staff of the EOC for Michael WONG, but it seems that this question has not been answered to date. The Secretary had better answer this as well later. So, I think as to who had done what or said what on that night, there are indeed many versions, making it a "Rashomon affair". I have proposed through the Secretariat to Chairman IP Kwok-him that those five persons should all issue a statement to give an account of what happened on that night, for this incident has great implications and involves a deliberate attempt to smear the reputation of the EOC and to smear the reputation of Ms Anna WU. So, Madam President, all members or persons involved should not remain in office.

Moreover, there is the question of unjustifiable dismissal, as mentioned by Honourable colleagues earlier on. At the meeting on the 14th, an EOC member, Mr Peter YEUNG, who was the Chairman of the selection board at the time, was mentioned. He can continue to hold his office, but some other members cannot remain in office. Having said that, however, it is still right not to further appoint a member who has served for six years. I read in today's newspaper that a certain Prof YEUNG who used to be a member of the EOC said that he was very unhappy to learn that some people could not remain in office. He had served on the EOC for six years and he still had to leave, but some people could be reappointed for a further term. However, Mr YEUNG stated at the meeting

on that day that the dismissal of Mr Patrick YU had been discussed at the meeting on 18 September, but the decision to employ Mr YU was made through elaborate procedures.

On the agenda of the meeting on 18 September, this item was originally not listed for discussion, and it was raised for discussion only under "Any Other Business". After a 45-minute discussion, the meeting agreed that the Chairman be authorized to dismiss Mr Patrick YU. What are the reasons? One of the reasons was mentioned earlier and that is, Mr YU accepted an interview by the *South China Morning Post* on 18 July for no reason at all, and the other reason is that he was found to be not well-versed in the handling of complaints or conducting investigations. Was it a bit late for this to be found out only at that time? He was determined to be suitable for the job and hence offered employment only some months ago. But afterwards, it was even alleged that Patrick YU did not know what he was doing. It was found out only at that time that he did not know what he was doing. Some of these members did play a part in the decision on Mr YU's employment, including this Mr Peter YEUNG who subsequently decided to authorize the Chairperson to dismiss Mr YU.

The Secretariat has received a letter from a professor who expressed the wish to come to the Legislative Council. I hope that Mr IP Kwok-him will allow him to attend the meeting because he said that he had found many anomalies in this incident and would like to express his views. Madam President, I doubt if the EOC should allow these people to remain in office. When something has happened and when someone's reputation has been smeared, no one is willing to come out to say something to do justice. All these members do know what has happened. They have served on the EOC for six or seven years. Is it not that they should know whether figures had been inflated, whether there were cases of favouritism, and whether there was this and that? If there are really such cases, why have they not revealed them earlier? When somebody has smeared the reputation of and hurled allegations against another person, who among this dozen EOC members is willing to come out and say something? What has the Secretary done?

I propose this amendment because I think some of those people on the EOC are only sitting there with their arms folded, knowing only to listen to whatever the Chairman says (I hope the Secretary will agree with me in his response later). Do they still have the qualities, capability and credibility to serve as EOC members? During the oral question time on the last occasion, the

Secretary also said that the credibility of the EOC had been tarnished to some extent. Then he added that an ex-civil servant would be appointed to Chair the EOC. I hope this is not going to materialize. When asked by other people, he said that it was most important to rebuild the credibility of the EOC. So, it shows that people all agree that the credibility of the EOC has been completely smashed. But how should the first step be taken to make improvement? Firstly, no retired civil servant should be appointed because more often than not, the EOC will be pitched against the Government. Secondly, it will depend on the existing EOC members. It is best that they can resign on their own initiative. Otherwise, they must be asked to go, because if these people remain in office, it will be impossible to restore the credibility of the EOC. I so submit.

MR HOWARD YOUNG (in Cantonese): Madam President, the Equal Opportunities Commission (EOC) is an organization established to eliminate discrimination and uphold justice in society. The many incidents that happened recently have greatly undermined public confidence in it.

For example, the dismissal of the Director (Operations) designate, Mr Patrick YU, by the former EOC Chairman, Mr Michael WONG, soon after he had assumed the Chairmanship was basically a labour dispute. If Mr YU is dissatisfied with any part of the procedure in respect of the termination of his employment, he may lodge his case with the Labour Tribunal through established channels to seek a satisfactory solution. Nevertheless, the reasons given by Mr Michael WONG for the dismissal were inconsistent, as he said at one time that Mr YU's remarks in an interview before he assumed duty were *ultra vires*, but said at another time that his dismissal was due to resource considerations and the need to streamline the structure. As a result, unnecessary speculations have been aroused in the community.

Some EOC members and Mr Patrick YU insisted that Michael WONG had not followed the established procedures. But there were also reports that the appointment of Patrick YU by Michael WONG's predecessor, Ms Anna WU, might have problems as well because, apart from recommending Patrick YU to the head-hunter, Ms WU had actually been involved in the selection process. This has induced suspicions of Ms WU recommending and appointing her cronies. Coupled with a spate of other controversial incidents involving Ms Anna WU during her tenure, Ms WU was even alleged to have committed "six sins".

Regarding this spate of incidents, while the allegations have been refuted one by one, there are still questions that cannot be easily explained. For instance, as pointed out by media reports, of the litigation costs incurred by the EOC from 1999 to 2002, 50% was spent on proceedings filed by EOC staff against the EOC. In other words, the money has been expended on internal fights. To an organization which upholds equality and justice, if even its own staff are dissatisfied with the way it goes about things and have chosen to take their case to court or lodge complaints, may I ask how public confidence can be maintained in the EOC?

In view of these controversies or contentions, we consider that if the EOC is to continue to fight for public interests, it is indeed necessary for the EOC to rebuild its credibility. To this end, the authorities must thoroughly learn a lesson from this incident and draw conclusions from experience, in order to prevent the recurrence of similar incidents. In a word, it should correct mistakes if it has made any and guard against them if it has not, and it is necessary for the authorities to properly tidy up the aftermath.

However, does it mean that we should pass a judgement before a trial is conducted, before we have clarified all the circumstances surrounding the incident, insisting that the Secretary has mishandled the incident and hence expressing regret at this, as suggested by Mr Andrew CHENG in his amendment? The Liberal Party considers that we must always judge on evidence and we must be fair and objective. Unless we have the evidence to show that the Secretary has really made mistakes, we should not pass a judgement lightly.

Regarding the allegation against Secretary Dr Patrick HO for secretly meeting with Michael WONG twice before the latter's resignation, Secretary HO has already stated that he only wished to find out if Mr Michael WONG was inclined to remain in office or not, and there was no question of he taking part in the drafting of the so-called "six sins" to smear Ms Anna WU's reputation. If Dr HO took no action after learning that Michael WONG would resign, would Members consider that the Secretary had failed to do his part to verify it? Some people asked why Secretary HO did not intervene in this dispute of the EOC earlier. I wish to point out that the EOC is an independent statutory body. The Secretary, being an accountable Bureau Director, basically should not intervene in the daily operation of the EOC. We, therefore, oppose the amendment of Mr Andrew CHENG.

By the same token, regarding Ms Emily LAU's amendment which seeks to remove all EOC members whose behaviour has impaired the credibility of the EOC, we oppose this approach of "passing a judgement before trial". Furthermore, if, as suggested by Ms Emily LAU, all members whose behaviour has impaired the credibility of the EOC should be removed, who should be the one to make this judgement? What criteria should be adopted? Could it be that Ms Emily LAU wants the Legislative Council to be the Judge?

In the final analysis, Ms Emily LAU's amendment serves only as a handle for some colleagues of this Council to remove some EOC members whose remarks and views may not be music to their ears. People whose views are not appealing to their ears are said to be acting against public opinions and democracy, but for those whose views are appealing to their ears, allusions to freedom of speech or democracy are often made. We consider it incorrect to make criticisms in such a way. Is this the so-called "democratic authoritarianism" as referred to by some people? Just as some academics have said, the entire incident has exposed the gravity of the internal struggle within the EOC and this, we must admit. In view of this, we might as well remove all EOC members and make new appointments to the EOC afresh, and perhaps this is the only way to restore public confidence.

As for Mr LEE Cheuk-yan's amendment which suggests that arrangements be made for persons proposed to be appointed as Chairperson of the EOC to come to the Legislative Council to answer questions from Members in the future, we consider that whether before or after the reunification, the Government has the power to appoint members of the community to hold public office and it has not been a convention to require the candidate to answer questions in the Legislative Council prior to his appointment. If the candidate for the office of EOC Chairperson is required to come to the Legislative Council to answer questions before his appointment as suggested in this amendment, it will set a very bad example and destroy the constitutional conventions. For these reasons, we oppose this amendment.

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

MR ALBERT HO (in Cantonese): Madam President, the great controversy caused by the dismissal of Patrick YU by the Equal Opportunities Commission (EOC) has injured the reputation and credibility of the EOC. In retrospect, I can sum up the case briefly in two points, or it has been the result of two mistakes.

The first mistake is that the Government or Mr TUNG Chee-hwa had appointed an inappropriate person to be the Chairperson of the EOC with a bad motive. This is the first mistake. The second mistake is that after this inappropriate appointee had assumed office, he made an inappropriate act by an inappropriate means in an inappropriate environment.

Why did I say that the Government had a bad or inappropriate motive in making this appointment? I have noted that during some interviews given by Mr Michael WONG since he assumed office, particularly those after the dismissal of Patrick YU, he had repeatedly mentioned very clearly that he would substantially reduce the expenditure of the EOC. I remember that he had even said in an interview that he would reorganize the EOC through a reduction in expenditure. I absolutely do not believe this. For a Chairperson who had never participated in the work of the EOC before and had assumed office as Chairperson only for a short time, and when he had yet fully discussed with EOC members the future directions of the EOC and when he had not even known the Government's future subvention policy, how could he come up with such clear views? He had dismissed Patrick YU very quickly and after the dismissal, he said time and again that much money could be saved. Madam President, I can only believe that before the appointment of Mr Michael WONG, somebody must have given him advice or even instructions, telling him that he should employ fiscal means not only to cut expenditure but even to effect a personnel reorganization or reshuffle.

A corroborative piece of evidence is that, when Mr Michael WONG eventually resigned, he resentfully reiterated that he had been deserted, as I may recall. Who had deserted him? If it was not the Government, who else could it be? If he felt that the Government had deserted him, it means that the Government must have given him support beforehand. What for? It could only be given for the dismissal of Patrick YU and for the motive and intention behind the dismissal.

Secondly, Mr Michael WONG is an inappropriate candidate for the post of EOC Chairperson. This actually does not need much explanation. He lacks the administrative and managerial experience required for managing this type of statutory bodies, and from his remarks, we can see that he even lacks a clear conviction to eliminate discrimination and promote equal opportunities. At work, he had shown to be illiberal, conservative and opinionated. Is it appropriate for such a person to lead an organization with these aims and objectives, despite his many years of judicial service? This is the first mistake, and this is a mistake of the Government.

The second mistake is that Mr Michael WONG was in an inappropriate environment. He did not know that in a pluralistic and open society, there is active monitoring by the media and he simply cannot act arbitrarily. He was oblivious to this point. He had adopted an inappropriate means, that is, after clearly stating on 16 September that Patrick YU's contract would be terminated, he sought authorization from the Board only on 18 September, making the termination of contract a *fait accompli*. Worse still, the reason given by him for the dismissal of Patrick YU is purely a pretext and is totally unfounded. On what basis could he conclude that a person so experienced in human rights issues does not understand his own duties and does not know how to perform the duties entrusted in him by the EOC, particularly as this person has undergone an elaborate selection process?

Madam President, with regard to crisis management, the only thing that I believe the Government may have done and done correctly and should therefore command my praises is to advise Michael WONG to leave. But he did not admit doing this. When there is something that should be done and while I feel that he might have done it, he nevertheless did not admit it. So, I still cannot praise him even though I wish to. However, he had put a foot wrong and that is, he had met with the persons concerned in the form of a private gathering. This even gives the impression that he might have taken part in or encouraged the smearing of Ms Anna WU. This is extremely regrettable and has made people feel that the Secretary had mishandled this incident.

Thank you, Madam President.

DR LO WING-LOK (in Cantonese): Madam President, I am greatly saddened by the recent spate of incidents surrounding the Equal Opportunities Commission (EOC). No doubt the credibility of an organization long trusted by Hong Kong people has been severely tarnished. Regarding the many rumours that are unfavourable to the EOC and its personnel, some people consider them as "mud-slinging" or vilification. Some people are doubtful about them, and some believe that they are all true. If there are really such different views in the minds of the people, then it will indeed be impossible to lift the credibility of the EOC again.

I very much agree with what colleagues have said, that is, on the question of whether Ms Anna WU had been smeared, no one has come forth to give us a

definite answer so far. However, I think this question must be answered. To obtain an answer to this question, the community of Hong Kong must have a full understanding of the operation of the EOC in the past few years. The EOC, which is comprised of a group of EOC members and a Chairperson, is in the best position to obtain such an understanding for Hong Kong people. They have the statutory status to do so and they also have the duty to do so. Therefore, I urge the EOC to expeditiously look into this on behalf of the community and then give an answer to the above question in unequivocal terms.

We can also see that if the head of a public body or the governance structure of a public body overlaps with its executive arm, certain problems are bound to arise. That is, if the Chairperson is the governor or regulator and is at the same time the head of the executive arm, it could lead to problems sometimes. It would also restrain the governor and the administrator from playing their roles. In fact, this has caused problems in some public bodies and subsequently, the roles of the chairperson and the chief executive officer have to be separated. Recently, there are examples in which the result has been rather satisfactory. Therefore, I think if the Government wishes to draw a lesson from this incident, it can actively consider making the same arrangements for the EOC in the future, that is, separating the governance structure and the executive arm.

In Hong Kong, the chairperson of many public bodies, such as the Hospital Authority (HA), is not remunerated and has credibility in society, whereas the chief executive officer is salaried and responsible for the daily operation of the organization. I am not saying that how well the HA has been functioning. The point is that this arrangement does have its merits. Since the chairperson is not remunerated, no interest will be involved. The chairperson will only be devoting his own effort and time. He can act independently to serve the community without involving any of his interest, in which case he may be able to bring his governing role into better play. Therefore, in order to restore the credibility of the EOC, I think consideration can be given to a separation of the governance structure and the executive arm. Meanwhile, the interests of each and every post should also be taken into account, so that the inducement of personal gains or interests can be minimized institutionally.

Therefore, when discussing this incident relating to the EOC, apart from understanding the apologies tendered by individuals, clarifications made by individuals and the reputation of individuals, it is also necessary to lay the foundation for the future credibility of the EOC institution-wise. We often

express the wish that the rule of law in Hong Kong will override any person. We cannot vest the fate of the EOC only in the hands of a person who has credibility. We must put in place a sound institution for the EOC. In fact, this should be the most important lesson that the Government and the EOC can draw from this incident.

Madam President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, the Equal Opportunities Commission (EOC) incident appears to be a labour dispute on the surface. But it has now developed to a state that it is not as simple as a question involving the credibility of the EOC as mentioned in the original motion, but a political crisis of the SAR Government. It has fully exposed the problems of the SAR Government's appointment system which has long been ineffective. More seriously, it has revealed the governance culture of the TUNG Chee-hwa Administration over the last six years of not separating private and public interests and practising nepotism. In order to turn the EOC incident from a bad thing into a good thing, we consider that apart from thoroughly reforming the EOC and replace all of its members, it is more important to overhaul the Government's appointment system and governance culture. Only in this way can we prevent similar political crisis from happening over and over again.

Madam President, as the saying goes, "destruction is easy but construction is difficult". The credibility so assiduously built up by the EOC in the past seven years has been completely destroyed by the conduct of Mr Raymond WU and the former Chairperson, Mr Michael WONG, in the last month or so in this incident. The EOC was established on the basis of several anti-discrimination ordinances enacted by the Government under the pressure of Members. To the Government, it is an "accidental pregnancy" and its origin or background is not good and so, it has long been discriminated against by the Government. In the meantime, the EOC has even initiated legal proceedings against the Government, acting contrary to the interests of the Government, and this has added to the Government's hostility towards the EOC. Over the past few years, the Government has used many small tricks and intrigues to shape up the EOC, such as obstructing the renewal of the contract of the Chairperson, downgrading the EOC, and so on. Despite these acts, the Government was still unable to reduce the ever increasing credibility of the EOC. Given that the Government cannot

achieve its objective by whatever means, it can only follow the practice of other people by instigating power struggles and purges within the EOC, attempting to destroy the entire EOC from inside, a strategy that has caused all sides to suffer.

Today, the credibility of the EOC has already been savaged, and all this is obviously plotted by the Government. First, there was Dr Raymond WU recommending Michael WONG to be the Chairperson. This is obviously an instance of "black-box operation", for a decision was rashly taken without consultation and completely to the neglect of public opinions. Then, there were purges in the EOC to remove people who do not see eye to eye with the Government, such as the Patrick YU incident with which we all are familiar. It had even taken the trouble to disclose internal papers to pro-government media in an attempt to attack the former Chairperson. The Government may argue that there is no sufficient evidence to prove that this is all planned by the Government. But I find it strange as to why the Secretary for Home Affairs did not conduct any investigation whatsoever even though so many problems with the EOC had been brought to his attention. The purpose of investigation is not to intervene in the operation of the EOC, but to find out the truth so that members of the public will know where the problems lie. The Government has now used this as an excuse and sought to look on the problems with indifference. This approach is totally unconvincing.

If the Government considers that it has nothing to do with these problems, why did Secretary Dr HO attend some private gatherings to deal with matters relating to his public duties? During such private gatherings, there was — as believed by many people — the idea of "smearing" the former Chairperson, and why did Secretary Dr HO not try to discourage this under such circumstances? The Secretary has repeatedly said that he was not present when this issue was under discussion, but this is different from Dr WU's account in a radio programme. While this was eventually resolved by a claim of amnesia, and disregarding whether the case can hence be resolved, such conduct will indeed have a huge adverse impact on the entire EOC and cast great doubts on the integrity of the Government as a whole. Today, to restore its credibility, I think the EOC must start from scratch. I think all members of the ECO should immediately resign and the EOC be reconstituted in a more democratic manner.

Certainly, the most important task of the Government now is not only to restore the credibility of the EOC. More importantly, it must restore the

credibility of the entire Government. In fact, the existing appointment system is fraught with problems. According to the report of a survey conducted by Dr CHEUNG Chiu-hung of The Hong Kong Polytechnic University early this year, there are some very serious problems. The report pointed out that the Government used to uphold a criterion that members of any advisory or statutory body should not be appointed for more than six years. But he noticed from this study that 53% of the EOC members have been on appointment for more than six years, and Raymond WU and Peggy LAM are among them.

Furthermore, another shocking finding of the survey is that in the 103 advisory or statutory bodies, 33 members are appointed to serve on seven or more such bodies, and over half of them or to be exact, 17 of them sit on the Election Committee for the election of the Chief Executive. This shows that the Government has been using the appointment system to rally its supporters, rather than appointing competent persons. As a result, unpopular people such as Dr Raymond WU can be found in some statutory bodies.

Certainly, the existing appointment system only goes to show that the higher echelons of the Government do not separate public and private interests. To solve the problem at root, we must rectify the governance culture of the TUNG Chee-hwa Administration of not separating public and private interests. In fact, this has been fully reflected in this incident: Why should the Secretary deal with matters relating to his public duties in a private gathering? Apparently, the purpose is to pull the wool over the eyes of the people and to evade questions asked by the people. Moreover, Mr TUNG's permission for Michael WONG to receive double benefits also shows that Mr TUNG had favoured his cronies at the expense of public funds.

Madam President, to resolve political crises repeatedly faced by the Government and to change this appalling culture of governance, we must have an open and fair electoral system. Otherwise, problems can never be solved.

Madam President, I so submit.

MR ABRAHAM SHEK: Madam President, what began as a labour dispute has deteriorated into a political circus and further snowballed into a crisis of confidence. As the events surrounding the resignation of the Equal Opportunities Commission (EOC) chair unfolded, bombshells have been dropped,

and more and more people have been dragged into this controversy. The integrity of all parties involved has been challenged. Who are they? They are the two former EOC Chairpersons, an EOC board member, an Executive Council Member and a government minister. Harm has already been done to the EOC's credibility, the Government, and arguably, the media. This is the kind of scandal that can undermine Hong Kong's reputation as a clean and free city with equal opportunities.

Several issues have arisen from the controversy. Specifically, the disputed items include an accusation of unfair dismissal and a charge of conflict of interest. There is also a complaint of "political prosecution" as well as an alleged conspiracy to smear a political figure. Each participant's account differs considerably from each other, and the evidence has raised more questions than it has answered. The eventual resignation of the recently appointed EOC chief has fanned even more speculation and finger pointing. To be fair to Ms WU and Mr WONG, the truth must be sought. It is becoming increasingly clear that the lack of concrete information has encouraged personal finger pointing rather than rational discussions. We definitely should not allow the nurturing of this type of finger pointing exercise in this Chamber. This kind of rumour-milling is not helpful to restoring the credibility of the EOC or the Government.

It is therefore in the public's interests to examine this incident openly and thoroughly by an independent inquiry. In my view, a judicial commission is the best candidate for this job. Such a probe should aim at combing through the evidence for the truth, making recommendations for improvements and bringing justice to Ms WU and Mr WONG. It must not be allowed to become an exercise in naming names.

At issue is the integrity of the two EOC chiefs as well as the professional competence of Mr Patrick YU. It is only fair then that the record be set straight and justice be achieved. In addition, if these concerns can be satisfactorily answered, it may help to settle a potential labour lawsuit against the EOC and restore its public credibility.

Another major issue is how much of a role the Secretary for Home Affairs has played in the incident and how involved he was in the incident. The Home Affairs Bureau is responsible for maintaining a department of 500 advisory and statutory bodies. One of the Secretary's duties is to maintain an overview of the

EOC's operation and ensure that it fulfils the needs of the community. But at this point, it would be premature, and even irresponsible, to make any judgement or conclusion based on the existing fragmented information. Equally, it would be unfair to condemn the Secretary or the Government of any mismanagement or negligence at this point. There are several questions the inquiry panel must explore before any conclusion could be readily made.

In conjunction to the setting up of an independent inquiry, the Government must now appoint a new EOC chief to ensure that the operation of the anti-discrimination watchdog will not be severely disrupted. The new appointee must be prepared to address the public's concern as to whether the EOC places too much emphasis on litigation rather than on complaints mediation. The appointee must also try to win the public's trust that he or she would defend EOC's autonomy under political pressure. Given that the EOC plays a vital role in upholding the rule of law in Hong Kong, I support a suggestion that the new appointee, after being appointed, be given a chance to share his or her vision and philosophy on anti-discrimination in this Chamber. By so doing, it will definitely restore any loss of confidence in the EOC.

Madam President, in seven years, the EOC has built up a respected level of credibility. It deserves the full respect of the public and this Council. It is simply unfortunate that the institution's hard work has been undermined in the past few weeks. Indeed, this is a bitter lesson for both the EOC and other statutory bodies. The Government had categorically stated its position that it had not, and would not, interfere in the working of the EOC. I support this stance, as the independence and sovereignty of the EOC is sacrosanct, or else, its very existence will be challenged. Madam President, I cannot support the amendments put forward by the Honourable Members concerned as they do not help to restore the credibility of the EOC. We should be forward-looking.

With these words, I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): Madam President, in the scandal revolving around Michael WONG of the Equal Opportunities Commission (EOC), four major mistakes were found. First, TUNG Chee-hwa had chosen a wrong person; second, Michael WONG had made wrong remarks; third, Raymond WU had set the wrong fire; and fourth, Patrick HO had held a wrong meeting or a "black meeting".

TUNG Chee-hwa had chosen a wrong person for he had wrongly chosen Michael WONG for the job. After Michael WONG had assumed office, our deepest impression of him is his immediate request for permission to enjoy double benefits. This shows that his vision and breadth of mind can only be compared to a senior clerk. Besides, no sooner had he taken office than he eliminated his opponents for specious reasons. This goes to show that this appointed Chairperson had hankered after petty gains and was calculating, domineering and imperious. That is why a wrong person had been chosen. So, when making appointments in future, the Government must consider the candidate's standard, calibre, vision, breadth of mind and conduct, and the Legislative Council should play a monitoring role. We must not allow ourselves to be muddle-headed anymore, so as to ensure that there will not be another Michael WONG or another scandal like this one of Michael WONG.

Michael WONG had made wrong remarks. His scandalous remarks are grossly disgraceful. He alleged that his members were telling lies, that the media was "cheap politics", that the Legislative Council had treated him as a sinner and intended to pass a death sentence on him, and that if those people who opposed him were 18 years old, he would throw them all into the sea. These remarks are really heartrending. They are merely of the standard of street quarrelling, not the standard of a Judge. Such being the case, how could he lead the EOC and how could he have the virtues to command trust and support? Therefore, Michael WONG must go. But, unfortunately, after he is gone, there is still a Raymond WU.

Raymond WU had set the wrong fire. When Michael WONG is gone, there comes Raymond WU. He had made wrong comments on Patrick YU's academic qualifications. He sought to concoct the "six sins" of Anna WU through the mouth of Michael WONG on the day when he resigned. He had also disclosed that the "six sins" were drafted in the presence of Secretary Dr Patrick HO who had done nothing to stop that. Then all of a sudden, he claimed amnesia and flied off the handle, turning a blind eye to the public and credibility. He kept on hurling Molotov cocktails at Anna WU, but it turned out that he had mistakenly set Patrick HO and the EOC on fire. He had been so outspoken, having no sense of propriety; he had added fuel to the flames and sought to get rid of those who held different views, and he had defended his supporters but attacked his opponents. This is how a veteran EOC member had brought the EOC into disrepute. Do Members consider this astonishing? How could such a person stay in the EOC? If Patrick YU was sacked by

Michael WONG for no reason at all, then there is every reason for the Chief Executive to give Raymond WU the sack. Now that people who should be sacked are not sacked, but those who should not be sacked are sacked in no time. Where is justice? Where is the sense of right and wrong?

Then there is Dr Patrick HO holding a wrong meeting or a "black meeting". Being a respectable Bureau Director, though, he had nevertheless attended a meeting during which the former Chairperson of the EOC was smeared. By remaining silent, he had actually condoned acts of the EOC in forming cliques, fabricating charges and raking up other people's faults. Has he performed the duties required of a Bureau Director? Has he honoured the dignity of a Secretary? Has he lived up to the political ethics required of a Secretary by being neutral and impartial? This is gross absurdity. However, Secretary Dr Patrick HO said that when Michael WONG and Raymond WU discussed the six sins, he was not present "most of the time". What an explanation it is to say that he was not present! He said that he had left the room to deal with some personal errands, but he had not left the building. These remarks are entirely questionable. I would like to ask the Secretary this: For how long had he been away? By personal errands, does he mean making a telephone call or going to the lavatory or wandering in the building? When he returned, was he aware there was already a black statement involving the six sins? Did he try to put a stop to this? Did he turn a blind eye to such smearing acts and allow Raymond WU to continue setting fires? The Secretary had made a declaration on his absence for "most of the time" to the Legislative Council. He cannot tell lies in the Legislative Council. He cannot reveal only part of the truth; he cannot evade the important points but dwell on the trivial ones; he cannot talk ambiguously; and he cannot try to muddle through on false pretences. If the Legislative Council is not given a categorical answer, then it must conduct an investigation to set the record straight in order to unearth the whole truth and to find evidence for integrity. People without integrity must not hold the office of a Bureau Director, and one cannot wrap fire in paper. Those who set fires and those who condone the fire starters must make everything clear before facts and justice.

In this incident, TUNG Chee-hwa had chosen a wrong person. Michael WONG had made wrong remarks. Raymond WU had set the wrong fire. Patrick HO had held a wrong meeting. Mistakes had been made over and over again, and there were four altogether. A minor incident had become a serious incident, and this serious incident had turned into a bad incident which then

became scandalous. Consequently, we have seen new developments day after day in Hong Kong and there will never be days of peace. Hong Kong people will feel sad even when they turn on the television now.

Fortunately, a "crocodile Chan" comes right at this point, so that when everybody is feeling sad and depressed, we can still see a crocodile man go into the water to hunt for the crocodile, and we can also see this baby crocodile swim and bath in the sun. When one prefers to watch the crocodile rather than watching this very shameful play of ours, is that actually the sadness of the EOC, the sadness of the Secretary or the sadness of Hong Kong? We have to leave it for the Secretary to give us an answer.

MS LI FUNG-YING (in Cantonese): Madam President, before I speak in this debate on the credibility of the Equal Opportunities Commission (EOC), I must first make a declaration. I have been an appointed member of the EOC for more than seven years since May 1996. While I am not speaking in the capacity of an EOC member today and my participation in the EOC does not involve any financial interests, I would like to seek an instruction from you, Madam President, as to whether I can vote in this debate.

PRESIDENT (in Cantonese): Ms LI, you may vote.

MS LI FUNG-YING (in Cantonese): Over the past month or so, the events revolving around the EOC have aroused great concern in society. During this course of events, whenever my opinions were sought by reporters, I only reiterated that I hoped the relevant minutes of the EOC or the tape recordings of its meetings could be made public. Other than this, I had remained silent on all the other matters.

My position is based on two considerations. First, the minutes of the EOC are confidential and as a member of the EOC, I have the duty and obligation to abide by the rules of meetings, and if I have to comment on the EOC incident, the contents of meetings of the EOC will come into question inevitably. Second, in view of the intensifying divergences within the EOC, I am not sure if expressing one's views through the media is the best solution to the problem.

Likewise, as for this debate today, I have also considered for a long time as to whether I should speak. Finally, I decided to express my personal views on two points. One is the Government's performance in handling the EOC incident, and the other is how the credibility of the EOC can be restored.

The termination of the employment contract of Director (Operations) designate by the EOC has caused successive uproars in society. We often hear two points from the Secretary for Home Affairs who is responsible for EOC-related matters. One is that the EOC is operating independently and so, the incident has nothing to do with him. Second, he said that the performance of the EOC over the past seven years was there for all to see. Apart from these two comments, he has not clarified any of the allegations against the EOC.

The independent operation of the EOC is crucial to the EOC in truly performing its duties and functions, and there is no denying of it. But it does not mean that the Government can wash its hands of the EOC at all times. For example, as in the case of the Government of the Hong Kong Special Administrative Region which enjoys a high degree of autonomy, when we face difficulties, we have been provided with plenty of assistance from inside and outside the Central Government as we all know. So, why is it that when the EOC is in crisis, and bearing in mind that the appointment of its Chairperson and members as well as its finances are in the hands of the Government, the Secretary could simply touch on this so lightly, responding in a casual manner that the EOC operates independently as if suggesting that he has no responsibility at all? If the Government sits by with folded arms over this incident which can have a great bearing on the reputation of the EOC, then I think the Secretary has mishandled this incident. If that is not the case, then he can explain to the public and tell us how much effort he has made in this EOC incident in order to alleviate the impact on the EOC.

The terms of reference of the EOC are very clear and that is, it is responsible for enforcing three ordinances, namely, the Sex Discrimination Ordinance, Disability Discrimination Ordinance and Family Status Discrimination Ordinance. However, as to how the EOC should perform the duties and functions given to it by the three ordinances, I think different leaders will have different emphasis and orientations. After the resignation of the former Chairperson, the Secretary for Home Affairs should appoint a new Chairperson of the EOC as soon as possible. This will be very important to the EOC. If the Government continues to handle the case inappropriately, the EOC would set to be shaken again and the consequences would be unimaginable.

Madam President, as we call for the rebuilding of the credibility of the EOC, we can only face up to the causes of this incident sincerely. In this incident, the conclusion drawn by the EOC is that this is merely a mishandled labour dispute and the EOC hopes that the public can give it room to relaunch its work. I believe the contribution made by the EOC over the last seven years is there for all to see. As a member of the EOC, I do not wish that the public will continue to lump this issue relating to the termination of contract by the EOC with discussions on other issues outside the ambit of the EOC. It is also not my wish to see endless controversies surrounding the EOC, for this would further erode its credibility.

Madam President, I so submit.

MISS MARGARET NG (in Cantonese): Madam President, the credibility of the Equal Opportunities Commission (EOC) has been seriously injured by the incident relating to the dismissal of Director (Operations), Patrick YU, by the EOC's former Chairperson, Michael WONG. A major reason for this is that the words and deeds of Michael WONG as well as those of his chief supporter, Raymond WU, an EOC member, have aroused grave concern. What exactly are the criteria and procedures for the appointment of these people, as a result of which people who are evidently unsuitable for these important posts are nevertheless appointed?

The Secretary for Home Affairs has stated to the Panel on Home Affairs that the appointment of the Chairperson and members of the EOC was within his terms of reference, although the power to appoint the Chairperson certainly rests with the Chief Executive, TUNG Chee-hwa. So, the Secretary obviously has to be held responsible for this inappropriate appointment.

The justifications and procedures for Michael WONG's appointment are totally devoid of transparency. Despite questions repeatedly asked by Members of this Council, the Secretary still could not tell us the criteria adopted for such appointment. All he had said was that Michael WONG was a former Judge and that the public generally held Judges in high repute. As to why a Judge is considered suitable for the post of EOC Chairperson and for performing the duties and functions of the EOC under the relevant ordinances, and why this retired Judge was considered suitable for the post, no explanation has ever been given.

In the course of following up this incident, we have gradually come to see the true picture. It makes people feel that it was Raymond WU, an EOC member strongly opposing the way the former Chairperson, Anna WU, enforced the relevant ordinances, who recommended Michael WONG to the Secretary for appointment by the Chief Executive. A number of former EOC members were at the same time replaced, so as to ensure that the new chief would be served by a new team of aides; and Michael WONG dismissed Patrick YU also because he had unjustifiably maintained that Patrick YU was a "chessman" planted by the former Chairperson in the EOC. The process of appointment was subject to no independent vetting or consultation. Not even the Chief Justice was aware of it. It was only until the appointment had been finalized that the Chief Justice was "notified" by telephone of Michael WONG's wish to continue drawing his pension benefits while holding his public office in the EOC, for which the monthly remuneration is very handsome.

Madam President, how could the Secretary allow such an important appointment to be made so haphazardly? In the past, when making appointments to important public offices, the Government would follow the established procedures and conduct stringent integrity checks or carefully inquire about the suitability and acceptability of the candidates through unofficial channels to avoid making wrong appointments, for this could do irrevocable damages to public confidence. If an appointment was made solely for political considerations and in a haphazard manner, and when serious consequences were caused, the Secretary would naturally be to blame. If my point is incorrect, I implore the Secretary to clearly explain later what steps had been taken, what criteria had been adopted, who had been consulted and whether any vetting had been done.

The words and deeds of Michael WONG are unacceptable to the public and this has indirectly tarnished the reputation of the Judiciary. Judges should refrain from being drawn into political rows, let alone political struggles. Why has the Secretary been so careless and totally unwise by treating the most valuable asset of the Hong Kong Special Administrative Region so lightheartedly?

The Secretary has mishandled the appointment of Michael WONG, and the handling of his resignation is equally glaring. As the "Michael WONG Kin-chow incident" was snowballing, the eventual resignation of Michael WONG should suffice to quiet down the storm, because if he remains in office, there

would be nothing left of his credibility and that of the EOC. However, at the instigation of some people, his resignation was outrageously turned into an avenue for a plot to further smear the former Chairperson, Anna WU. The Secretary was involved and his role was dubious. In the entire process, he has acted mysteriously and furtively, and this has called his innocence into question. As a result, Michael WONG resentfully stated openly that he had been "deserted" on the one hand and on the other hand, Anna WU furiously questioned the involvement of government officials in this "mud-slinging" which has seriously smeared her reputation.

A more serious question remains. With regard to the role of the Secretary in this incident, did the Secretary, in his explanation to this Council, conceal anything or give an untruthful account of the facts? If yes, the consequences would be serious.

The Secretary's explanation to the Panel on Home Affairs has caused many doubts. He said that the gathering was "private" and that the participants were "friends". But the discussion on that occasion was related to his public duties, and the gathering was arranged on the Secretary's own initiative on the ground that the appointment of the Chairperson falls within his ambit. Raymond WU frankly said that in this gathering, he had brought up the various allegations against the former Chairperson and suggested Michael WONG to read them out in his resignation statement, but his allegations are simply inconsistent with the facts. Was the Secretary present, or was he not? The Secretary told us that he was not there for some time. Then for how long had he been away? According to what Raymond WU told the media, the Secretary had not left the place at all. I am not saying that we must believe Raymond WU. But the explanation given by the Secretary is full of doubts, and this is very regrettable.

Madam President, it is no easy task to restore public confidence in the EOC. Having been "enlightened" by the performance and remarks of veteran EOC member Raymond WU, most people have now come to the view that Raymond WU's continued membership would be an obstacle to the rebuilding of the credibility of the EOC. He has been a member for over six years. It is actually not too early for him to go at this juncture in time.

Yet, to resolve the problem, we must resolve it at root. The entire incident is the result of improper appointment and the failure to adhere to the

basic principles of public administration. To restore the credibility of the EOC, I think the first step should be to reformulate the objective criteria and an open procedure for appointment, in order to ensure the highest degree of fairness, independence and transparency for the process.

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

MS AUDREY EU (in Cantonese): Madam President, the furore over the Equal Opportunities Commission (EOC) is nothing less than a farce. Just when everyone thought that the resignation of Michael WONG would put an end to the controversy, the news broke that Secretary Dr Patrick HO had attended a so-called private gathering with Michael WONG and individual members of the EOC. During the meeting, someone drafted a document on the "six deadly sins" to smear the former Chairperson, Anna WU. On this matter, Secretary Dr HO and the members concerned have offered different versions of the story and their remarks are contradictory. In the eyes of the public, the whole affair cannot be uglier.

The Chief Executive and Secretary Dr HO definitely have to assume responsibility for triggering off this furore. Firstly, in selecting the new EOC Chairperson, they did not perform their function as "gatekeepers" properly by appointing a candidate who upholds the principles of equal opportunities and who can win the confidence of various parties. Furthermore, the Chief Executive made an unprecedented move to allow Mr Michael WONG to continue to receive his pensions in addition to his remuneration as a full-time Chairman. However, the Secretary could not explain the reasons or grounds for making the exemption clearly to the public. When Michael WONG and individual members engaged in an open war of words over the dismissal of Patrick YU, not only had Secretary Dr HO failed to actively defend the reputation of the EOC, he was even suspected of involvement by attending a private gathering. He should have known, and was fully aware of this move to smear Anna WU, however, he did not prevent it and this incident further intensify the internal conflict in the EOC.

In the Legislative Council meeting last Wednesday, the Secretary complimented the work of the EOC in the past seven years, saying that it had a proven track record and had gained public recognition. At that time, I asked the Secretary whether he agreed with the comments made by an EOC member,

which were published in the newspapers everyday and which smeared the EOC or openly sang an opposite tune. I did so because the comments were obviously at odds with his compliments on the achievements and track record of the EOC. However, the Secretary evaded my question. I can only say that I feel very much sorry about this. The impression that the Secretary gave me was that he was shirking responsibility and being irresponsible.

In fact, the Government's intention to tidy up the EOC is evident to all. As early as last year, the Government did not renew its contract with the former EOC Chairperson, Anna WU, until the eleventh hour and announced that her contract would be renewed for one year only two days before its expiry. This already showed a total disrespect for the EOC or the former Chairperson of the EOC. Afterwards, the mass media published a series of unfavourable news about the EOC, for example, claims that the remuneration of the Chairperson was too high, that the Government intended to tidy up or even dissolve the EOC, and so on. Not only did the Secretary fail to make any clarification, he even told the Chairperson, Anna WU, to pluck up her courage. As an official under the accountability system, the Secretary failed to properly support the work of the EOC and his attitude towards the former Chairperson was also disappointing. In addition, the Secretary's performance in handling this furore was maladroit. All in all, I can only say that this is regrettable.

In any event, the EOC is definitely the biggest loser in this furore and what it has lost is its credibility. In the whole incident, the public could see that there were two major camps in the EOC, namely, the "royalists" and the anti-government camps, and through the mass media, they leveled criticisms, fired broadsides and sniped at one another. What is even more ironical is an open accusation by a newspaper of Michael WONG, as the Chairman or the former Chairman, of taking the lead in disclosing the internal confidential documents of the EOC. His action completely ran counter to the principle of justice and reflected a total lack of discipline within the organization. Secretary Dr HO often said that the EOC is an independent organization, therefore he could not intervene, but my impression is that when somebody was obviously falling from a precipice, the Secretary was still standing on the sideline, with his arms folded and doing nothing.

The EOC has made a lot of achievements in promoting equal opportunities. Although some people believe that in some of the issues, such as in the allocation of secondary school places to boys and girls, it was deliberately opposed to the

Government, if we look up the records, we can see that in fact the EOC had been requesting the Education and Manpower Bureau to review the relevant policies to no avail, so eventually, it had no choice but to resort to litigation, in which the judge ruled in favour of the EOC. Therefore, in this area, the EOC is playing an important role and we should not negate its past efforts and question its *raison d'être* because of this furore. Therefore, I support the original motion moved by Mr Fred LI. Our most pressing task now is to restore public confidence in the EOC.

As regards the amendment moved by Ms Emily LAU, it is obvious that the credibility of the EOC cannot be rebuilt merely by replacing individual members of the EOC who "bad-mouthed" it. No matter who is in the right or in the wrong, after this furore, it will be difficult to convince the public that the two or more than two factions within the EOC can put aside their differences and co-operate sincerely. Therefore, the most thorough-going approach is to replace all members of the EOC to enable a fresh start. That will of course include those members whom Ms Emily LAU has urged to replace, therefore I support Ms Emily LAU's amendment. The most important point, certainly, is to appoint the new Chairperson on merits and to require the appointee to come to the Legislative Council to attend hearings or give explanations, so that the public can really see that the new Chairperson is able to lead other new members in truly rebuilding the credibility of the EOC.

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

MR NG LEUNG-SING (in Cantonese): Madam President, I do not know the two former Chairpersons of the Equal Opportunities Commission (EOC) very well and I have no preconceptions about them. I also believe that in an institutionalized statutory body, no one is indispensable, and the departure or admission of any person cannot fundamentally change an organization. However, the appointment of Mr Michael WONG has been interpreted by some people right from the outset as an attempt of the Government to remove Ms Anna WU who has been acting against the Government and to purge the EOC. Apart from this interpretation, Mr WONG has regrettably been categorized and labelled politically as representing the so-called pro-government or conservative line, despite the fact that Mr WONG and his predecessors were all appointed by

the Chief Executive and were not required to undergo any confirmation procedure in this Council. In fact, what is truly exclusionary and unaccommodating is this kind of prejudice loaded with consciousness of political lines and factions, and Mr WONG has hence become a target for expulsion.

Such prejudice which seeks to eliminate dissenting voices and has an excellent sense of smell for struggles has grown like addiction to drugs. What an eye-opener! It can indefinitely escalate a pure labour dispute to a case of violation of fairness. From the angle of such prejudice, it is a matter of course to topple a political opponent, but it will violate all heavenly laws of morality to "sack" anyone from his own camp. So, everything about how a person was recruited and how the signing of his employment contract was advanced to an earlier date can be neglected and treated as normal, and it is all the more unnecessary to respect the successor. However, the process of dismissal and the authorization given by the Board in a meeting must be investigated in depth, and the new Chairperson has even been closely examined with a political magnifier. The demand for compensation equivalent to 12 months' salary in the process of the termination of contract is considered normal, but the application made by Mr WONG in accordance with the established procedures for permission to continue to draw his retirement benefits is considered a black mark against his integrity. For Mr YU who is, and I quote, "an expert in racial equality", his practical working experience in sex equality, family status equality and disability equality appears to be unimportant, but Mr WONG's track record can be made a target of arbitrary nitpicking. Extensive reports and queries about Mr WONG's acceptance of advantages not substantiated by entirely accurate evidence can be described as "fair comments", but concerns raised by some people about redundancy in the staffing of the EOC in its past work are alleged as plans of smearing to the detriments of the credibility of the EOC. In this incident, Mr WONG, who was appointed by the Government, has been attacked and tried by public opinions. The Government, to our disappointment, has failed to come forth to give a full clarification and explanation and yet, it seems that some people still have not come to the view that there is any dereliction of duty and mismanagement on the part of the Government. But when there were subsequently comments about problems with the past work of the EOC, these people have alleged that such comments are smearing and what is more, they have rushed to press the Government to come forth to tender clarifications and explanations, or else it would, in their view, constitute dereliction of duty and mishandling on the part of the Government.

As this kind of prejudice prevails, the community is gradually moving towards anomalies. The different voices among EOC members have already become worthless, and some of these different voices are even considered as damaging the credibility of the EOC; government intervention is therefore warranted and actions must be taken to eliminate these members whose voices are different by dismissing them. The Government has even been asked to intervene perhaps in how the Chairperson should word his resignation statement, or else this would also constitute dereliction of duty on the part of government officials, and regret should even be expressed at them. Based on this prejudice, the credibility of the EOC is not established by the way the EOC works, but by the Government's defence of the EOC, and its efforts to argue for and support the EOC. A series of problems has arisen, but the truth behind all the incidents is unimportant because it appears that a conclusion has already been drawn, and we can see it from the wording of today's motion and amendments. Moreover, a Member of this Council said in newspaper to the effect that the Legislative Council should not pursue this matter any further so as not to further undermine the credibility of the EOC and that this incident should come to a close, but the accountability of the Secretary can be a subject of investigation. Can such criteria create a powerful, perfect and credible EOC? Is this the so-called lesson that the Government should learn from the EOC incident as discussed in today's motion? Honestly speaking, having seen all the circumstances and developments surrounding this incident so far, I cannot but ask: Do those people who started the EOC incident intend to arouse doubts among the public about whether the EOC had been unfair and whether the judicial officer who chaired the EOC had not been law-abiding?

Madam President, I so submit.

DR DAVID LI: Madam President, since the beginning of this term of the Legislative Council, the Government has introduced, and this Council has passed into law, a series of bills aimed at improving the culture of corporate governance in Hong Kong.

My industry, banking, has come in for particular scrutiny. For example, the Banking (Amendment) Bill 2001 revised the Banking Ordinance. The amendments make it the responsibility of the bank's directors to apply set procedures and standards to ensure that managers of key departments are "fit and proper". Should any manager later be found to fall short of the standard, the

law allows for sanctions to be imposed upon the directors. Such sanctions could include removal from office. This is now the law in Hong Kong. It is a law introduced by this Government.

At the urging of this Council and in consultation with the Hong Kong Monetary Authority, the Hong Kong Association of Banks introduced a revised Code of Banking Practice in 2002. This revised Code sets out a clear standard of transparency for relations between a bank and its customers. All banks have conformed to this new standard.

Madam President, this Government clearly understands the principles of good governance. This Government clearly understands that the public now demands a higher standard of its leaders. Why, then, have we been subject to the sorry spectacle surrounding the affairs of the Equal Opportunities Commission (EOC)? It pains me to say that the incident reveals a total and abject hypocrisy of this Government. This message is loud and clear: What is good for the goose does not apply to the gander. I stand up here today and say — This behaviour cannot continue.

First and foremost, we must have a responsible government. No tricks. No moments of amnesia. No mysterious disappearance from the room. I am deeply troubled that after the events of this past year, this Administration still believes that it can hide behind such cloud-cuckoo-land rubbish.

Is it right that a high official should place himself in a situation where he is suspected of colluding in a personal and vindictive attack on a former head of a government agency? What of the standards of governance which this Administration preaches so well?

Until today, this affair has been allowed to fester. Poisoned rumours have been allowed to masquerade as fact. The response of our officials has been to duck and run. Why does no one in our Administration stand up and put a stop to this? Why does no one have the decency to set the record straight? The former chairperson and the loyal staff of the EOC deserve much better.

On a strictly personal note, will the Honourable Secretary for Home Affairs do what is right and offer Ms Anna WU a complete and sincere apology for his failure to uphold the high standards of his office — and I am looking straight at him — and for the shameful way a loyal public servant has been treated?

Madam President, the Chief Executive has the authority to appoint the Chairperson of the EOC, and through such appointment, he has the authority to set the future agenda for the Commission. Good governance demands, however, that the agenda be set out clearly in advance of any appointment. If a segment of the public does not agree with that agenda, there will be political fallout. However, that fallout must not be allowed to damage the institution of the Commission. The same applies to any other statutory body under the Government.

One way to enhance transparency and help to build political support for any appointee would be to follow the suggestion made by the Honourable LEE Cheuk-yan. Prior to his appointment, a chairperson-designate could attend a hearing of the Legislative Council and be prepared to answer questions from Members. This would allow the chairperson-designate to define his basic philosophy and outline his priorities.

I would urge the Administration to carefully consider this point. Greater transparency in the appointment of the heads of independent bodies such as the EOC would not infringe upon the powers of the Chief Executive. Greater transparency would enhance the political process. It is unlikely that we would find ourselves in the situation we do today, had such procedures been followed.

Madam President, I agree with the motion as further amended by the Honourable Emily LAU. In order to restore public confidence in the EOC, a fresh start is imperative.

Thank you.

MR AMBROSE LAU (in Cantonese): Madam President, I think we can look at the dismissal incident of the Equal Opportunities Commission (EOC) from six angles.

First, the incident was in fact only an ordinary labour dispute which was not complicated. As a statutory organization, the EOC has the power to handle matters of employment and dismissal independently. In fact, be it a public or private organization, dismissals and resignations are ordinary affairs. If the chief executive of an organization does not even have the power to dismiss a subordinate, how can he run the whole organization? However, when the

person concerned thinks that the EOC has not been fair in handling the issue, he can by all means resort to the existing judicial channels, lodge his complaint with the Labour Tribunal, and let the Court judge whether the dismissal is unjustifiable.

Second, the incident has been politicized. The past and present way of appointing the Chairperson of the EOC has not seen any difference. An ordinary labour dispute has been politicized, adding to arguments in society. Not only have some of the past stories of Michael WONG been revealed, his families and friends have also not been spared. No doubt, the privacy of public officers does not come under protection, but the privacy of their families and friends should however be respected. Hong Kong is a community upholding the rule of law. The dismissal can indeed be resolved through legal channels rather than through politicized means. This will unavoidably result in internal conflicts in society and a waste of resources. The Legislative Council should in fact spend more time on looking at important matters relating to economic recovery and improving the people's livelihood which are of immediate concern to the public. However, it now has to hold a debate on a dismissal incident of a statutory organization. If all dismissal cases of the many statutory and public organizations in Hong Kong have to be brought before the Legislative Council for debate, how then will the Council have sufficient resources and time?

Third, in respect of administrative structure, not only has the EOC been instituting prosecutions externally, but internally, it has also been facing numerous labour disputes. As a result of an excessive number of court cases and its expanding structure, its expenditure has surged from over \$40 million when it came into being in 1996 to over \$80 million last year. Actually, it is a common phenomenon for statutory and public organizations to incur huge expenditures and carry bloated structures. This is not exclusive to the EOC. Moreover, the enormous budget deficit will not only increase the burden of the taxpayers, but also create many unnecessary disputes and troubles for society. Apart from reforming, the Government has no other options.

Fourth, Article 48(7) of the Basic Law stipulates that "to appoint or remove holders of public office in accordance with legal procedures" is one of the powers and functions of the Chief Executive. With regard to the appointment of officials (in particular the officials-in-charge) to the EOC and all the statutory and public organizations, the Government should make improvements to its appointment system, increase the transparency and appoint people who are really there to serve the public.

Fifth, on the questions of whether or not Secretary Dr Patrick HO has mishandled the case, and whether or not the conduct of certain members has undermined the credibility of the EOC, it is not appropriate for us to make any reckless conclusion before the truth has been uncovered. Moreover, different people are telling different versions as regards why Secretary Dr Patrick HO met twice with Mr Michael WONG, the content of their discussion and the people who joined them. This is basically a "Rashomon affair". Concerning the two meetings of Secretary Dr Patrick HO with Mr Michael WONG, no matter whether they are "private gatherings" or "official meetings", so long as he has not done anything against the law, no one has the power to judge them, nor are they obliged to face judgement.

Sixth, colleagues of this Council and myself are worried whether any acts of "smearing" are involved in this incident. However, since Hong Kong is a community upholding the rule of law, if there really are "smearing" incidents, the victims can seek justice through legal channels. The Legislative Council cannot replace the Court and decide who is right and who is wrong.

Madam President, I so submit.

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

MR MICHAEL MAK (in Cantonese): Madam President, since its inception in 1996, the Equal Opportunities Commission (EOC) has zealously sought to fulfil its mission of eliminating discrimination on the grounds of sex, marital status, pregnancy, disability and family status. The public image of the EOC has always been one of independence, fairness and impartiality. Unfortunately, however, the "Michael WONG Kin-chow incident" in recent months has almost entirely ruined the achievement painstakingly made by the EOC in the past eight years, greatly reducing its credibility in the eyes of the public.

Secretary for Home Affairs Dr Patrick HO stresses that he has never advised Mr Michael WONG to resign from the post of EOC Chairman; he has also said repeatedly that he was not with Mr Michael WONG when the latter wrote his resignation statement, and those involved have also stressed again and again that it was just a private gathering. But why do the public still consider Dr HO's declaration unacceptable? The reason is: How can the public be

convinced that a private gathering could be turned into one on which Mr Michael WONG wrote up his resignation statement? And, since things were so sensitive at that time, why did the Secretary still attend such a "private gathering", as he has repeatedly put it, even at the risk of arousing suspicions? Actually, even before Mr Michael WONG decided to resign, the Panel on Home Affairs of the Legislative Council had already written to the Secretary to request his attendance at a special meeting, but he did not turn up. He subsequently explained that he had been preoccupied with explaining the case, that is, the case of Mr Michael WONG's resignation, to the Chief Executive. But the Secretary actually showed a complete lack of political acumen, for he could not pluck up any courage at the soonest possible time to explain the case to the Legislative Council and the public; this fell short of the political commitment expected of a senior government official. Therefore, we can see how disappointing and regrettable his conduct was in this incident.

EOC members are all reputable and respectable community figures, and it is only natural for members of the public to have reasonable expectations about their words and deeds. Unfortunately, the words and deeds of one EOC member, Dr Raymond WU, have run completely counter to the expectations of society.

In a Commercial Radio interview, when talking about whether Secretary Dr Patrick HO had taken any part in drafting the resignation statement, Dr WU said, and I quote to this effect, "(Patrick HO) was there, but he did not take any part. He had nothing to do with it." End of quote. When the programme host further asked Dr WU what Secretary Dr Patrick HO was doing at that time, he said, "He was sitting there, and he could hear what we were talking about." But later, in another interview, in Radio Hong Kong's "Millenium", when the host asked him whether Secretary Dr Patrick HO was present and whether he could hear them discuss the wording of the resignation statement, Dr WU refused to reply on grounds of amnesia, saying, and I quote to this effect, "I will not answer your question! Do I not have such a right I now suffer from amnesia. Do I not have such a right? I must also condemn your behaviour." End of quote. He even accused the media of putting him on a public trial, in what seemed like a Cultural Revolution manner.

His conduct was completely frivolous, eccentric, arrogant and naive, running completely counter to the requirements of the public offices held by him. He is a member of the Honours Committee, the Chairman of the Rehabilitation

Advisory Committee, a member of the Hospital Authority and the Chairman of the Community Investment and Inclusion Fund Committee. In brief, he is holding offices of high public responsibilities. EOC membership is a public office which requires the holder to face the public. I do not think that he should be so frivolous and emotional, should have spoken in this way to the public. Has he sought to cover the truth? The words and deeds of Dr WU have completely ruined the EOC's credibility.

It is certain that Dr WU cannot possibly rid himself of people's suspicion that he was one of those who attempted to smear the reputation of Anna WU, a former EOC Chairperson. In order to restore people's faith in the EOC, Dr WU should resign. But as reported in the *Ming Pao* on 18 November, Dr WU said, and I quote to this effect, "I will never yield to evil forces, and I will never resign." He said he would never resign unless the Chief Executive "fired" him, adding that this would be a loss to the Government. What does he take the public and the Legislative Council for? He even describes us as some sort of evil forces, as some triad members. He has completely ignored our demand for the truth and public accountability.

Therefore, I hereby seriously urge the Secretary for Home Affairs to request the Chief Executive to remove Dr WU from the EOC and other committees. I so submit.

MS CYD HO (in Cantonese): Madam President, I proposed a motion for debate on 21 May this year, urging the Government to ensure the independence of several statutory organizations (including the Equal Opportunities Commission (EOC)).

On that day, Miss CHOY So-yuk moved an amendment, changing the word "ensure" to "continue to maintain". Her reason for that was the existing mechanism could already ensure independence, therefore, there was no need to strengthen it. She felt that "ensure" implied that the existing level of independence was not adequate. However, the amendment was negated on that day. Although no one voted against the original motion, it was not endorsed by a majority of Members returned by functional constituencies because there were 10 abstentions from Members of the functional constituencies. The original motion was not carried eventually.

That result in fact again showed that our mechanism of separate voting, and the mechanism of giving the substantial effect of a "No" vote to "Abstain" votes would make it impossible for the voting results of the Legislative Council to reflect the opinion of the people.

It is only a matter of six months from 21 May to 25 November today. The wordings used in the motion proposed for a debate today are so much "stronger", from the mild terms of ensuring independence to expressing regret over the Secretary's mishandling of the incident, asking the authority to remove all members whose behaviour has impaired the credibility of the EOC, and requesting the proposed appointee for the chair to attend hearings of the Legislative Council and answer questions from Members.

These three amendments are very specific proposals of improvement. We can thus see that in the past six months, the credibility of the EOC has actually plunged into a great crisis, prompting Members to propose wordings which are so specific. We can also see that the so-called proven mechanism to maintain the credibility of the EOC is in fact long ineffective. There remains a lot of room for the public to question the independence of the Chairperson and members appointed by the Chief Executive. There is a big problem here.

First, were they appointed to the EOC because they believe in equal opportunities; or were they appointed for purpose dragging the hind leg of promoting the EOC, performing the so-called "balancing" duty?

Madam President, I am in support of all the three amendments. For one thing, the Secretary should explain clearly to the public his way of handling sensitive business through participation in private gatherings. This way of handling has put a bigger blot on the incident. Now, we cannot cover up the past by simply relying on the claim of certain individual that he was suffering from amnesia. If we just sit on this, everyone will become a loser. What is most unfortunate is that the credibility of the EOC will be further undermined.

Second, members of the EOC should resign *en masse* so as to save the EOC's credibility. This is because the decision of the Chairperson had in fact gained the blessing of all members at a plenary meeting. If members had not raised any questions or conducted any discussion before supporting the Chairperson's decision, I think that even if the credibility has been damaged, the

Chairperson should not be singled out to "bear the blame". The members are collectively responsible.

Madam President, third, it is really the appointment procedure which is undermining the independence and credibility of individual members and Chairperson of the EOC. Administratively, we cannot have each and every public office filled by elected candidates. Very often, we really have to rely on the Chief Executive to exercise his power of appointment and choose suitable candidates for many public offices. However, the unfortunate thing is that our Chief Executive is not elected by universal suffrage, so once there is anything wrong with the appointee, it is impossible for society to hold him accountable or ask him to explain. Therefore, in respect of the appointment procedure, it should be made more open and transparent, bringing in greater public participation. Earlier, the Secretary expressed in his oral reply to Members that because we are not a country, the Paris Principles should not be introduced as criteria for nominating candidates for the Commission. Nevertheless, our present mechanism is already very similar. We may be more transparent, better, more open than the Paris Principles. Our problem however is many things have in fact happened, leading to the use of such words as "scandal" or "farce" by a lot of Members to describe the problems which have cropped up recently.

Thus, with regard to the nomination procedure, I implore the Secretary to account to the public the progress of the review, what criteria have been employed in the past in selecting the appointees, and what procedures have been adopted in making recommendations to the Chief Executive.

Actually, Madam President, I very much hope that a committee responsible for selecting the suitable candidates can be established, with representatives of all sectors sitting on it, and for the possible candidates to be invited to the Legislative Council to answer questions from Members. Through this public session, they can tell the public what their aspirations are and what ideas they have for statutory organizations. Having passed these procedures and secured public acceptance, the candidate can then be endorsed and confirmed by the Chief Executive. Before the Chief Executive is elected by universal suffrage, I think this is the only procedure, one which is open, transparent and accountable to the public, that can save the credibility of the EOC.

Madam President, I will support all the amendments.

MR JAMES TO (in Cantonese): Madam President, as many colleagues have already spoken, I only intend to add a few points.

First, this is something which no colleague has mentioned, and that is, when we went through the documents received by the panel, we discovered that at the very onset of the whole appointment procedure, Secretary Dr Patrick HO had called the Judiciary. Judging from the developments in relation to this incident, after he had made this call, the former Chairperson Michael WONG then applied to the Judiciary for exemption from suspension of his pension payment. The context here is a bit absurd. This sounds to me that it is directly applying pressure on the Judiciary, and I consider this an interference. Of course, finally, it appears strange that the Judiciary had just reviewed whether it had the power to approve the decision of not withholding pension. After the review, it discovered that it did not have this power and so passed the issue back to the Government for the Chief Executive to handle. Nevertheless, this phone call seems to give people the feeling that the Judiciary has been subject to pressure.

Second, so far, Dr Raymond WU and Secretary Dr Patrick HO have provided different versions for this so-called private gathering. So far, Dr WU has not retracted his version. He only said to the effect that "I am suffering from amnesia. Can I not?" He did not say that his memory had been wrong. Nor did he say that if his version contradicted that of Secretary Dr Patrick HO, then his memory was wrong or he would retract his words. Just now, a Member said that this is a "Rashomon" incident. However, we can understand that if this is really a "Rashomon" affair, the incident itself has already undermined the credibility of Secretary Dr Patrick HO as a Bureau Director. Some colleagues also said that it is only a private gathering, why do we have to be so concerned? It is exactly because the background of this private gathering seems to have involved some acts of smearing. If government officials are involved, it becomes a matter of public interest. Therefore, we have every reason to learn more clearly about the whole incident.

Third, a Member said earlier that even at the time of resignation, someone still seemed to hope to turn this resignation into some positive action of smearing the former Chairperson. Having followed the whole course of events, I feel that the answers given by the former Chairperson, Mr Michael WONG, appeared to be quite frank, especially when he was facing the media. I can even say that he has been taking it easy in answering questions. Former Chairperson

Michael WONG could not have been that calculating, good at playing politics and strategic as to turn his resignation into an act of smearing his predecessor. Thus, who in fact has done this? Who is in the background? If these people are members of the EOC, or government officials, or the Secretary, then it becomes very serious, and it can even be a political scandal.

Fourth, is it possible that some members of the EOC can still remain in office without affecting the credibility of the EOC? I believe the answer is, with reference to the comments which Dr WU has all along been making, if he remains in office, the Government knows very well that it would keep on undermining the credibility of the Government and the EOC. This would only do harm to the Government. Just now, a meticulous Member found out that Dr WU is in fact sitting on the Honours Committee. I hope the Government can at the same time consider why the award of honours to some people stirred up big contentions in society in the past. What in fact are public offices? What are contributions? Could there be incidents where we had taken the wrong for the right? What in fact has gone wrong? We are getting more hints now.

Fifth, in his statement on resignation, with no one putting pressure on him, former Chairperson Michael WONG gave up his original version involving smearing and said he had been deserted instead. Why did he say this? After consideration and having followed the development of the whole incident myself, I feel that it was under clear instruction, hints or understanding that former Chairperson Michael WONG was asked to join the EOC to carry out purging. Since he had this understanding, since it was you who ordered him to do this (who is this "you"?), he just did what you had ordered, but now he was being deserted. This is disloyal. Should we, or is it appropriate for us to, summon former Chairperson Michael WONG and let him explain? If he had really accepted a mission at that time, being referred or told that he had to carry out purging, this would be a matter of political responsibility which is of a higher level. I sympathize with former Chairperson Michael WONG because I believe the incident has dealt a severe blow to him. He feels that he is only playing the bad guy, doing things as instructed. Although there were times when he was too frank, giving people the feeling that he was somehow arrogant, is it appropriate for us to summon him to come to testify at this moment when his emotions are seriously affected? In public interest, this seems to be a necessary step, but we still have to give it second thoughts.

Sixth, if former Chairperson Michael WONG does not come to this Council, can we take the written evidence or representation given by him to be true, without putting questions to him or without having the chance to ask him more questions? Can I just let those evidence or representation become a part of my understanding of the whole incident?

Finally, as Mr Ambrose LAU said, we can simply institute prosecution against smearing, why do we have to come to this situation? I can say my response is that if this incident really involves the conduct, problem and accountability of government officials, it is a matter of public interest which cannot be solved simply by instituting prosecution.

PRESIDENT (in Cantonese): Mr SZETO Wah, you have raised your hand just now. Do you wish to speak?

MR SZETO WAH (in Cantonese): Madam President, I only wish to ask Secretary Dr Patrick HO one very very simple question: Should a person suffering from amnesia continue to serve on the Board of the Equal Opportunities Commission? Should he continue to take up so many public offices? My question is just as simple as that.

Dr LO Wing-lok is not in the Chamber now, but I still would like to raise one question with the Hong Kong Medical Association: For someone who is suffering from amnesia, should his registration as a medical practitioner be revoked?

MR IP KWOK-HIM (in Cantonese): Madam President, the series of controversies triggered by the termination of Mr Patrick YU's contract by the Equal Opportunities Commission (EOC) have already undermined its own credibility. As a Chinese proverb goes, "the three-inch of snow is not brought about by the cold weather of one single day." The present predicament is not caused by the integrity problem of one or two individuals. The many scandals uncovered by the media were also contributory factors. The combination of all these incidents has the cumulative effect of making us feel that the credibility of the EOC had been damaged enormously.

As far back as a year ago, some gossip weekly magazines had already featured stories on favouritism exercised within the EOC, saying that certain people had been manipulating the authority and exercising nepotism in the EOC. Although such allegations had consistently been denied by the EOC, this has made the public raise questions on the credibility of the EOC. During the past two months, ever since the "Patrick YU incident" has been widely reported in the press, many newspapers and magazines have featured interviews of Mr Michael WONG as well as speculated reports on the private lives of family members of Mr WONG. Soon, someone in the EOC was alleged to have disclosed privacy information of the complainant, having passed around the complaint file to outsiders for perusal. It seems that we shall never be able to determine whether such reports are true, unless some further investigations are conducted. However, the negative messages coming out of such reports have already impacted direct on the reputation and credibility of the EOC.

The termination of the employment contract of Mr Patrick YU by the EOC was just a labour dispute in the very beginning. However, as more information had been uncovered by the media, the personal attributes, integrity and judgement of Mr Michael WONG inevitably became a target of public criticism. So it might be sensible of Mr Michael WONG to retire from the chairmanship of the EOC at this juncture. Therefore, it is most imperative at this moment for us to restore the people's confidence in the EOC. The DAB hopes that the Government could expedite the appointment of a person widely accepted by all to the office of EOC Chairperson. The new Chairperson must first review and restructure the internal organization of the EOC, as well as the working procedures, such as reconsidering whether it is necessary to combine the two offices of Chairperson and Chief Executive into a single office. Besides, on the members of EOC, the Administration should also ensure that they come from different walks of life, and are capable of reflecting the views of the people on such principles as equal opportunities. In the meantime, the Government is reviewing the grading and remuneration of senior executives of subsidized organizations. We hope that the Administration could accord some priority to the EOC, so as to enable it to discharge its duties and responsibilities in a pragmatic manner.

Altogether three Members have moved amendments to this motion. Ms Emily LAU's amendment requests the Administration to remove EOC members whose behaviour has impaired the credibility of the Commission. The DAB is of the opinion that it is acceptable to remove such members if their behaviour

ultimately damages the credibility of the Commission. However, it is noteworthy that, if such members are exposing some problems just because someone in EOC has made mistakes, then the responsibility of impairing the credibility of the EOC should not rest with the members who have exposed such problems. Instead, the one who has made the mistake should bear the blame.

Mr Andrew CHENG's amendment pinpoints the mishandling of the incident by Secretary Dr Patrick HO. However, from the discussion held in a Home Affairs Panel meeting on who should be responsible for the whole incident, it seems that no consensus had been reached yet. Moreover, as we still do not have sufficient information now, it seems inappropriate and irresponsible of us to use the word "regrets" in the wording of the amendment.

As for the amendment proposed by Mr LEE Cheuk-yan, it is suggested that the proposed appointee should attend hearings of the Legislative Council and answer questions from Members. The DAB considers this inadvisable. Firstly, if the appointee is required to attend the Legislative Council to answer questions from Members before taking up the post of EOC Chairperson, it may entail amendment to the relevant ordinance. Besides, the EOC is just one of the many subsidized and statutory organizations. If this precedent is established, is it also necessary for chairman designates of other organizations to attend the Legislative Council and answer questions before taking up their offices? The Legislative Council is not a vetting institution. What is more, the Legislative Council will not be able to gain a complete understanding of the background and integrity of public officer designates from just one or two public hearings.

Therefore, due to the above considerations, the DAB will not support the amendments proposed by Mr Andrew CHENG and Mr LEE Cheuk-yan. Thank you, Madam President.

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

MR ALBERT CHAN (in Cantonese): Madam President, the recent incidents in relation to the Equal Opportunities Commission (EOC) have given rise to scandals, which have eventually evolved into farces and even tragedies. Such tragedies have not just affected the EOC, but also brought Hong Kong into disrepute.

To comments made by many Honourable colleagues on former EOC Chairman Michael WONG, EOC member Dr Raymond WU as well as Secretary Dr Patrick HO — especially on the allegation that the Secretary had been negligent in his official duties, I am agreeable. I am not repeating them here. Besides, in a meeting of the Home Affairs Panel, I already repeatedly criticized the EOC and the Secretary. Therefore, I also would not rehash such viewpoints.

Basically, given the course of events to date, it has become an undesirable and unhealthy situation for the EOC, Hong Kong as well as the Government. If the ending is a tragedy, I hope we can avert it before we come to the actual end. I do not know how this ending can be re-written into a more appropriate one, which could give the EOC more dignity, thereby preventing its status and credibility from being further damaged. The Secretary should handle the matter with caution. Not just the Secretary, I think Chief Executive TUNG Chee-hwa should also change his attitude in handling his work. If something can be done to bring about a change, this issue must really be handled with care.

Regarding the present situation of the EOC, I think the Government has no alternative. The only way out for the Government is to reform the EOC drastically and reorganize its membership, especially certain political clowns must be removed from it. Just like the District Council elections held on 23 November, many people have agreed to remove "the royalists". The Government had not been able to hear this message before 1 July, or even if it had, it had refused to take it in. The elections on 23 November were just like slaps on the face of the Government, having the effect of "enlightening" it. If the Government was still not "enlightened" by this, then it is really incurable. In fact, I have been saying that TUNG Chee-hwa is incurable. But still I hope that, even though he is incurable, he can still do justice to the EOC, and do justice to the people of Hong Kong. If TUNG Chee-hwa does not learn from his painful lessons, I hope the Secretary will learn from such lessons, do justice to the EOC, and reform the present composition of the EOC completely. The Government should not always say that it would learn from the mistakes it has made and pledge that it would review such mistakes. However, after each review, it just continues making mistakes, and sometimes it may cause even bigger mistakes or disasters — political disasters, one after the other. If the Government continues to act in this way, it will be exhausting all of its energy on doing remedial work for such disasters, and it will have no capacity left for handling its usual work of governance.

Therefore, when appointing a new Chairperson, the Government should not adopt the past mentality of appointing only those whom TUNG Chee-hwa believes could co-operate with him. This is because such people, who could co-operate with Mr TUNG, may not be able to co-operate with the people, and may not be acceptable to the people of Hong Kong. Therefore, I am not sure what the Secretary would say in his later speech on how he can tidy up this mess, how he can do justice to the EOC and how he can restore the confidence of the people of Hong Kong in the future development of the EOC.

Madam President, I am basically in support of the three amendments and the original motion. Thank you, Madam President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr Fred LI, you may now speak on the three amendments.

MR FRED LI (in Cantonese): Madam President, the Democratic Party supports the amendments. In fact, our colleagues have already said so in their speeches. So I am not wasting Members' time now. I shall reserve the time for my conclusion.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, having listened to the views of many Members, I am well aware of the importance they attach to the Equal Opportunities Commission (EOC) and their concern about the recent incidents. Let me take this opportunity to reiterate the Administration's position in this matter.

The recent incidents hinge upon the EOC, a statutory body that has operated effectively for seven years. As stated in the motion moved by the Honourable Fred LI Ming-wah — sorry, it should be the Honourable Fred LI Wah-ming, our task now is to consider how we can ensure that the EOC continues to operate effectively and maintain its autonomy and credibility.

When the need arises, we shall adopt a holistic approach by incorporating the EOC issue into the current review of advisory and statutory bodies.

The EOC was set up in May 1996 under the Sex Discrimination Ordinance to eliminate discrimination on the grounds of sex, disability and family status as well as promote equality of opportunities between women and men, persons with and without a disability, and so on. The EOC, which comprises one Chairperson and no more than 16 members, is our key partner in promoting equal opportunities and eliminating discrimination. We have always attached great importance to the work of and appointments to the EOC such that its composition is representative and conducive to performing its tasks.

I know that some Members consider that the way I handled the recent EOC incident was not entirely satisfactory. I would like to take this opportunity to give an account of my responsibilities as the Secretary for Home Affairs insofar as statutory bodies are concerned and the actions I have taken in the whole incident. As the Secretary for Home Affairs, I have responsibility in handling the following four EOC-related matters:

- (i) to recommend candidates for the post of Chairperson of the EOC for consideration by the Chief Executive;
- (ii) to recommend candidates for the posts of members of the EOC for consideration by the Chief Executive;
- (iii) to provide adequate funding for the EOC's operation; and
- (iv) to consider the EOC's advice relating to three anti-discrimination ordinances, including proposals on legislative amendments.

Apart from these, the Government will not intervene in the work of the EOC, which operates independently with the power conferred upon it by the law.

As I said just now, over EOC-related matters, one of my major responsibilities is to recommend candidates for the post of Chairperson for consideration by the Chief Executive. In selecting such candidates, we have indeed considered a number of possibilities. Being a retired Justice of Appeal of the Court of Appeal of the High Court, the former EOC Chairperson has strong legal background. On the recommendation of the justice department, he

had been appointed as Deputy Judge and later the Chairman of the Advisory Board on Administrative Appeals Board after his retirement. Therefore, we believed that he was the ideal candidate for the EOC Chairperson. We already dealt with the appointment according to the relevant legislation and procedures. I believe Members will agree that judicial officers are fair, impartial and of the highest integrity, and are undoubtedly ideal candidates for public officers. As it was thought that the discretionary power of approving a retired judge to receive pension at the same time of taking up the EOC Chairmanship lay with the Chief Justice, the Chief Justice was therefore informed of the former Chairperson's request. The authority was not requesting the Chief Justice to approve the former Chairperson's case.

Statutory public organizations usually have a mandate with a high degree of autonomy on a wide range of issues. If any of the issues is of great concern to the public and the Legislative Council, the Government will take the initiative to look into and follow up the matter. As the recent incidents surrounding the EOC have aroused much public concern, I have directed that a task force be set up in the Home Affairs Bureau (the Bureau) to closely follow up the situation and report to me as appropriate. As to the dispute over the employment contract between the EOC and its former Director (Operations) designate, the Bureau wrote to the EOC on 29 October, requesting it to submit a report on the matter. The EOC's report had been submitted to the Legislative Council and individual Members' follow-up questions had been passed on to the EOC.

While the Government has taken the initiative to look into the incident, I have to stress that the EOC is an independent statutory body with its power conferred by the law. The original aim of the relevant legislation is to ensure that the EOC operates independently, free from any government intervention. The Government will not intervene in its internal affairs.

I know there are comments and queries in the community about the role I played before the resignation of the former EOC Chairperson. The Government has been very concerned about the recent incidents surrounding the EOC. As the Policy Secretary responsible for the EOC, I have the responsibility to find out the former Chairperson's intention, including his decision on whether to stay in office or not because it falls within one of the four areas of my responsibilities relating to the EOC. And I have done so through two gatherings. However, I must reiterate that his resignation was his personal decision and we respect his decision.

Although I have made statements at various Legislative Council meetings, I would still like to clarify once more the circumstances in which the resignation statement of the former Chairperson was discussed in our meeting on 5 November.

I attended the private gathering in order to know what the former Chairperson had in mind, especially whether he would stay in office or not. When he explicitly indicated that he would consider to resign and began to discuss with a friend his resignation statement, I felt that I should not stay there, hence I left the meeting for some time. As I was away for some time, I did not fully know what was discussed. What I heard was obviously related to the EOC's internal affairs. As far as I am aware, no one was accused or smeared during the discussion. When I returned, the discussion was coming to an end. I did not take part in any discussion.

In the recent incidents surrounding the EOC, the Administration has maintained a non-interventionist policy. Nevertheless, the Government has the responsibility to keep in view the developments. As the Policy Secretary responsible for EOC matters, I believe I have duly performed my responsibilities.

Many Members have expressed their wish to restore the credibility of the EOC. The credibility of the EOC and other statutory bodies hinges on various factors such as their capability, effectiveness and the prestige gained throughout the years. Since 1996, the EOC has been establishing its track record. Under the leadership of the past Chairpersons and the concerted efforts of its members and staff, the EOC has performed its functions and gained public recognition. In order to consolidate the independence and credibility of the EOC, the Government will continue to adopt a non-interventionist policy so that the EOC can operate independently and carry out its functions as vested by the law. The Government will continue to ensure that the composition of the EOC remains pluralistic and representative, and that it remains adequately funded to perform its duties.

While the recent incidents may have had some impact on how people perceive the EOC, we are grateful that its well-established office has continued capably to carry out its functions. Although the former Chairperson has resigned, the EOC still has 16 members, some of whom have been with the Commission since its establishment. Our immediate task is to restore the

EOC's full staffing structure. We will try to appoint as soon as possible a new Chairperson who is committed to upholding the principle of equal opportunities and has credibility. I believe this is the wish of the Legislative Council as well as the general public. As the Secretary for Home Affairs, I shall endeavour to meet your expectations expeditiously.

I have heard the calls of Members and I fully understand Members' expectations of the EOC and the importance they attach to its credibility. Members think that the success of any organization depends, to a great extent, on its composition. This in turn depends on a proper mechanism governing the appointments of chairpersons and members. This is a reasonable judgement. Having been in public office for so many years, I share your views. At present, the Government is conducting an overall review of the system of advisory and statutory bodies. The review is multi-faceted, covering the policies on existing advisory and statutory bodies, the rationalization of the structure as well as ways to enhance their accountability, openness, transparency, and so on. There are nearly 500 advisory and statutory bodies in Hong Kong. The whole system of advisory and statutory bodies is very complicated and multi-faceted, comprising various different advisory committees, public bodies, appeal boards, public corporations, and so on. It is not an easy task to develop a set of policies and principles applicable to all these bodies. As a key component of a civic society, these advisory and statutory bodies are clear demonstrations of a rational and open community and provide the foundations for democratic development. I hope we can make concerted efforts and draw on collective wisdom to carry out the review by keeping pace with the times.

Some Members have suggested that arrangements be made for the proposed appointee to attend hearings of the Legislative Council and answer questions from Members before the appointment of the Chairperson of the EOC in future. Some Members have also suggested that the EOC be revamped. I hope Members will appreciate that the existing mechanism has been in place for years and generally works well. We should take a holistic approach to review the rules and system instead of making hasty reforms in response to isolated appointment problems. As the EOC is carrying out important statutory functions, the Chief Executive is empowered by the law for its appointment. Any change in the appointment mechanism may involve legislative amendments, which will require detailed consideration. It is undesirable to single out an individual organization for a review.

The recent incidents surrounding the EOC have given rise to a number of issues that call for in-depth deliberation. They include the appointments of chairpersons and members of advisory and statutory bodies, and for statutory bodies with executive functions, whether the posts of Chairperson and Executive Director should be taken up by the same person. In order to perfect effective corporate governance, we have to consider whether the policy-making and executive powers of certain statutory bodies should be separated so as to ensure the separation of power and proper co-ordination of authority and duties. So we need to extend the scope of the present review in light of the latest developments. We will complete the review of the system relating to advisory and statutory bodies as soon as possible, so that these bodies can operate according to a mechanism that better meets the needs of society.

Madam President and Members, as a Policy Secretary, I constantly review the matters that fall within my portfolio and have gained experience through every review. I also believe that there is always a better way of doing everything. I hope Members will agree that for now, it is most important to be forward looking.

Finally, I would like to thank the Honourable Fred LI for moving this motion and Members for their concern about the EOC. I would also like to extend my appreciation to the Legislative Council for monitoring and evaluating the performance of duties by the Government and me. I hope we can work together to perfect the system of Hong Kong, so that it remains an open and rational society.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr Andrew CHENG to move his amendment to the motion.

MR ANDREW CHENG (in Cantonese): Madam President, I move that Mr Fred LI's motion be amended, as printed on the Agenda.

Mr Andrew CHENG moved the following amendment: (Translation)

"To add "regrets that the Secretary for Home Affairs, Dr Hon Patrick HO Chi-ping, has mishandled the 'Michael WONG Kin-chow incident', and"

after "That this Council"; and to delete "from the 'Michael WONG Kin-chow incident' "after "urges the Chief Executive and the HKSAR Government to learn the lesson" and substitute with "therefrom". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr Fred LI's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Andrew CHENG rose to claim a division.

PRESIDENT (in Cantonese): Mr Andrew CHENG has claimed a division. The division bell shall ring for three minutes.

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

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

Functional Constituencies:

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

Mr Kenneth TING, Mr James TIEN, Dr Eric LI, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the amendment.

Geographical Constituencies and Election Committee:

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

Mr CHAN Kam-lam, Mr Andrew WONG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Dr David CHU, Mr NG Leung-sing, Mr YEUNG Yiu-chung, Mr Ambrose LAU and Mr MA Fung-kuok voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, seven were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 16 were in favour of the amendment and 11 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

MS MIRIAM LAU (in Cantonese): Madam President, I move that in the event of further divisions being claimed in respect of the motion or amendments thereto on "Credibility of the Equal Opportunities Commission", this Council shall immediately proceed to such divisions after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU 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.

I order that in the event of further divisions being claimed in respect of the motion or amendments thereto on "Credibility of the Equal Opportunities Commission", this Council shall immediately proceed to such divisions after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you may now move your amendment.

MR LEE CHEUK-YAN (in Cantonese): Madam President, I move that Mr Fred LI's motion be amended, as printed on the Agenda.

Mr LEE Cheuk-yan moved the following amendment: (Translation)

"To add "and, before appointing the Chairperson of the Equal Opportunities Commission in future, to arrange for the proposed appointee to attend hearings of the Legislative Council and answer questions from Members" after "That this Council urges the Chief Executive and the HKSAR Government to learn the lesson from the 'Michael WONG Kin-chow incident'"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Cheuk-yan to Mr Fred LI's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr LEE Cheuk-yan rose to claim a division.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan has claimed a division. Members shall proceed to vote after the division bell has been rung for one minute.

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

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

Functional Constituencies:

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

Mr Kenneth TING, Mr James TIEN, Dr Eric LI, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the amendment.

Geographical Constituencies and Election Committee:

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

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

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, six were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 17 were in favour of the amendment and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Ms Emily LAU, you may move your amendment.

MS EMILY LAU (in Cantonese): Madam President, I move that Mr Fred LI's motion be amended, as printed on the Agenda.

Ms Emily LAU moved the following amendment: (Translation)

"To add "remove all those Equal Opportunities Commission members whose behaviour has impaired the credibility of the Commission, so as to" after "and take expeditious measures to"."

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

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

(Members raised their hands)

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

(Members raised their hands)

Ms Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Ms Emily LAU has claimed a division. Members shall proceed to vote after the division bell has been rung for one minute.

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

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

Functional Constituencies:

Dr David LI, Miss Margaret NG, Mr CHEUNG Man-kwong, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr SIN Chung-kai, Dr LAW Chi-kwong, Mr Michael MAK, Mr LEUNG Fu-wah and Mr IP Kwok-him voted for the amendment.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Dr Eric LI, Mrs Selina CHOW, Mr HUI Cheung-ching, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Dr LO Wing-lok and Mr LAU Ping-cheung voted against the amendment.

Mr WONG Yung-kan abstained.

Geographical Constituencies and Election Committee:

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

Dr TANG Siu-tong, Dr David CHU, Mr NG Leung-sing, Mr Ambrose LAU and Mr MA Fung-kwok voted against the amendment.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, 10 were in favour of the amendment, 17 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were

present, 22 were in favour of the amendment and five against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Fred LI, you may now speak in reply.

MR FRED LI (in Cantonese): Madam President, I would like to thank the 21 Members who have spoken on this motion. First of all, I would like to say that the speech made by Dr David LI had a profound impression on me. His speech was electrifying, very powerful, and I really mean it. This is especially so when he talked about the "mysterious disappearance", that is, the mysterious disappearance of the Secretary and that is really shocking.

Of course, as the Secretary has said in his response, he left at the most critical moment, for he knew that something about resignation was going to be written and so he did not wish to have anything to do with it. When he returned, the thing was almost finished and it was done. So he had no part to play in that matter. But unfortunately, the problem is that a member of the EOC said he was sitting there and had not left. That member made the above remark in public, but then he said that he suffered from amnesia and did not want to talk about it anymore. That kind of remark is not good for the Secretary, nor is it good for the EOC. I am not making a personal attack, I am just saying that this sort of remark has been broadcast repeatedly on the radio. I hope that the Secretary can really think about it. The sooner such a member disappears the better.

In fact, on the controversy surrounding the EOC, some colleagues say that it is a personnel matter and the Secretary also says that it is a personnel controversy. But the problem lies in the dismissal. On questions like whether or not Patrick YU is qualified for the job or how much should he be compensated, I do not think we should step in and intervene, not even the Legislative Council. That is what I said last time. But the question is once the Chairperson had assumed office, he sacked the person who had already been offered appointment. Was the procedure lawful? Was it proper or not? Apparently, it was a selection panel which employed him, and for many years the procedure has been the same. But what has happened now is that after the Chairperson had assumed office, he said that he was right and what he had done was right. To

use their words, YU is unfit for the post. The same group of people could say things the other way round, that YU is unfit for this job and so they supported the Chairperson in sacking YU.

The EOC is not a business organization. It is not a company but an independent statutory body. Its credibility is therefore very important. In other words, it should command the respect of the public. For if not, how will the public approach it to make complaints? How will they complain to the EOC about cases of alleged discrimination? The situation is pretty much the same as with the Consumer Council, the Office of The Ombudsman and the Legislative Council. It would be sheer tragedy if the Legislative Council loses its credibility. If there is misconduct among Members, that will seriously undermine our credibility and so the Council is very concerned about Members' conduct. That is why the media is playing the role of a watchdog over the things we do. The same goes for the EOC. We hope the Secretary will not regard this as a simple personnel dispute. The questions to ask are whether or not the procedures taken to sack YU are lawful and that the Chairperson had used his powers to coerce members into saying something which would not be said otherwise had the original procedures been followed. But it was because of the need to support the Chairperson that they were forced to say that. It is not healthy at all.

The Secretary has mentioned independence and autonomy many times. The problem is each year the Secretary will apply for appropriation of funds to the EOC and as a Bureau Director, he has the responsibility to oversee how the EOC spends its money, for that comes from the public coffers. He cannot say that the EOC has the liberty to spend the way it likes when it is sufficiently financed. No tenders are invited and nothing needs to be done. I do not think the Secretary will allow it to act like this, for he is obliged to oversee its use of public money. He cannot say that it is an independent and autonomous body and once anything happens, it is like being placed under a veneer and is totally detached from him — insulated, as it were. Members of the EOC have made disparaging remarks about the EOC in public and repeatedly, but the Secretary does not seem to care. He only commends the EOC for the efforts it has made over the years. He does not think there are any problems. He turns a blind eye to problems when they actually arise. I do not think that is the proper approach of the Government. Every time when something has gone wrong, it would say that the matter can be improved and that it will come out wiser after the whole thing. An approach like this is totally unacceptable to us.

I should also like to respond to the remarks made by Mr NG Leung-sing. He said that there is nothing wrong for that EOC member to give a different opinion. These are not different opinions, they serve only to damage the EOC. That is, they injure the EOC's credibility. That EOC member has said that he suffers from amnesia and that the Secretary had been sitting there and he had not left the scene. All these are constantly changing remarks. He — Raymond WU said on the Commercial Radio that if there was anything wrong with Mr Michael WONG, he could give him a medical certificate to the effect that he had a heart problem or something. This will enable him to bow out gracefully. As a medical doctor, can Raymond WU do such things? If it is an act of conspiracy to defraud by giving a medical certificate to someone who is not sick, then WU would be breaking the law. The Medical Association should revoke his licence. When WU said those things in public, doubts were cast among the public about his suitability to be a member of the EOC. I hope Members will understand that this is not a matter of individual members of the EOC making voices which are different. I also wish to stress that we do not want to see any damage done to the credibility of the EOC. All along we have respected the work done by the EOC. But some of its members are, just as Ms Audrey EU has said, staging a farce in front of the public. This is the crux of the problem. The Chairperson of the EOC has accused in public some members of telling lies. He has also said something to the media which has brought him a lot of trouble and queries from the public. Those were remarks he himself made in public. He cannot blame the media for plotting against him and staging a concerted attack on him. He also said that the whole thing was a political struggle, and so on. He should search his soul and ponder over what he has said to the media. He should be careful about his words, for he was the Chairperson of the EOC. As for those veteran members of the EOC, they should also watch their mouths.

Unfortunately, all the three amendments were negated. For the Government is getting nervous and it has persuaded many Members to oppose the three amendments and only support my original motion. As Dr David LI has said, my original motion is a lame one. It is because when I proposed this original motion, the Panel on Home Affairs had not held its meeting and it did not know what had happened exactly. So I was forced to propose a rather lame motion. Secretary, may I tender you a piece of advice from the bottom of my heart, I hope you can learn a lesson from this. Many Honourable colleagues have advised you to revamp the EOC, rather than replacing the Chairperson only, but all the 16 members as well. We do not think that should be a problem. For if when the entire Board of the EOC is replaced and new impetus is injected

into it, that may well be a good thing as the cliques and factions in it will go, so will the bitter feelings.

Madam President, I hope Members will support my original motion.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Fred LI as set out on the Agenda be passed.

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

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 3 December 2003.

Adjourned accordingly at seven minutes past Eleven o'clock.

Annex**HONG KONG EXAMINATIONS AND ASSESSMENT AUTHORITY
(AMENDMENT) BILL 2003****COMMITTEE STAGE**Amendments to be moved by the Secretary for Education and ManpowerClauseAmendment Proposed

- 2(1)(a) By deleting ", whether on its own, or jointly with or as agent for other persons and organizations," and substituting "(whether on its own, or jointly with or as agent for other persons and organizations)".

Appendix II

WRITTEN ANSWER

Written answer by the Secretary for Education and Manpower to Mr Tommy CHEUNG's supplementary question to Question 4

Public Expenditure on Educational Institutions as a Percentage of Gross Domestic Product (GDP) (1999) in Neighbouring and Major Economies

<i>Economy</i>	<i>GDP share (%)</i>
Australia	4.5
Mainland China	2.0
Japan	3.5
Korea	4.1
Organization for Economic Co-operation and Development Mean	4.9
United Kingdom	4.4
United States	4.9

Sources: "Financing Education — Investments and Returns: Analysis of the World Education Indicators", 2002 Edition, United Nations Educational, Scientific and Cultural Organization Institute for Statistics and Organization for Economic Co-operation and Development. This is the most-updated information available to us.

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mr WONG Yung-kan's supplementary question to Question 5**

As regards a breakdown by country of the quantity of chilled pork imported into Hong Kong from January 2000 to May 2003, the requested information is as follows:

<i>Sources</i>	<i>Quantities of imported chilled pork (tonnes)</i>
Thailand	30 442
Australia	925
The United States	58
Others	142
Total	31 567

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Dr LO Wing-lok's supplementary question to Question 5**

As regards whether any imported chilled pork was tested positive of beta-agonists in the past three years, about 1 400 samples of chilled meat and poultry were taken for testing during the period. These included testing of pathogens, colouring matters, preservatives, radioactive substances and harmful substances such as antibiotics, synthetic hormones, beta-agonists, and so on. Apart from one chilled pork sample from Thailand which was found positive of salbutamol in 2001, the results of all other samples were satisfactory. A warning letter was issued to the importer concerned. Future consignments from the subject plant/farm supplying the chilled pork in question were subject to hold-and-test inspection procedure before release for sale in the local market and all samples taken afterwards were found satisfactory.

Appendix V**WRITTEN ANSWER****Written answer by the Secretary for the Environment, Transport and Works to Dr Raymond HO's supplementary question to Question 6**

In the 2002-03 financial year, the Government awarded a total of 80 works consultancies of value more than \$1.3 million each. The titles, duration and value of these consultancies, at a total cost of \$650 million, are set out in the Annex. Since a large number of items are listed in the Annex, translating the title description requires a large amount of resources. To save such resources, we have, in the same manner of providing the information for works contracts at the meeting on 26 November 2003, provided only the English version of the Annex for reference. For works consultancies of value less than \$1.3 million each, the numbers are large and Works Departments can let them out in different forms through simpler procedures. We have not therefore kept separate records for these works consultancies.

Apart from consultancies for the study, design and follow-on works supervision for projects in the Capital Works Programme, the Annex also includes planning studies for some individual projects which are not yet included in the Capital Works Programme and preliminary investigations for some major projects. In addition to the consultancies set out in the Annex, some of the investigation and works design consultancies we awarded in the past each year are still in progress. Works Departments would also carry out various studies and design for projects using their in-house resources. As there are a lot of studies and design work in progress, we believe that the situation of "discontinuity" in the Capital Works Programme should not occur in the coming few years.

WRITTEN ANSWER — *Continued*

Annex

List of Works Consultancies Awarded in Financial Year 2002-03
(with value more than \$1.3 million per item)

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
1	Contract Arrangement for Recreation Facilities at Tseung Kwan O Stage 1 Landfill and Jordan Valley Landfill - Feasibility Study	3.8	22
2	Bridge Inspection and Investigation for Canal Road Flyover and Gascoigne Road Flyover	2.2	18
3	Development of Design Guidance for Aesthetic Design of Highway Structures	1.7	19
4	Replacement of Traffic Control and Surveillance System for the Lion Rock Tunnel - Design and Construction	2.3	50
5	Investigation and Preliminary Design for Reconstruction and Improvement of Tuen Mun Road	9.1	20
6	Environmental Impact Assessment and Traffic Impact Assessment Studies for Yuen Long and Kam Tin Sewerage and Sewage Disposal Stage 2 - Investigation	2.9	19
7	Tai Po Sewage Treatment works - Stage V Environmental Impact Assessment Study	1.6	22
8	Structural Evaluation of Roads in Hong Kong Island - Investigation	2.6	15
9	Streetscape Design for Footpath in Eastern and Southern Districts of Hong Kong Island - Design	2.3	14
10	Drainage Improvement in Northern Hong Kong Island, Eastern District Lower Catchment - Design and Construction	1.9	72
11	Retrofitting of Air-conditioning to 19 Existing Markets and Cooked Food Centres	3.1	44
12	Retrofitting of Air-conditioning to 19 Existing Markets and Cooked Food Centres	3.1	44

WRITTEN ANSWER — *Continued*

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
13	Retrofitting of Air-conditioning to 19 Existing Markets and Cooked Food Centres	2.8	40
14	Primary School at Shek Lei Estate Phase II Redevelopment, Kwai Chung Primary School at Cheung Sha Wan Road, Sham Shui Po, Kowloon	8.1	51
15	Primary School in Kau Hui, Yuen Long Secondary School in Kau Hui, Yuen Long	7.9	51
16	Two Primary Schools at Eastern Harbour Crossing Site, Yau Tong	11.9	51
17	A 24-Classroom Primary School at 12-24 Wylie Road, Ho Man Tin, Kowloon Reprovisioning of Society of Boy's Centre, Shing Tak Centre School at New Clear Water Bay Road, Shun Lee, Kowloon	7.6	51
18	Secondary School at Nam Fung Road, Aberdeen	5.1	51
19	Primary School in Area 31, Sheung Shui, New Territories Secondary School in Area 31, Sheung Shui, New Territories	7.8	51
20	A Primary School in Area 4C/38A, Sha Tin A Secondary School in Area 4C/38A, Sha Tin	4.9	51
21	Retrofitting of Air-conditioning to 19 Existing Markets and Cooked Food Centres	2.0	43
22	Retrofitting of Air-conditioning to 19 Existing Markets and Cooked Food Centres	1.4	43
23	Wan Chai Development Phase II - Design and Construction	72.5	131
24	Custom Headquarters Tower at Tin Chiu Street, North Point	3.3	52
25	Term Consultancy for Minor Works to Government Properties for which Architectural Services Department (Property Services Branch) is responsible in Region No. 1	39.8	24

WRITTEN ANSWER — *Continued*

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
26	Term Consultancy for Minor Works to Government Properties for which Architectural Services Department (Property Services Branch) is responsible in Region No. 2	42.0	24
27	Term Consultancy for Minor Works to Government Properties for which Architectural Services Department (Property Services Branch) is responsible in Region No. 3	35.8	24
28	Tsuen Wan Road Upgrading - Investigation	5.7	16
29	Radiotherapy Centre and Accident in Emergency Department at Princess Margaret Hospital	2.2	37
30	South Lantau and Mui Wo Development - Feasibility Study	8.1	27
31	Direct noise mitigation measures on Tseung Kwan O Road and Tseung Kwan O Road Flyover - Investigation	2.4	14
32	Ma On Shan Sports Ground Phase II at Area 92, Ma On Shan	3.9	19
33	Joint User Building at Rock Hill Street, Kennedy Town	1.5	49
34	District Open Space in Areas 3 and 8, Tsing Yi	4.0	36
35	Annual Inspection for Roadside Man-made Slopes/Retaining Walls on Hong Kong Island - Investigation	4.9	24
36	Drainage Improvement in Tsuen Wan and Kwai Chung - Urban Drainage Works	2.5	54
37	Improvement to Tung Chung Road between Lung Tseng Tau and Cheung Sha - Design and Construction	16.8	72
38	Further Development of Tseung Kwan O - Feasibility Study	23.5	30
39	Provision of Safe Access for Inspection and Maintenance of Slopes for Hong Kong Island and Kowloon Regions - Design and Construction	6.0	50

WRITTEN ANSWER — *Continued*

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
40	Quality Paving Works in Kowloon Region - Design and Construction	1.8	32
41	Drainage Improvement in Sai Kung - Design and Construction	4.4	88
42	Review of Integrated Waste Management Technologies - Feasibility Study	2.0	20
43	Tsim Sha Tsui Beautification Scheme	2.0	41
44	The Implementation of an Automated Refuse Collection System at South East Kowloon Development - Feasibility Study	4.1	16
45	Peng Chau Sewage Treatment Works Upgrade - Investigation, Design and Construction	4.9	75
46	Term Structural Engineering Consultancy for the Design and Supervision of Minor Building and Maintenance Projects	6.0	24
47	Local Open Space at Area 14 (Mouse Island), Tuen Mun District Open Space in Area 7, Tung Chung	4.0	46
48	Improvements to San Tin Interchange - Investigation	3.1	22
49	Roadside Slope Engineer Inspections (2002-2005) in Hong Kong and Kowloon Regions - Investigation	13.3	36
50	Stormwater Drainage Master Plan Study in Southern Hong Kong Island - Feasibility Study	5.5	24
51	Cherry Street Park, Tai Kok Tsui	3.6	44
52	Renovation of Highway Structures in Central and Wan Chai Districts - Investigation, Design and Construction	7.9	48
53	Annual Inspection for Roadside Slopes/Retaining Walls in New Territories Region (2002-2004) - Investigation	12.0	24
54	Sheung Lok Street Garden (Site B) Improvement to Lok Wah Playground Local Open Space at Tin Shui Wai, Area 15, Yuen Long	6.3	24

WRITTEN ANSWER — Continued

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
55	Sports Ground at Area 33, Tai Po District Open Space Area 18, Tuen Mun	4.2	27
56	Drainage Improvement in Tsuen Wan and Kwai Chung - Tsuen Wan Drainage Tunnel	5.2	38
57	Drainage Improvement in Northern Hong Kong Island - Hong Kong West Drainage Tunnel and Lower Catchment Improvement - Investigation	12.4	38
58	Lai Chi Kok Transfer Scheme - Investigation	5.9	38
59	Cycle Track Network in New Territories - Feasibility Study	4.1	16
60	Football Pitch and District Open Space at Area 5, Tai Po District Open Space in Area 5, Tai Po Local Open Space in Ping Shan, Yuen Long	4.7	24
61	Drainage Improvement in Northern New Territories - Package B - Investigation, Design and Construction	6.2	101
62	Design and Construction of Central Government Complex Legislative Council Building Exhibition Gallery and Civil Place at Tamar Central, Hong Kong	15.5	74
63	Provision of Access Facilities for the Elderly and Disabled at Existing Footbridges in Urban Area - Phase 1 - Investigation, Design and Construction	4.2	60
64	Environmental Review of Urban Landfills and Tseung Kwan O Landfills – Feasibility Study	4.0	15
65	Review of Design, Construction and Operation Contract Arrangement and Associated Institutional Framework for Managing Waste Management Facilities in Hong Kong – Feasibility Study	4.3	20
66	Minor road projects in New Territories, Package 2 - Design and Construction	4.3	60
67	Minor road projects in New Territories, Package 1 - Design and Construction	4.8	60
68	Roadside slope engineer inspections (2003-2005) in New Territories Region - Investigation	12.6	43
69	South East Kowloon Development - Kowloon Bay Reclamation and Engineering Works (Design and Construction)	49.2	156

WRITTEN ANSWER — *Continued*

	<i>Consultancy Title</i>	<i>Value (\$million)</i>	<i>Duration (months)</i>
70	Term Consultancy for Minor Works of Government Properties for which Architectural Services Department (Property Services Branch) is responsible	8.5	32
71	Marine Police Outer Waters District Headquarters and Marine Police North Division at Ma Liu Shui, Sha Tin	6.3	47
72	Upgrading/Improvement of Roadside Fill Slopes/Retaining Walls in Eastern and Southern Districts of Hong Kong Island (2002-2006 Programme) - Investigation, Design and Construction	6.0	48
73	Term Contract for Alterations, Additions, Maintenance and Repair of Building and Lands, Other Properties for which Architectural Services Department (Property Services Branch) is responsible - Sham Shui Po, Tsuen Wan and Kwai Tsing	2.8	56
74	Term Contract for Alterations, Additions, Maintenance and Repair of Building and Lands, Other Properties for which Architectural Services Department (Property Services Branch) is responsible - Wong Tai Sin and Sha Tin	3.1	56
75	Upgrading/Improvement of Roadside Fill Slopes/Retaining Walls in Northern and Western Districts of Hong Kong Island (2002-2006 Programme) - Investigation, Design and Construction	5.8	50
76	Trunk Road T4, Sha Tin - Investigation	5.0	15
77	Provision of Access Facilities for the Elderly and Disabled at Existing Footbridges in New Territories Area - Phase 1 - Investigation, Design and Construction	5.6	60
78	A Primary School in Area 12, Yuen Long	3.9	53
79	Provision of Safe Access for Inspection and Maintenance of Highways Slopes in New Territories East - Design and Construction	5.0	61
80	Provision of Safe Access for Inspection and Maintenance of Highways Slopes in New Territories West - Design and Construction	4.2	59
	Total	649.5	