

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 18 May 2005

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

THE HONOURABLE 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 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, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, J.P.

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 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, 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 TIMOTHY FOK TSUN-TING, G.B.S., J.P.

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

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

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, J.P.

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

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

THE HONOURABLE DANIEL LAM WAI-KEUNG, B.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE MA LIK, J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, S.B.S., J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBERS ABSENT:

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

THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

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

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.
THE FINANCIAL SECRETARY

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

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

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

THE HONOURABLE AMBROSE LEE SIU-KWONG, I.D.S.M., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE JOHN TSANG CHUN-WAH, J.P.
SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY

CLERKS IN ATTENDANCE:

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

MS PAULINE NG MAN-WAH, ASSISTANT 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>
Official Languages (Alteration of Text under Section 4D) (Reference to "Alteration" in Entertainment Special Effects Ordinance) Order	75/2005
Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds) Order 2005	76/2005
Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) Order 2005 ...	77/2005
Public Health and Municipal Services (Designation of Public Swimming Pools) Order 2005	78/2005
Public Health and Municipal Services Ordinance (Amendment of Fourteenth Schedule) Order 2005	79/2005
Rules of the High Court (Amendment) Rules 2005	80/2005
Companies (Amendment) Ordinance 2004 (Amendment of Schedule 3) Notice 2005	81/2005
Companies (Amendment) Ordinance 2004 (Commencement) Notice 2005	82/2005

Other Papers

- No. 89 — The Government Minute in response to the Report No. 43 of the Public Accounts Committee dated February 2005

PRESIDENT (in Cantonese): Clerk, a quorum is not present, will you please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

PRESIDENT (in Cantonese): A quorum is now present. The meeting may now start.

ADDRESSES

PRESIDENT (in Cantonese): Addresses. The Chief Secretary for Administration will address the Council on the Government Minute in response to the Report No. 43 of the Public Accounts Committee dated February 2005.

The Government Minute in response to the Report No. 43 of the Public Accounts Committee dated February 2005

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, laid on the table today is the Government Minute in response to the Report No. 43 of the Public Accounts Committee (PAC).

The PAC report examines five subjects in the Director of Audit's Report No. 43. The Administration is grateful for the time and tremendous effort of the PAC devoted to this report.

I would like to respond to some of the comments made by the Chairman of the PAC, who spoke on 23 February when tabling the PAC report.

The first issue concerns the English Schools Foundation (ESF). We note the concern of the PAC about a divergence of views between the Administration and the ESF on the role of ESF in our school system and its future subvention arrangement.

As the Secretary for Education and Manpower has explained during the public hearings, the Administration values quality education. We fully

appreciate the ESF's contributions to the education sector over its 38 years of service and are keen to see its continuous growth. But at the same time, the Administration is obliged to ensure that public money is properly spent. As in the case of government departments and agencies, all subvented bodies have to discharge their functions in a fair, open, efficient and cost-effective manner. This also forms the basis on which the subvention from the Government should be justified.

The PAC's concern highlights the controversy involved in the subvention debate. The Administration considers improving the governance of ESF an overriding priority, preceding over the subvention issue. Pending a satisfactory resolution of the governance problem as flagged up by the Director of Audit and the PAC, we genuinely see little scope for any substantive discussion with the ESF in the meantime.

That takes me to the subject of corporate governance and headquarters administration of the ESF, which has invited severe criticisms from the PAC.

The PAC expressed concern about the role of the Education and Manpower Bureau in ensuring a high standard of corporate governance in the ESF. We fully respect the PAC's views. While ESF schools do not receive more government subsidies than any other local aided schools in Hong Kong, they have the privilege of being supported by a full team of senior management which might not be available in most of the local school sponsors. It is therefore reasonable to expect more from the ESF in ensuring a high standard of corporate governance.

We note that changes are under way. Shortly before the publication of the PAC report, the new ESF Chief Executive assumed duties on 14 February this year. The ESF subsequently prepared an action plan in late March, setting out among other things a full programme of reform measures in following up the PAC recommendations. The Government Minute has included this document for Members' reference.

I would also like Members to note that the ESF has established a Governance Reform Task Force to look into the governance issues, including those raised by the ESF, with an ultimate objective of separating management functions from the governance body. After going through necessary internal consultation and other preparatory work, the ESF expects that more detailed

proposals will be available in June this year and full implementation pursued before the academic year begins in September 2006.

The action plan also contains the ESF's work plan in respect of the PAC recommendations on the administration of ESF schools.

Allowing some time for actions, the ESF would be ready to prepare a fuller report to the PAC later this year. Without prejudice to our practice of avoiding micro-managing any subvented bodies, the Education and Manpower Bureau would closely monitor the progress of the ESF's reform and would offer advice as appropriate.

On the very issue of the future subvention arrangement, the Education and Manpower Bureau would be ready to continue its discussion with the ESF upon the latter's restoration of a proper governance structure. Pending that, the Administration would continue to require the delivery of efficiency savings by the ESF and would implement reductions in subsidies.

The second issue concerns the grant of land at Discovery Bay and Yi Long Wan. The Administration has noted the PAC's criticism of the then land authority over the grant of land at Discovery Bay, particularly regarding the fact that the then Administration had not obtained the Executive Council's endorsement of the change of the development concept of Discovery Bay. The PAC urged the Administration to seek Executive Council's endorsement of that change.

As acknowledged by the PAC, the Discovery Bay development began in the 1970s and 1980s and took place against the particular background prevailing at that time. The then Administration apparently considered that, given the huge investment in the project and the prevailing economy, the developer should be allowed some flexibility in the implementation process. Indeed, as set out in the submission to the then Governor in Council, the authority to handle changes made to the Master Layout Plans was vested in the then land authority under the lease conditions. Whether the then land authority should have judged the changes of the development at Discovery Bay as representing a fundamental change from the original concept and whether such changes should be submitted to the then Governor in Council for endorsement is a matter of interpretation. To put the matter beyond doubt, as undertaken by the Secretary for Housing,

Planning and Lands at the PAC's hearings, the Administration has sought the Executive Council's endorsement of what has already taken place in the Discovery Bay development.

We wish to assure Members again that as our town planning system has become mature with a clear process for preparing statutory plans and channels for hearing public views, and as a system of enhanced accountability and transparency is now in place, it is unlikely that the experience of the Discovery Bay development would recur elsewhere.

Regarding the land encroachment problem, the Lands Department has implemented or is taking active steps to implement the various measures recommended by the Director of Audit and the PAC, as reported in detail in the Government Minute.

The third issue concerns the District Council (DC) expenses. In response to the Director of Audit's recommendation, the Administration originally planned to withdraw the existing administrative measure of allowing without query a tax deduction of 50% of the honorarium for DC members, starting from this financial year's final assessment. However, the DC Chairmen, Vice-chairmen and members have expressed concern about the timeframe and indicated that they might have difficulties fully understanding and complying with the record-keeping requirements.

In order to allow sufficient time for introducing appropriate arrangements which would not cause undue inconvenience and confusion to DC members, the Administration has decided to defer the withdrawal of the administrative measure from 2005-06 to 2006-07. All DC members have been informed of this implementation date and will be fully briefed on the detailed arrangements before the administrative measure is withdrawn.

Separately, the PAC has recommended that the Government should consider converting 50% of a DC member's honorarium to the Operating Expenses Allowance, which is non-taxable so that DC members' honorarium, similar to those of Executive Council and Legislative Council Members, is all taxable. As the recommendation involves fundamental changes to DC members' remuneration package, the Government will consult the Independent Commission on Remuneration for District Council Members (the Independent

Commission), an independent body set up to advise the Government, if and when necessary, on matters relating to the remuneration package for DC members. We will report back to the PAC the considered views of the Independent Commission.

Finally, I wish to echo the PAC Chairman's remarks that the PAC plays an important role in safeguarding public interests by continuing to press for the delivery of high quality public service in an efficient and cost-effective manner. The Administration looks forward to receiving its constructive comments and wise counsel. As always, we shall respond positively and promptly.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Alan LEONG will address the Council on the Town Planning (Amendment) Ordinance 2004 (Commencement) Notice, which is a subsidiary legislation laid on the table of the Council on 20 April 2005.

Town Planning (Amendment) Ordinance 2004 (Commencement) Notice

MR ALAN LEONG (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee on Town Planning (Amendment) Ordinance 2004 (Commencement) Notice (the Subcommittee), I would like to brief the Council on the deliberations of the Subcommittee.

The Town Planning (Amendment) Ordinance 2004 (the Amendment Ordinance) introduces substantial changes to the current plan-making and planning approval processes. For the purpose of implementing the new processes, eight sets of revised and new Town Planning Board (TPB) guidelines (the guidelines) were promulgated by the TPB on 15 April 2005, to which, as noted by the Subcommittee, the Real Estate Developers Association of Hong Kong (REDA) has raised concern for three aspects of the guidelines.

Their first concern is the submission of additional information in the plan-making process. Under the Amendment Ordinance, a draft plan is required to be published for a statutory two-month period during which the public can make representations or comments. Late submission of

representations and comments will not be accepted. The REDA is of the opinion that the statutory two-month period is not sufficient for the appointment of consultants to prepare complex technical submissions. It therefore suggests stipulating in the guidelines that additional information can be submitted up until four weeks before the hearing by the TPB.

The Subcommittee notes that the publication period of the draft plans has been extended to two months instead of the original proposal of one month. As there is no provision in the Amendment Ordinance for the submission of additional information before the hearing, the guidelines cannot go beyond the Amendment Ordinance. The Government nevertheless undertakes to review the situation six months after the commencement of the Amendment Ordinance. The REDA accepted the arrangement.

Madam President, another aspect of concern discussed by the Subcommittee is the arrangement for deferment of decision on applications by the TPB. The REDA is concerned that such deferment will adversely affect the applicant's right of appeal. It suggests that "pending completion of planning-related study" should be deleted from the guidelines as a reason for deferment and that the Planning Department (PD) should not be given the right to request deferment.

The Subcommittee understands that according to the guidelines, the TPB will normally give the applicant, if required, two months to prepare for the submission of information. No further deferment will be granted except under very special circumstances. While the PD may request a deferment, the final decision rests entirely with the TPB. What the Subcommittee regards as of the utmost importance is that the applicant's right of appeal will not be affected by any deferment of decision by the TPB.

Madam President, the third concern raised by the REDA is the processing of Class B amendment applications. Class B amendments are minor amendments to the approved development schemes. Under the guidelines, the TPB has delegated its authority to the Director of Planning to process Class B amendments, which will be done in consultation with the departments concerned including the Home Affairs Department. The PD will submit any applications, which are considered unacceptable by any of the departments concerned, to the TPB for consideration. The REDA has reservations about this arrangement.

Madam President, while the Subcommittee supports the need to streamline the approval process for minor amendment applications, it appreciates the importance of consultation by District Offices through the established channels. Noting that under the Amendment Ordinance, the TPB is required in any event to consider a Class B amendment application within two months after receipt of the application, and that the Government has undertaken to review the situation six months after commencement of the Amendment Ordinance, members of the Subcommittee agree that Class B amendment applications should be processed in accordance with the guidelines.

Madam President, the Subcommittee supports the commencement of the Amendment Ordinance on 10 June this year.

I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Locations Identified for Construction of Container Terminal 10

1. **MR LEUNG YIU-CHUNG** (in Cantonese): *Madam President, the Study on Hong Kong Port - Master Plan 2020 (the Study) commissioned by the Government has tentatively identified two locations for the construction of Container Terminal 10 (CT10), one of which involves the formation of an artificial island off Tai O in Northwest Lantau. In this connection, will the Government inform this Council whether:*

- (a) *the consultancy firm has, on its own initiative, consulted residents and resident groups on Lantau as well as the Islands District Council while conducting the Study and before tentatively identifying the location off Tai O as the site for the Container Terminal; if so, of the details of the consultation; if not, the reasons for that;*
- (b) *it will conduct public consultation before deciding on the site for CT10; if so, of the details of the consultation; if not, the reasons for that; and*

- (c) *it has considered if the construction of a container terminal off Tai O goes against the principle of nature conservation it advocated in the Concept Plan for Lantau?*

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

- (a) The main objective of the Study is to formulate a competitive and sustainable port development strategy and master plan for the next 20 years. To this end, the Study has considered the programme and scale of constructing new port facilities, and identified two possible sites for the development of CT10, namely Northwest Lantau and Southwest Tsing Yi. The Administration has not yet made any decision on the location of CT10. As recommended in the Study, we will conduct an ecology study on the Northwest Lantau site to assess its environmental suitability for constructing CT10. In parallel, we will update the Port Cargo Forecast to work out the optimal timing for constructing CT10. We will review the port expansion options when more data are available.

In the course of the Study, the consultants had widely consulted the industry, including trade representatives, operators and users of the port, shipping and logistics sectors. After consulting the Hong Kong Port Development Council, Logistics Development Council and Maritime Industry Council, we conducted a briefing for the Economic Services Panel of the Legislative Council in November 2004 and consulted the public. The Study findings and recommendations were also presented to the Town Planning Board as well as the Advisory Council on the Environment. We also attended the Islands District Council Environmental Improvement and Food Hygiene Committee meeting to brief Committee members on the findings of the Study and to listen to their views. We have received 25 written submissions from various sectors. We will carefully analyse the views received. I should reiterate that we have not taken any decision on the preferred site for CT10. We need to conduct an ecology study on the Northwest Lantau site and update the Port Cargo Forecast before further assessing the merits of the two proposed sites.

- (b) Before the implementation of any decision on the preferred site for CT10 in future, we will consult the public. Container terminal development is one of the designated projects listed under Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO). The proposed container terminal development must, regardless of the location of the preferred site, be subject to feasibility study as well as detailed environmental impact assessment (EIA) to comply with the procedures and requirements stipulated under the EIAO to prove its environmental acceptability. The public can also offer their comments on the Project Profile and the EIA Report. Apart from the EIAO, the development of CT10 would also need to comply with the Town Planning Ordinance (TPO) and the Foreshore and Seabed (Reclamation) Ordinance (FS(R)O). In terms of the TPO, a draft Outline Zoning Plan covering the CT10 development would need to be prepared and gazetted for the public to inspect, comment or raise any objections. When container terminal development involves reclamation, the project would also need to be gazetted for the public to comment and raise any objection in accordance with the FS(R)O. The Administration would consult the public on various aspects concerning the preferred site for CT10 development in accordance with established procedures, so that the public would have opportunities to offer their views on the environmental, planning and reclamation aspects.
- (c) The Northwest Lantau site is one of the possible options recommended for CT10 development in the Study. Before any decision is taken on the site for CT10 in future, we would need to conduct an ecology study and an EIA to ensure the proposal's feasibility and acceptability from the viewpoints of the environment, reclamation and planning.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, the Secretary said in part (a) that the Government will "update the Port Cargo Forecast to work out the optimal timing for constructing CT10". I would like the Secretary to clarify the meaning of "the optimal timing", if possible. Does he mean a short time from now or will it take a rather long time? If a decision will really be taken in a rather short time, may I ask the Secretary why the Government did not conduct an ecology study in the context of the Study on Revitalization of Tai*

O? In fact, there is a consultation digest in the Concept Plan for Lantau, and with the permission of the President, I would like to quote from it: "The Study on Revitalization of Tai O recommending the preservation of the fishing village and enhancement of its visitor appeal has been completed....."

PRESIDENT (in Cantonese): Mr LEUNG, have you asked your supplementary question?

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, I have not finished asking my question. What I wish to ask is.....*

PRESIDENT (in Cantonese): Mr LEUNG, please ask your question as soon as possible, because there are still 10 Members waiting for their turn to ask their supplementary questions.

MR LEUNG YIU-CHUNG (in Cantonese): *I know. I will ask my question quickly since I have read out the relevant findings. I think since the Concept Plan for Lantau has already drawn the conclusion that the characteristics and style of Tai O should be preserved, and if the Government will really construct a container terminal there, it would go against the principle. Has the Secretary considered that this would be in conflict with the other plan? Does it reflect a lack of communication between the departments?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, there is no question of conflict. I wish to emphasize once again that we have not taken any decision as to whether CT10 will be constructed, when it will be constructed or where it will be constructed. As I said very clearly in the main reply earlier, with regard to this preliminary proposal, we have to do a lot of work and it takes time to carry out such work. I believe Mr LEUNG Yiu-chung may also be aware, it takes about two years to conduct an EIA and at the same time, we also need to look at the latest Port Cargo Forecast. In fact, the work to be carried out is not new at all. I hope Members will understand that we have consistently carried out port development strategy studies to ascertain the need for a new terminal in Hong Kong. If

necessary, we certainly must consider when it will be constructed and its possible location.

Having said so much, I actually wish to tell Members that we have never ceased to carry out work in this respect. We need to keep on updating the Port Cargo Forecast, in order to decide whether there is a need to construct a new container terminal, and if there is such need, what the timing is. Of course, it will not be constructed in the next two to three years or three to four years, as Mr LEUNG Yiu-chung said that he was worried about. As Members can see, the procedures that I have just mentioned can be completed only after a certain period of time. Before a decision is taken, I think there may not necessarily be any conflict between conservation and other aspects, as mentioned by Mr LEUNG Yiu-chung in his question. It is mainly because we will certainly carry out all necessary work, such as conducting ecology studies, EIA, and so on, if we really build CT10 in future. Moreover, as pointed out in the Concept Plan for Lantau, the Government hopes to strike a balance between development and conservation.

MR ALAN LEONG (in Cantonese): *Madam President, I wish to ask the Secretary this: Are Container Terminals 1 to 9 already saturated now? Does the Study take a position, or has it confirmed the need for constructing CT10?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): The Study takes the view that we need to plan the construction of a new container terminal. In other words, we cannot start planning it only after all container terminals have been saturated. I think Members will understand that we must make plans and conduct studies well in advance, and we must also pay attention to port cargo statistics. We must also take into consideration a continued increase in cargo sources. Moreover, some Members mentioned competition. If an additional container terminal is constructed before all the other container terminals are saturated, there may be more competition and prices may also become less expensive. From this we can see that we do have a lot of considerations. Of course, we have always paid attention to the relevant statistics, and as I said earlier in reply to Mr LEUNG Yiu-chung's question, we must update the Port Cargo Forecast, in order to find out when Container Terminals 1 to 9 will be saturated. We will constantly pay attention to all these

factors before deciding whether there is a need to construct CT10 and when it will be constructed. All these statistics can serve as useful reference.

MR ALAN LEONG (in Cantonese): *Madam President, did the Secretary mean that the Study has not taken a position so far?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the Study tends to think that we must plan the construction of CT10 for the future, and it is tentatively proposed that the first berth should be available by 2012. Of course, as I have said, this is just a proposal and we do not necessarily have to accept all of it. We need to further update the relevant statistics and carry out work in those aspects mentioned by me earlier before making a decision and conducting further consultation.

MR DANIEL LAM (in Cantonese): *Madam President, can the Government inform this Council how it will cope with a substantial increase that may arise in both sea and land traffic as a result of a new container terminal and how it will cope with the overall transport planning on Lantau if CT10 is constructed on Northwest Lantau?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, we have not yet decided whether or not to construct CT10. If it will really be constructed in future, we certainly have to consider such issues as transport, environmental protection and ecology mentioned earlier. As I said earlier, at this stage, we still have not decided to carry out such work. If a decision is really taken, we will certainly assess the impact on traffic flow and also on other aspects to ensure its acceptability to the public before we will proceed to construct CT10.

DR LUI MING-WAH (in Cantonese): *Madam President, according to the statistics, a double-digit growth is registered in the cargo throughput in Shenzhen per annum, but there is a negative growth in the cargo throughput of container terminals in Hong Kong. According to these statistics, and as the Government*

said earlier that it would work out the timing for constructing CT10 based on the cargo throughput, I would like to ask the Secretary this: In view of these statistics, what level should the cargo throughput reach for the Government to make a decision on when a new container terminal will be constructed?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I do not quite catch the first part of the supplementary question.

DR LUI MING-WAH (in Cantonese): *Sorry, Secretary. The Government must have gauged whether the cargo throughput has increased or decreased. In this connection, will the Secretary tell us which level the cargo throughput must reach before the Government will decide to construct a new container terminal? How many years later will that be?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I think it does not depend on a rigid figure, and it is not the case that we will construct it when cargo throughput reaches a certain level. As I said earlier, there is another view that we should construct a new container terminal without waiting for all container terminals to become saturated. In this regard, we will keep on watching as to whether there is a growth in cargo throughput or the present usage rate, and we also need to consider the growth rate of the neighbouring ports to gain an overview of competition between us. We cannot just look at one figure and say that a new container terminal must be constructed when the cargo volume reaches that figure. So, as I said earlier, we must constantly update the Port Cargo Forecast, and the relevant committees of the Hong Kong Port Development Council will continue to discuss and consider the future development strategy, and decisions will be made having regard to the development in the neighbouring region or the local demand. So, we do not have a specific figure in mind.

MR LEE WING-TAT (in Cantonese): *Madam President, the consultation mentioned in part (b) of the main reply is entirely a statutory procedure and that is something that must be done. Even if the Secretary did not write this down in the main reply, this procedure must be carried out. My supplementary question is more or less the same as that of Mr LEUNG Yiu-chung. At the present stage*

of planning and that is, before it is time for the statutory procedure to be carried out, does the Secretary think that the Government should adopt a more open attitude and consult the views of residents on Lantau and all Hong Kong people by, among other things, making public all the information that has been studied, and launch a full-scale public consultation exercise?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, as I said in the main reply, we have conducted briefings before the Islands District Council and the Panel on Economic Services of the Legislative Council, and consulted 70-odd relevant advisory bodies. In the meantime, we have also uploaded the relevant documents onto the Internet for public consultation. In fact, we have all along been consulting the views of the public, and we have already said that the public are welcome to continuously give us their views. However, I wish to emphasize that we have not taken any decision, and we have not yet decided when CT10 will be constructed. Information on the Study has already been uploaded onto the Internet, and we have been consulting public views since November.

MR LEE CHEUK-YAN (in Cantonese): *Madam President, to residents of Tai O, it is most puzzling that the Concept Plan for Lantau formulated under the leadership of Financial Secretary Henry TANG is completely silent on the fact that the Study has identified the location off Tai O as a possible site for constructing CT10. Does it actually reflect a lack of co-ordination? Why did the Secretary not consult the public on whether a container terminal should be constructed at the location off Tai O in the context of the Concept Plan at the outset, thus resulting in this conclusion about the preservation of the fishing village in Tai O? This is entirely contradictory. Madam President, I would like the Secretary to explain why these two tasks were not carried out concurrently.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, as I have explained earlier, it is not the case that we will definitely construct CT10 on Lantau. In fact, there is still another possible site and that is, Southeast Tsing Yi, and this is also mentioned in the Concept Plan for Lantau. As I said in my reply to Mr LEUNG Yiu-chung's

question earlier, it is most important to strike a balance between land development and conservation. In this regard, we have not yet decided to construct CT10 on Lantau. I believe that today, Members are most concerned about conducting an open consultation. Madam President, as I said time and again in the main reply earlier, we will certainly carry out all necessary work, and it will take a very long time for such work to be completed.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Last supplementary question now.

MR WONG KWOK-HING (in Cantonese): *Madam President, I would like to ask the Secretary this: Will the Study include an assessment of the impact of noise and other pollution problems on the residents? If not, will consideration be given to conducting studies in these aspects and then further consulting the views of residents?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I believe that when we conduct the EIA, all the things mentioned by Mr WONG Kwok-hing just now will certainly be included.

PRESIDENT (in Cantonese): Second question. Mr Alan LEONG will ask this question in Ms Audrey EU's place.

Expatriates Working in Hong Kong

2. **MR ALAN LEONG** (in Cantonese): *Madam President, will the Government inform this Council:*

- (a) *of the details of the procedures for expatriates working in Hong Kong to apply for their spouses or dependants who live on the Mainland to come to Hong Kong for reunion; the number of such applications received by the authorities in the past three years and the average time taken for vetting such applications;*

- (b) *of the difference between the Admission of Professionals Scheme, under which expatriates are granted entry into Hong Kong to take up employment, and the Admission Scheme for Mainland Talents and Professionals (ASMTP), in terms of the criteria for vetting applications, years of employment, conditions and procedures for dependants to come to Hong Kong for reunion and restrictions on dependants to work in Hong Kong; and*
- (c) *whether it has considered merging the above two Schemes; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) For foreigners working in Hong Kong who are holders of Hong Kong Permanent Identity Cards, their mainland spouse may apply to the mainland public security authority of the place of their household registration for an Exit Permit for Entry into Hong Kong and Macau (commonly known as "One-way Permit") to come to Hong Kong for family reunion. The mainland spouse may also apply to bring along their minor children (that is, children under 18 years of age) on the Mainland to Hong Kong for settlement.

As the vetting of applications for and issuance of One-way Permits fall within the purview of the public security authorities on the Mainland and not the Government of the Special Administrative Region (SAR), we do not have any statistics on the number of such applications and the average processing time.

For foreigners staying in Hong Kong on the strength of an employment visa, if their mainland relatives wish to apply to join them in Hong Kong as dependants, such applicants must first acquire a People's Republic of China passport and enjoy permanent resident status in a foreign country. Completed application forms, together with all necessary supporting documents, should be sent to the Hong Kong Immigration Department (ImmD) by post or through sponsors in Hong Kong, or to the Immigration Section of the Beijing Office of the SAR Government. Applicants who are abroad may submit their applications to the nearest Chinese Diplomatic and

Consular Mission. The ImmD will consider each application on its own merits according to established immigration policy. Following the receipt of all the documents required, it normally takes four to six weeks to process an application.

The ImmD does not compile separate statistics on such applications and is thus not in a position to provide the relevant figures.

Foreigners working in Hong Kong usually help their mainland dependants to acquire foreign nationality or permanent resident status, which will in turn enable those dependants to apply for residence in Hong Kong under our policy on entry of dependants. Besides, mainland spouses may apply to the mainland public security authorities of the place of their household registration for an Exit-entry Permit for Traveling to and from Hong Kong and Macau (EEP) and a multiple-entry visit endorsement which will allow the holder to visit their spouse in Hong Kong. The mainland spouses concerned may also apply to bring along their minor children (under 18 years of age) on the Mainland when visiting Hong Kong. With a multiple-entry visit endorsement, a mainland resident may stay in Hong Kong for a maximum period of 90 days, during which multiple entries into and departure from Hong Kong can be made.

- (b) Foreigners who wish to work in Hong Kong should make an application under the General Employment Policy (GEP), whereas mainland residents wishing to work in Hong Kong should apply under the ASMTP. The criteria for vetting, duration of employment allowed and restrictions on employment for these two types of applications are essentially the same.

Since the mainland authorities exercise exit control over mainland residents, the entry arrangements for foreigners are different from those for mainland residents. In the case of persons from overseas who wish to take up employment in Hong Kong, they can enter Hong Kong if they hold a valid travel document with a relevant visa issued by the ImmD. In the case of mainland residents who wish to take up employment in Hong Kong, after obtaining the relevant entry permission from the ImmD, they should apply to the mainland

public security authorities of the place of their household registration for an EEP and a relevant exit endorsement for Hong Kong so that they can come to Hong Kong to work.

Insofar as the entry of dependants for residence in Hong Kong is concerned, mainland residents working in Hong Kong under the ASMTP may apply for their spouse and unmarried children under 18 years of age, whether residing on the Mainland or overseas, to join them in Hong Kong as their dependants. Foreigners working in Hong Kong may apply for their spouse and unmarried children under 18 years of age to join them in Hong Kong as their dependants if the dependants reside overseas. If the spouse and children in question are mainland residents, they should apply in accordance with the arrangements set out in part (a) of the answer for entry into Hong Kong as dependants.

- (c) Although the GEP and ASMTP both aim to attract talented individuals to come to Hong Kong to meet the needs of local businesses and to enhance Hong Kong's competitiveness in the international market, mainland residents are required to apply to the mainland public security authorities for EEPs and relevant exit endorsements pursuant to the exit control arrangements administered by the mainland authorities. Having regard to the various differences in procedures, our policy towards the admission of talented individuals from the Mainland and overseas is also reflected through different schemes. We have no plan at this stage to merge the two schemes. The requirements applicable to mainlanders and foreigners wishing to work in Hong Kong are essentially the same, and there is no problem of inconsistency or unfairness.

MR ALAN LEONG (in Cantonese): *Madam President, as indicated in part (a) of the main reply given by the Secretary, although the Bureau does not have information on the time required for vetting One-way Permits, it can be seen from the reply that the Secretary agrees that, if foreigners working in Hong Kong wish to apply for their mainland spouses to come to Hong Kong for residence, they have to first obtain foreign nationality for their spouses before submitting the applications, and the processing time required only takes four to six weeks.*

However, the time required for applying for a One-way Permit is longer. May I ask the Secretary, first, whether this quicker channel has been publicized among foreigners coming to take up employment in Hong Kong; and whether there is any plan to deal with this difference by administrative arrangements to enable them to obtain the result faster instead of submitting their applications in a circuitous manner?

SECRETARY FOR SECURITY (in Cantonese): Regarding part (a) of the supplementary question, publicity efforts have been made. If foreigners coming to work in Hong Kong wish to apply for their mainland spouses to join them, we will explain to them every feasible channel. They may first acquire foreign resident status or nationality for their spouses and then apply to the ImmD direct. However, in accordance with the mainland law, if their spouses apply to come to Hong Kong as mainland residents, applications have to be made to the mainland public security authorities for exit approval. At present, the mainland authorities have their own system for processing One-way Permits. Moreover, the queuing system for mainland residents has to be taken into account as well. As such, there is no way for mainland residents to shorten their processing time because they have married foreigners in Hong Kong. The mainland authorities do have their own difficulty. As regards the question raised by the Member earlier as to whether we will reflect to the mainland public security authorities the wishes of foreigners of facilitating their applications, we will do so in due course.

MS MARGARET NG (in Cantonese): *Madam President, I would like the Secretary to elucidate part (b) of the main reply. There seems to be inconsistency in applying for spouses and dependants to come to Hong Kong. For mainlanders coming to Hong Kong to take up employment under the ASMTP, their overseas spouses and unmarried children under the age of 18 may come to Hong Kong to take up residence. However, the mainland spouses and children of foreigners working in Hong Kong must apply for EEPs, and they can stay for a maximum period of 90 days only. Is it the case that there is difference in the treatment accorded under these two similar schemes? Even if the criteria for vetting and restrictions on employment are broadly the same, are there differences in other aspects? If both schemes share the main goal of tapping foreign talents required by Hong Kong, and yet they are not actually accorded the same treatment, should the Government not introduce changes?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as mentioned by me earlier in the main reply, the criteria for vetting the applications from all talents, whether from overseas or the Mainland, are the same. For instance, the same treatment is given to their eligibility, the companies they serve, and so on, in vetting their applications. However, the applications from their dependants have to depend on whether the applicants are residing on the Mainland. If the dependants are residing on the Mainland, they would have to apply for exit approval as the Mainland has its own set of vetting standards. As such, insofar as these two aspects are concerned, both the mainland spouses of foreigners and those of mainland talents are required to apply for exit approval before they are allowed to leave the Mainland.

The 90-day restriction mentioned in the main reply does not apply to the dependant endorsement. It is only that the dependants can apply for EEPs during the vetting period before they receive a One-way Permit or residence endorsement to enable them to travel to and from Hong Kong on the strength of a multiple visit endorsement for a stay of 90 days on each visit.

MS MARGARET NG (in Cantonese): *I wonder if the Secretary has answered my supplementary question. My question was: For the talents from the Mainland or overseas, are their spouses or the children of their dependants wishing to come to Hong Kong treated differently? If so, why is there unfair treatment?*

SECRETARY FOR SECURITY (in Cantonese): I believe even dependants will not be treated unfairly. For instance, the applications lodged by foreign talents for the purpose of bringing their dependants of a foreign nationality may be processed even faster than the applications lodged by the dependants of mainland talents because the former can apply to the ImmD direct. The major difference actually lies in the fact that, according to the mainland statues, all mainland talents or their mainland dependants must obtain exit approval from the public security authorities. This is a legal requirement of the Mainland, not a requirement imposed by the ImmD.

MR JAMES TIEN (in Cantonese): *Madam President, I would like to ask a question concerning foreigners who have married mainland residents. Of*

course, I am referring to the problem with One-way Permits. How serious is the problem? I have not noticed how many foreigners have applied for their mainland spouses to join them in Hong Kong. Does the Government have information on this? The information can be very simple. For instance, in 2004, how many mainland spouses of foreigners working in Hong Kong came here by way of One-way Permits rather than by first obtaining foreign passports? How many such cases or applications were there?

SECRETARY FOR SECURITY (in Cantonese): Madam President, we do not have information on this. According to my understanding, foreigners who have married mainland spouses and applied for One-way Permits for the purpose of settling in Hong Kong were few and far between. They would invariably apply for the nationality of their country of origin for their spouses and obtain permanent resident status before applying to come to Hong Kong. Although I do not have statistics on such applications, the figure should be very small as far as I can remember.

MR JAMES TIEN (in Cantonese): *Madam President, can the Government provide the figure in writing? Is this figure available?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we do not keep such statistics.

MR JAMES TO (in Cantonese): *Madam President, why are these policies so complicated? Actually, there are several major points. First, preventing abuse. Second, the Mainland has its own exit and entry policy. Can the Government inform this Council whether the problems in this area will be reviewed? Given the enormous achievements made by mainlanders both within and outside the country, there is actually very little chance of abuse in the numerous areas in which we wish to lure talents. I wonder if the Government can tell us that, as pointed out in the third paragraph of part (a) that applicants must first obtain permanent resident status in a foreign country, the chance for abuse is actually very small from the angle of luring talents. As applicants are subject to very strict screening and it is very difficult to be screened as talents, the chance of abuse is thus very slim. Can the Government conduct a review*

anew in this area so as to enhance the attractiveness of its policy of luring talents?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I can assure Mr TO that we hope that the admission scheme for foreign talents is able to lure the required talents to Hong Kong to help us develop the economy and boost the prosperity of the community. Hence, should we really encounter problems, such as the work of a foreign talented individual is impeded because his spouse has encountered difficulty in applying for entry into Hong Kong, the Government will definitely try every possible means to solve the problem. As for the suggestion made by the Honourable Member, that is, conducting a review in this area with the relevant mainland authorities, I can assure Members that we will definitely discuss the matter with the relevant authorities to examine if anything can be done to facilitate the entry applications made by the spouses, unmarried children or dependants of foreigners working in Hong Kong as well as exploring ways to make modifications. We will surely discuss with the Mainland.

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

MR JAMES TO (in Cantonese): *Madam President, part of it has not been answered. It is mentioned in the third paragraph of part (a) of the main reply that a holder of People's Republic of China passport who has obtained permanent resident status in a foreign country might have left the Mainland to take up employment in the United States or other places. When the applicant (that is, her husband) applies to take up employment in Hong Kong, she does not need to seek approval from the Mainland for entry into Hong Kong as she has already left the country. In this respect, can the Government conduct a review immediately, or at least introduce immediate changes in this area?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, perhaps I did not state my point clearly just now. The people falling into the category mentioned by Mr James TO just now are actually not required to seek exit approval from the mainland authorities because they can join the applicants (their

husbands or wives) in applying direct to the ImmD as they have already gained right of abode in a foreign country.

MR JAMES TO (in Cantonese): *Madam President, the Secretary has misunderstood my question. The third paragraph of part (a) mentions those people who have obtained permanent resident status in a foreign country. However, there are some people who were born in the Mainland, having migrated abroad but not yet obtained overseas right of abode, and are still holding a Chinese passport, though they have already left China. Can the Government immediately alter the application procedures for this category of people should they wish to apply for entry into Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): According to my understanding, people falling into this category are still considered mainland residents. However, I have not yet come across the kind of people falling into the category mentioned by Mr James TO earlier, that is, people who have followed their husbands to a foreign country without being able to obtain right of abode yet but wish to come to Hong Kong. This is indeed a rare case. According to my understanding, people falling into this category are still regarded as mainland residents. Should they have travelled to a third country as tourists and then apply for entry into Hong Kong as dependants, they would still be considered mainland residents as they have not yet obtained the right of abode of a foreign country. Just as I said in reply to Mr TO's question a moment ago, regarding all applications from talents intending to take up employment in Hong Kong, assistance will be provided should their husbands or wives encounter difficulty in joining them in Hong Kong.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question now.

MISS CHOY SO-YUK (in Cantonese): *Madam President, it takes some time for the mainland children and spouses of foreigners working in Hong Kong to apply for entry into Hong Kong. Upon approval of the applications, are the applicants (the talented individuals working in Hong Kong) still required to work in Hong Kong? If their children were under the age of 18 when the applications*

were submitted but have reached 18 upon the approval of the applications, would they still be allowed to come to Hong Kong?

SECRETARY FOR SECURITY (in Cantonese): I shall first answer the first part of the supplementary question. I do not quite understand the part concerning whether the applicants are still present in Hong Kong. A sponsor must be a Hong Kong resident. If a sponsor is no longer working in Hong Kong and has returned to his place of origin, it would be impossible for him to apply for his dependants to come to Hong Kong. As such, insofar as the first part is concerned, a sponsor must be working in Hong Kong before he can continue to support his dependants. If he has already left, how can he apply for his dependants to come here? As regards the second part of the question, although the existing policy specifies that the children of a dependant must be under the age of 18, this restriction is flexible. If the children were below the age of 18 when their applications were submitted and yet the applications had been delayed because of prolonged processing time, the case would be handled flexibly.

PRESIDENT (in Cantonese): Third question.

Plan to Amalgamate Tseung Kwan O Police Division and Sai Kung Police Division

3. **MR JAMES TIEN** (in Cantonese): *Madam President, at the meeting of the Panel on Security on 24 January this year, the Commissioner of Police (CP) advised that the police planned to amalgamate Tseung Kwan O Police Division and Sai Kung Police Division into an independent police district, although there was not a timetable for implementation. At their meeting with Members of this Council on 7 April this year, Sai Kung District Council members also requested that the authorities implement the amalgamation plan. However, in its reply of 29 April this year, the authorities pointed out that the Police Force had been examining various options for changing the boundaries within the Kowloon East police region, and one of the options was the creation of the above independent police district. It would be inappropriate to press ahead with one particular option for one part of the region prior to the completion of the overall review for the whole region. In this connection, will the Government inform this Council:*

- (a) *of the respective projected population growths in Tseung Kwan O and Sai Kung in the next three years, and the details of the police deployment measures to be adopted in the light of the population growths in the two districts;*
- (b) *of the latest progress made in the review on the policing structure and boundaries within the Kowloon East police region, and when the review results are expected to be published; and*
- (c) *whether the authorities will implement the amalgamation plan for Tseung Kwan O and Sai Kung Police Divisions; if so, when the implementation timetable is expected to be announced; if not, the reasons for that, and whether not implementing the plan is consistent with the CP's remarks at the meeting of the Panel on Security?*

SECRETARY FOR SECURITY (in Cantonese): Madam President: the Police Force has been keeping its policing structure, including the regional and district boundaries, under regular review. The aim is to strengthen and enhance the Force's capability to respond to emergencies and to provide effective and efficient services to the public. The Force takes into account such factors as projected population growth, land uses and developments, geographical characteristics and crime statistics in these reviews.

- (a) According to figures maintained by the Census and Statistics Department, in 2005, the populations of Tseung Kwan O and Sai Kung are about 373 000 and 47 000 respectively. The population of Tseung Kwan O is projected to increase by 1.8%, to about 391 000, by 2008. That of Sai Kung, however, is projected to remain stable over the next three years. The details are set out at the Annex.

The Police Force has been monitoring closely the crime situations and policing needs of the two police divisions of Tseung Kwan O and Sai Kung. Since 2000, about 100 additional disciplined posts have been created in the establishment of these divisions. The Force will continue to maintain its operational responsiveness by

deploying, in addition to the local resources of Tseung Kwan O and Sai Kung, other resources in the Kowloon East police region such as the Police Tactical Unit, Emergency Unit and the Regional Crime Unit to the two divisions as necessary, in accordance with specific policing problems and operational needs within the area.

- (b) The Police Force has been studying different options for changing the boundaries within the Kowloon East police region. Combining Tseung Kwan O division and Sai Kung division to form a new police district is one of the options. The matter is still under consideration. There is no predetermined timetable for the review.
- (c) At the meeting of the Panel on Security on 24 January 2005, the CP said that there was no timetable for implementing the merger of the Tseung Kwan O and Sai Kung divisions into a police district. In addition, he said that the matter was being considered in the context of the long-term review of the reorganization of the Kowloon East police region, having regard to such factors as the future development of Tseung Kwan O and other districts. He also explained that the boundaries of police districts were based not only on the population within the area, but also other factors. This is consistent with the approach taken in the current overall review.

Annex

Projected population of Tseung Kwan O and Sai Kung for the next three years

<i>Year</i>	<i>Tseung Kwan O</i>		<i>Sai Kung</i>	
2005	373 328	-	47 331	-
2006	376 820	+ 0.94%	47 316	0
2007	383 707	+ 1.8%	47 602	+ 0.6%
2008	390 792	+ 1.8%	47 590	0

Source: Census and Statistics Department

MR JAMES TIEN (in Cantonese): *Madam President, the explanation I heard from the Secretary seems to be different from the understanding of the Panel on*

Security and the Sai Kung District Council. Both the Panel on Security and the Sai Kung District Council considered that the Government had already decided to implement the two plans separately, only that a timetable was yet to be set.

However, today, in part (b) of the main reply, the Secretary pointed out that the Government had no predetermined timetable for one of the options, that is, the amalgamation of Tseung Kwan O division and Sai Kung division. Will the Secretary give a clear account today stating whether, from the point of view of the Government, the amalgamation has indeed not been confirmed and thus a timetable cannot be made available? That is to say, the Government is still undecided about this. If so, I think we have to inform the District Council of this.

SECRETARY FOR SECURITY (in Cantonese): Madam President, in part (b) of the main reply, I already stated clearly that the Police Force had been studying different options for changing the boundaries within the Kowloon East police region, and that combining Tseung Kwan O division and Sai Kung division to form a new police district was one of the options. However, we are still considering the issue and have not yet drawn up a timetable or decided which option to be implemented.

MR TOMMY CHEUNG (in Cantonese): *Madam President, in the introduction of the main reply, the Secretary stated that the Police Force would take into account such factors as projected population growth, geographical characteristics and crime statistics. May I ask the Secretary whether an indicator for internal reference has been set specifying the crime rate that justifies the amalgamation of police divisions? If yes, will the Secretary give the crime rates of these two divisions? If the Secretary does not have such figures at hand, will he supply the information later?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have pointed out in the introduction of the main reply that we would take into account many factors in our review, and crime rate is certainly one of these. However, our decision to redefine division boundaries does not base solely on the crime rate of that district.

We do have the crime rates figures of Tseung Kwan O. Take the Kowloon East police region as an example, the crime rate of Tseung Kwan O is relatively low, for every 100 000 persons, there are 681 cases. However, our decision on whether a division should be upgraded as a region does not based purely on the crime rate, for many other factors, such as population and the long-term planning of the future division, have to be considered. Therefore, we do not have a straight answer. We will not upgrade or downgrade individual districts according to their crime rate, for the two factors are not interrelated in this way.

MR ANDREW CHENG (in Cantonese): *Madam President, as a Chinese common saying goes "the mountain is high, the emperor far away". This saying can best describe the geographical characteristics of remote areas like Sai Kung. In the main reply, the Secretary did mention that geographical characteristic is one of the factors to be considered in the review. If this is the direction of the review, will the Secretary, taking into consideration the remoteness of Sai Kung, consider defining Tseung Kwan O and Sai Kung as an independent police district, so that more effective manpower and resource redeployment arrangements can be made in case special problems occur in Kowloon East police region while safety of the public can be further ensured?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, this is exactly one of the factors we have to consider. Though the present population of Sai Kung is only 40 000-odd, which is far less than the some 300 000 population of Tseung Kwan O, we know that, in proportion to its population, the crime rate in Sai Kung is much higher than that of Tseung Kwan O. It is exactly because of this that we consider the necessity of re-defining police division boundaries.*

MRS SOPHIE LEUNG (in Cantonese): *Madam President, according to the earlier reply of the Secretary, he seemed to suggest that the authorities had not yet decided whether or not Tseung Kwan O division and Sai Kung division would be amalgamated. In part (b) of the main reply, the Secretary said that "the Police Force has been studying different options for changing the boundaries within the Kowloon East police region. Combining Tseung Kwan O division and Sai Kung division to form a new police district is one of the options".*

However, this has yet to be finalized. Will the Secretary inform us of any other decisions that may call off the possible amalgamation of the two divisions in future?

SECRETARY FOR SECURITY (in Cantonese): Just now, I said that combining the two divisions was only one of the options under consideration, and we do have other options under consideration, such as maintaining the *status quo* or upgrading Tseung Kwan O division to a police district. As I said earlier, the issue has yet to be finalized for the time being. A decision can only be made after the completion of the study on the resource allocation, crime rate and population distribution of different districts in the East Kowloon police region. The ultimate aim of our decision is to provide the most efficient and effective services to the public with the resources available.

MS EMILY LAU (in Cantonese): *Madam President, last month, when we had a meeting with the Sai Kung District Council members, they expressed strong hope for increase of police manpower to provide better services in the district, and some members even mentioned that residents had to go to Kwun Tong police station to report crime because Tseung Kwan O police station was too busy. When we raised this issue at the special meeting of the Finance Committee, the CP was taken aback by this and said he knew nothing about it.*

May I ask the Secretary how much resources have to be incurred if Tseung Kwan O division and Sai Kung division are combined into an independent police district? Moreover, does the Secretary know whether or not the workload of Tseung Kwan O police station and Sai Kung police station is very heavy?

SECRETARY FOR SECURITY (in Cantonese): Madam President, if the police stations of these two divisions are combined, we will enjoy more flexibility in resource deployment. In case of manpower shortage in either district, manpower can be deployed from the other district. However, though we have not combined the two divisions now, we are indeed making such deployment at present. As I pointed out in the main reply earlier, when demand for police manpower is keen in Tseung Kwan O or Sai Kung, we may even deploy manpower from Kowloon East police region to provide support.

Since the issue is still under study, I hope Members can give us more time to study the manpower distribution of Kowloon East police region as a whole before making a final decision on the amalgamation or otherwise of the two divisions.

MS EMILY LAU (in Cantonese): *Madam President, the Secretary has not yet answered my supplementary question. I asked how much resources would be incurred if the two divisions were combined as an independent police district. This is a policy issue. How much manpower has to be added and how much are to be incurred upon amalgamation? Moreover, does he know whether or not the workload of Sai Kung police station and Tseung Kwan O police station is very heavy? Or, does the Secretary not bother to look into it?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, no additional resource is required for the amalgamation of the two police divisions. We hope that with the amalgamation of the two divisional police stations, resources can be deployed and utilized more flexibly.*

Ms Emily LAU said earlier that the workload of Tseung Kwan O division was very heavy. However, this seems to differ from the situation I mentioned in the main reply. According to the information provided to me by the Police Force, the crime rate in Tseung Kwan O is far lower than that of Sai Kung.

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary seems to be employing the delaying tactic. The population of the two districts, Tseung Kwan O and Sai Kung, amounts to 400 000 altogether. It is thus the only district with 400 000 population that no independent police district has been set up, where the ratio of police constables to population is extremely low. Since the Secretary said that no additional resource is required, what actually is he waiting for? What exactly is the essential condition for the drawing up of the timetable? I have not heard this yet. Moreover, how long do we have to wait before this can be finalized?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I have already answered this earlier. When we decide to amalgamate two divisions to form a new police district, we have to consider many factors. In addition to population distribution, we have to consider the crime rate, community environment and long-term development of a district before we can make the judgement and decision. We are now working on these. Therefore, at this juncture, I am not in a position to announce to Members a finalized timetable. I cannot tell immediately whether this will be implemented three months or six months later. However, we are working in this direction.

MR LAU KONG-WAH (in Cantonese): *The Secretary has not yet answered my supplementary question. Why can other districts which also have a population of 400 000 and being considered under the consolidated factors have their own police district, but only these two divisions cannot be combined as a police district? The Secretary has not answered what specific factors will affect the setting up of an independent police district.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, according to our policy, there is no requirement that a police district has to be set up once the population of a certain district reaches 400 000. We do not have such policy.

MR HOWARD YOUNG (in Cantonese): *Madam President, when the Secretary mentioned the situation in Sai Kung earlier, he pointed out that the crime rate in Sai Kung was relatively high. May I ask the Secretary whether the potential amalgamation of the two divisions will, on the operation level, cause disparity in the handling of crime issues in Sai Kung?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, exactly because the crime rate in Sai Kung is higher than that in Tseung Kwan O, the police manpower per capita deployed in Sai Kung is higher than that in Tseung Kwan O. Therefore, our decision on the amount of police manpower to be deployed to a certain district cannot be based purely on its population distribution.

MR JAMES TO (in Cantonese): *Madam President, many people, including the Sai Kung District Council as cited by Mr James TIEN, seem to have considered or misunderstood that with the setting up of the new police district, manpower or resources would naturally be increased. However, the Secretary said earlier that no additional resources will be deployed upon amalgamation. Will the Secretary give a detailed explanation on the pros and cons of the implementation of the amalgamation plan of the police stations? For example, will residents of Tseung Kwan O be affected? Since the crime rate in Tseung Kwan O is lower while that in Sai Kung is relatively high, will the Government, on the contrary, deploy more manpower to Sai Kung on the grounds of flexible deployment of resources? How will the Government analyze this issue? For few people have heard the Secretary discuss this issue on public occasions.*

SECRETARY FOR SECURITY (in Cantonese): In respect of flexible deployment of manpower, we are doing so now. Though Sai Kung and Tseung Kwan O are two divisions, they both belong to the Kowloon East police region, and the Police Force has been implementing flexible deployment of manpower currently. Mr James TO's question is whether manpower will be deployed from Tseung Kwan O to Sai Kung because of the higher crime rate in Sai Kung if the two divisions are combined to form a police district, but I think it is impossible for me to give an answer for the time being, for we still have to study whether amalgamation will be implemented in the future and the distribution of police manpower in case of amalgamation. Since the study is still underway, I cannot answer Mr James TO's question at the moment.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question now.

MR LEUNG KWOK-HUNG (in Cantonese): *Madam President, may I ask the President to ask the Secretary on my behalf whether the Government has the crime rate figures for Tseung Kwan O division and Sai Kung division, and the percentage the two divisions account for in the Kowloon East region?*

SECRETARY FOR SECURITY (in Cantonese): The police to population ratio in Tseung Kwan O is 1:1 667. At the same time, the crime rate of the district is the lowest in the Kowloon East region, 681 crime cases per 100 000 persons. The police to population ratio in Sai Kung is 1:443, the highest in the Kowloon East region, but its crime rate is also the highest, with 1 776 crime cases per 100 000 persons. Therefore, as I have pointed out earlier, population is not an absolute indicator. Since the situation in different districts varies, it is not quite appropriate to compare individual figures in a simple manner. However, no matter how, we do have the figures showing the crime rate of the entire territory. In 2004, there were 1 181 crime cases per 100 000 persons, comparing with the figures I cited earlier, the crime rate in Tseung Kwan O is far below the territory-wide average, while the crime rate in Sai Kung is higher than the territory-wide average.

MR LEUNG KWOK-HUNG (in Cantonese): *Secretary, if so, why does your plan not propose a direct increase of manpower in Sai Kung and make special deployment but spend so much time instead? The figures cited earlier have already shown that the crime rate in Sai Kung is on the high side. If much less manpower will be deployed when a new police district is formed, as you said earlier in your reply that police manpower in Tseung Kwan O and Sai Kung will be deployed flexibly, the law of order in Sai Kung will worsen upon the amalgamation of the two divisions owing to the manpower redeployment. What does the Secretary think?*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please be seated first. This supplementary question is not part of the supplementary question you raised earlier. You have to be clear that at a Legislative Council meeting, when you consider the Secretary has not answered your supplementary question, you may only request the Secretary to answer it again but not to ask a follow-up. You have to differentiate Council meeting from general panel meetings. Therefore, I cannot allow that supplementary question of yours.

MR LEUNG KWOK-HUNG (in Cantonese): *Thank you.*

PRESIDENT (in Cantonese): Fourth question.

Commission of Crimes by Mainlanders in Hong Kong

4. **MR LAU KONG-WAH** (in Cantonese): *Madam President, regarding the commission of crimes by mainlanders in Hong Kong, will the Government inform this Council:*

- (a) *of the number of cases in which mainlanders were suspected of committing crimes in Hong Kong in the past three years, broken down by the places where they were granted their business endorsement or two-way exit permits and the categories of crimes involved;*
- (b) *whether the number of on-street fraud cases committed by mainlanders in Hong Kong has been on the rise over the past three years, and of the amount of money involved as well as the number of cases detected; and*
- (c) *whether the authorities have any measures to strengthen efforts to combat such fraud cases; if so, of the details of these measures, and whether they include stepping up "undercover" operations or reinforcing communication with the mainland authorities?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) In the past three years, the number of mainlanders who were arrested by the police for committing crimes in Hong Kong as broken down by categories of crime is provided at the Annex. Based on operational reasons and to avoid unnecessary labelling effect, it is inappropriate to reveal the statistics on the provinces or cities to which the authorities granting the permits belong.
- (b) Since the identities of the persons involved in reported crime cases could not be confirmed from the reports alone, we do not have a breakdown of on-street fraud cases which involved mainlanders. The overall figures of on-street fraud as received by the police are respectively 811, 576 and 479 cases in 2002, 2003 and 2004 respectively, involving amounts of \$44.8 million, \$26.8 million and \$28.3 million. The figures reflect an improvement in the situation

of on-street fraud cases, under the enhanced publicity and enforcement actions against such crimes by the law enforcement departments, and the increased awareness against crimes among the public. In the relevant years, the number of such cases detected are 98, 62 and 61 respectively.

- (c) The Government will continue to raid and combat on-street fraud activities by different means. In addition, we will enhance our boundary control at the airport and the land and sea boundaries, to prevent non-locals with doubtful intents from entering Hong Kong and committing crimes. We will also maintain effective intelligence exchange with the relevant authorities. To combat on-street fraud cases, the police will continue to enhance their publicity efforts through different channels, in order to raise the alertness of the public and prevent such crimes.

Annex

Crimes Involved by Mainlanders Arrested in Hong Kong

Year	Crimes					
	2002		2003		2004	
Miscellaneous thefts	302	(16.2%)	399	(18.8%)	420	(18.6%)
Shop theft	210	(11.3%)	254	(12.0%)	290	(12.8%)
Forgery and coinage	214	(11.5%)	274	(12.9%)	288	(12.7%)
Serious immigration offences	373	(20.1%)	269	(12.7%)	228	(10.1%)
Deception	205	(11.0%)	138	(6.5%)	110	(4.9%)
Pickpocketing	52	(2.8%)	70	(3.3%)	106	(4.7%)
Theft from construction site	60	(3.2%)	130	(6.1%)	89	(3.9%)
Burglary	52	(2.8%)	69	(3.3%)	79	(3.5%)
Wounding and serious assault	65	(3.5%)	90	(4.2%)	78	(3.4%)
Other	327	(17.6%)	430	(20.3%)	575	(25.4%)
Total	1 860	(100.0%)	2 123	(100.0%)	2 263	(100.0%)

MR LAU KONG-WAH (in Cantonese): *Madam President, it is indicated in the Annex that in the past three years one of the categories of crimes, which is the "other" category, has been on the rise in terms of number and proportion. What is this "other" crime, which accounts for 25% in proportion and is higher*

than the rest of the listed crimes, referring to? Is this classification sufficient to reflect the actual situation? As this "other" crime is so high in proportion, can the Secretary explain what sorts of crimes it actually represents? And why does it account for such a high proportion?

SECRETARY FOR SECURITY (in Cantonese): Madam President, "Other" means the other crimes not listed in that row of the Annex. I do not have the detailed information now, but as far as I understand it, the number of crimes represented by this "other" category only accounts for a few or 10-odd cases and is far less than the 78 cases of wounding and serious assault. If the number of cases reached several dozens, we would have listed them out as an individual category of crime. If Mr LAU wants to have more information, I hope the police can supply me with the detailed figures, so that I can provide a written reply to the Council later. (Appendix I)

MR JASPER TSANG (in Cantonese): *Madam President, in part (a) of the main reply, the Secretary stated that, based on operational reasons and to avoid unnecessary labelling effect, it is inappropriate to reveal the statistics on the provinces or cities to which the authorities granting the permits belong. I wish to ask the Secretary one question. Can the Secretary tell us, without mentioning the names of the provinces or cities involved, whether the statistics show that those mainlanders who have committed crimes in Hong Kong came from certain provinces or cities? Is there such a phenomenon? If so, what specific actions do the authorities have in place in respect of those provinces or cities?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we indeed have given such information to the mainland authorities concerned, so that they can conduct investigations to examine if there were syndicates specializing in arranging people to apply for two-way exit permits to Hong Kong at the public security authorities. It is thus inappropriate for us to reveal here which provinces or cities have issued these permits to people who have committed crimes in Hong Kong. Let me put it this way. Among the mainland visitors who committed crimes in Hong Kong, the overwhelming majority comes from Guangdong Province, which is understandable as most of the visitors coming to Hong Kong are from Guangdong Province.

MR JASPER TSANG (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. What I was asking just now is whether those mainlanders who have committed crimes in Hong Kong came from certain provinces or cities, but the Secretary answered that most of them came from Guangdong Province because most of the visitors coming to Hong Kong are also from Guangdong Province. He in fact has not answered my question.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in the crime cases we have dealt with in the past, we did find a small number of cities issuing two-way exit permits in a rather liberal manner. We have reflected the situation to the provincial and central public security authorities and actions have been taken by relevant mainland authorities to penalize certain public security authorities.

DR KWOK KA-KI (in Cantonese): *Madam President, in the Secretary's main reply, we note that the overall number of crime cases have been on the rise in the past three years. I wonder if the Secretary has ways to work with certain mainland authorities so that, for example, we can identify people who have committed crimes either in the Mainland or Hong Kong at the border control points and stop them from entering the territory. Can we and have we done this before?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, although Dr KWOK Ka-ki said the overall number of crime cases has increased, we have to bear in mind that the number of mainland visitors to Hong Kong has multiplied in the past few years. For example, in 2002, 1 860 mainlanders were arrested for committing crimes and in 2004, the number rose to 2 263, which is a 10% to 20% increase, but the number of mainland visitors to Hong Kong has also substantially increased. Therefore, despite the increased overall number, the percentage has actually dropped. Even if this is the case, we are still very concerned about the problem and we have reflected the situation to the mainland public security authorities. They indeed have carried out measures at source that are helpful to us, and they include firstly stepping up intelligence exchange, and secondly tightening the issuance of two-way exit permits by penalizing certain units involved. We consider the situation has improved as can be seen from the percentage drop.

DR KWOK KA-KI (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. I was not asking the Secretary about the issuance of two-way exit permits, but whether at the border control points we have ways to stop mainlanders who have committed crimes or whom we have reasons to believe that they might do so from entering Hong Kong.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, yes indeed, perhaps let me reiterate it once again. As I have mentioned in the past, we welcome mainland compatriots to come and visit Hong Kong, in particular, the Individual Visit Scheme has brought enormous economic benefits to Hong Kong's economy. While we welcome them to come to Hong Kong, we are also very concerned about whether there may be a small number of them who may commit crimes. We set up an inter-departmental unit two years ago headed by a Deputy Commissioner of Police who leads and co-ordinates several departments to combat crimes committed by mainland visitors in Hong Kong. The unit has several leading strategies: firstly, in regard to gathering intelligence, they have a central department to pass information on crime cases we have studied and the people involved to relevant public security units in the Mainland, in the hope that they can stop them at source; secondly, the Immigration Department (ImmD) given this information can step up monitoring these visitors at the border control points; and thirdly, even if some manage to slip through the net and enter Hong Kong, the unit will co-ordinate with other departments to step up actions in various black spots to combat crimes. We are using a multi-pronged approach in dealing with the problem. At present, the ImmD does step up monitoring of visitors to Hong Kong who have committed crimes before, though we may not prohibit them from entering Hong Kong. However, should the ImmD staff inspect the visitor's information and suspect that he/she may be coming to Hong Kong with a doubtful intent, they will certainly prohibit him/her from entering Hong Kong.

I have been asked by Members the question as to how to handle people using a new identity. The ImmD has recently installed a lineament recognition system. If we suspect a person has changed his/her identity, we will scan the page of his/her passport with the photograph on it into the computer and the lineament recognition system will compare it with the archived photographs of people who have committed crimes to see if they match. If they do, we will

then know that the person is using another identity to enter Hong Kong and we will step up inspection and prohibit him/her from entering Hong Kong if there are reasons to believe that he/she is a suspicious visitor.

MR HOWARD YOUNG (in Cantonese): *Madam President, although the Secretary said that based on operational reasons, it is inappropriate to reveal which regions have more mainlanders coming to Hong Kong to commit crimes, I remember Members did ask the Secretary in the Legislative Council whether there were statistics showing that the increased number of mainlanders coming to Hong Kong since the launch of the Individual Visit Scheme or DIY tours had led to an increase in crime cases. I remember the Secretary replied at the time that the statistics had not revealed such a phenomenon. On the contrary, he said that the crime rate of mainland visitors coming under the Individual Visit Scheme was lower than that of those holding other travel documents. Has the present situation changed or is it consistent with the Secretary's description then?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, yes, statistically, the crime rate of mainland visitors coming under the Individual Visit Scheme is lower than that of those coming with two-way exit permits on the whole.*

MR JAMES TO (in Cantonese): *Madam President, in replying several Members' supplementary questions just now, the Secretary said that the number of mainlanders arrested has increased, but to gain a fuller picture, it has to be interpreted in relation to the overall figures of mainland visitors coming to Hong Kong. I have asked the Secretary several times to provide these figures as this is the only way to reveal the true picture. I would like to take this opportunity to commend the law enforcement authorities for their good efforts in keeping the rate of crimes committed by mainland visitors low despite mainland visitors to Hong Kong have multiplied in number. Yet, the public's concern is the absolute figures, meaning the absolute number of crime cases. May I ask the Secretary, in this respect, what categories of crime have the police specifically targeted at? Can the Secretary tell us?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I believe in the past few years, the category of crime that is of particular concern to the public is on-street fraud cases as mentioned by Mr LAU Kong-wah because the victims who were swindled out of their money were mostly senior citizens, women and children. Thus, the police have specifically stepped up actions in certain areas. Firstly, we have strengthened publicity; secondly, the police have discussed the matter with the banks concerned and should they find old women or women withdrawing a large sum of money, they will immediately enquire of the purpose. If the bank staff find anything suspicious, they would contact the police for investigation. This practice actually helps because a few crime cases were deterred because the bank teller had asked the customers the purpose of withdrawing the money and found that they might be giving the money to strangers and reported the cases to the police for intervention.

MR JAMES TO (in Cantonese): *Madam President, can the Secretary provide us with the number of mainland visitors to Hong Kong for the year 2002, 2003 and 2004 now?*

PRESIDENT (in Cantonese): Secretary for Security, do you have the figures now?

SECRETARY FOR SECURITY (in Cantonese): Madam President, yes, I do.

Madam President, in 2002, the number of visitors to Hong Kong — the Individual Visit Scheme was not yet launched at the moment — was 6 778 000 persons; in other words, there were 6-odd million visitors to Hong Kong in that year, in which 1 860 of them broke the law. In 2004, the number of visitors almost doubled, reaching 12 115 600 persons, which is almost a 100% increase. Among these visitors, 2 263 of them broke the law.

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

MR LAU KONG-WAH (in Cantonese): *Madam President, I would like to follow up Mr Jasper TSANG's supplementary question. The Secretary said there were some anomalies with certain cities, but after reflecting these situations to the authorities concerned, the latter had imposed penalties to tackle the situation. Would the Secretary please tell us the relevant figures? After these cities had been penalized, did the figures drop? Are there anomalies or irregularities in other cities now?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not have these figures at hand but we noted that after the cities had been penalized, they could no longer issue two-way exit permits. If the authority of a city to issue two-way exit permits is suspended, it can no longer allow people to come to Hong Kong by issuing the permits and the number of crime cases committed by mainlanders from these cities will certainly drop.

I can assure Members that we will maintain the utmost vigilance. Should we find or suspect any anomalies in the issuance of two-way exit permits, we will certainly reflect the situations to the mainland authorities concerned.

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary has not answered my question. Is the Secretary saying that the entire city was penalized by not being able to issue two-way permits or just certain people were penalized? Can the Secretary elucidate on this point?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, according to my understanding, both cases exist. If the authorities find an individual issuing two-way or one-way exit permits illegally, the individual shall be held legally responsible and the city in concern may also be penalized by being stripped of the authority to issue two-way exit permits for a certain period of time (but not permanently).

PRESIDENT (in Cantonese): Fifth question.

Truck Drivers Carrying Contraband Goods

5. **MR ALBERT CHAN** (in Cantonese): *Madam President, in recent years, many cross-boundary truck drivers and transport operators have sought assistance from me, with allegations that some lawless elements mix prohibited articles and goods which are subject to import and export control or have not cleared customs (collectively referred to as "contraband goods"), such as cigarettes and electronic components, with the licit goods that they are hired to carry across the border. As it is impossible for the truck drivers to request the consignors to open every box of goods for inspection when loading them, some drivers have unknowingly carried contraband goods across the border and ended up being prosecuted and convicted by the authorities in the Mainland or Hong Kong. In the cases that I have come across, the convicted drivers were sentenced to imprisonment for terms ranging from five to 18 months, with the trucks involved being forfeited. In this connection, will the Government inform this Council:*

- (a) of the respective numbers of truck drivers who were prosecuted by the authorities in the Mainland and in Hong Kong respectively for carrying contraband goods across the border in each of the past three years, and the respective numbers of those who were convicted by the authorities in the Mainland and in Hong Kong as well as the penalties imposed on them;*
- (b) whether any measures are in place to ensure that the innocent drivers will be exempt from penalty; and*
- (c) whether it will provide more education and assistance for the drivers so that they will not breach the law unknowingly; if it will, of the relevant details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) The figures of truck drivers prosecuted and convicted for carrying goods to and from the Mainland in contravention of the Import and Export Ordinance (Cap. 60) (the Ordinance) in the past three years are as follows:

<i>Year</i>	<i>Truck drivers prosecuted</i>	<i>Truck drivers convicted</i>	<i>Penalties</i>
2003	224	209	Fines of \$500 to \$6,000
2004	201	191	
2005 (as at 31 March)	44	39	Custodial sentence of 14 days to 20 months Imprisonment term of 14 days to 20 months but suspended for 12 to 24 months

The Administration does not have statistics regarding prosecutions and convictions on the Mainland.

- (b) The existing legislation in Hong Kong already provides defence provisions for persons carrying goods in contravention of the Ordinance into and out of Hong Kong unknowingly.

In accordance with section 6A(5) of the Ordinance, if a person who, in the absence of a licence, imports or exports any strategic commodity for use in a weapon-related activity specified in Schedule 4 of the Import and Export Ordinance (Strategic Commodities) Regulations (Cap. 60, sub. leg. G), it is a defence for him to prove on the balance of probabilities that he made all reasonable enquiries as to the intended use of the article and satisfied himself that it would not be used for a weapon-related activity specified in Schedule 4.

Also, in accordance with sections 7(3), 10(3) and 18(2) of the Ordinance, if a person imports or exports any prohibited article without a licence or any unmanifested cargo, it is a defence if the defendant proves on the balance of probabilities that he did not know and could not with reasonable diligence have known that the article to which the charge relates was a prohibited article or that the cargo was unmanifested.

The Customs and Excise Department (C&ED) conducts thorough investigations into each and every case. It endeavours to uncover

the relevant criminals, and will not target at unwitting drivers. In addition, the Department of Justice is responsible for all prosecutions and will consider all relevant evidence, including whether the truck driver has raised a defence along the above lines, before instituting a prosecution. Should a convicted truck driver be dissatisfied with the court verdict, he may appeal in accordance with the law.

These provisions do protect unwitting drivers.

The Administration is not in a position to comment on the relevant laws and measures of the Mainland.

- (c) The C&ED has maintained close liaison with more than 10 associations engaged in the cross-border transport industry, and regularly meets with them to discuss issues of mutual concern. Since 1999, the C&ED has been distributing a booklet, "Guidance for the Vehicle Drivers of Cross-border Transport Industry", for the industry's reference with a view to raising drivers' awareness of the relevant laws so that they will not be manipulated by others intent on engaging in smuggling activities. Apart from listing the prohibited articles and relevant provisions of the Ordinance, the booklet also reminds drivers in detail of the important matters to be noted when undertaking consignments.

In addition, a 24-hour hotline has been set up for enquiries and reports. Drivers are advised to contact the C&ED if they have enquiries regarding the clearance formalities and the relevant requirements, or in case of any doubt concerning a particular consignment activity.

MR ALBERT CHAN (in Cantonese): *Madam President, according to the Secretary's main reply, the Government has basically made every possible effort to protect unwitting drivers, but in fact in many cases I have dealt with, the relevant drivers swore that they were innocent even after discharge from the prison. They complained that the prosecution and the Judge did not trust them, and they were eventually sent to jail and their trucks confiscated. They were brought to total ruin and they were in fact extremely unfortunate.*

Madam President, we can note from the figures that 93% and 95% of drivers were convicted in 2003 and 2004 respectively; the percentage was indeed very high. In other words, the Court basically did not believe these drivers were innocent. In the meantime, the Government provides no statistics on the figures in the Mainland, notwithstanding the fact that I originally thought that a notification system was established between the Government and the mainland authorities. Can the Government explain why the conviction figures were that high? Is it an unusual phenomenon and what could be done to obtain the prosecution figures in the Mainland? Does it mean that the notification system is a total failure?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I do not agree with what Mr Albert CHAN said, that is, the high conviction rate means a large number of cases of injustice. Just now he said that those drivers swore that they were innocent and accused our Judges of miscarriage of justice and us wrongly charging the defendants. I totally disagree with that. Nevertheless, I can tell Members that when the relevant truck drivers were charged by the C&ED, all the procedures with regard to evidence collection would be preformed, and then the case would be referred to the Department of Justice for detailed examination. If we have decided to bring a prosecution against a driver, we should have taken all the factors into consideration, and the same efforts should have also been made by the Court when it passes a verdict. Concerning the statistics of prosecutions and convictions on the Mainland, we do not have such information, and it is different story with the notification system. The system will be initiated when someone is compulsorily detained by mainland authorities. We have the figures for this, but they do not necessarily equal to the prosecution and conviction figures.

MR MARTIN LEE (in Cantonese): *Madam President, if the C&ED has really done all the work in this respect, then the conviction figures are not really that high because the authorities would only prosecute those drivers who have really committed the crimes. Nevertheless, Madam President, when contrabands are discovered, how could the authorities tell either the consignor or the truck driver should be held responsible? Of course someone should be held responsible for the smuggling activity, but should the truck driver take all the responsibilities and be prosecuted alone?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, among the current prosecution figures, all the truck drivers prosecuted were prosecuted only after thorough investigations were conducted and evidence collected. We must be a hundred percent sure that a driver, who is being prosecuted, has full knowledge of the goods and the intention to smuggle the contrabands before he is prosecuted. I do not have the information at hand, but I can obtain the data relating to truck drivers intercepted and the prosecution figures. I think that will show Members more clearly that whether we have prosecuted each and every driver whom we have arrested, or whether many of them were not prosecuted as our investigations showed that they were not connected to the cases. Madam President, if the relevant figures are available, please allow me to submit them to Members in writing. (Appendix II)

MR MARTIN LEE (in Cantonese): *I thank the Secretary for his reply; however, can he also provide the figures of consignors prosecuted?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, if we find a driver is not connected to the case while the consignor is responsible, we will definitely bring the prosecution against the consignor. If the figures in this respect are available, I will also provide the relevant figures to Members.

MR WONG TING-KWONG (in Cantonese): *Madam President, the hauling industry of Hong Kong and Mainland have been troubled by this issue for a long time over the years. Although a defence is included in the relevant provisions and such a defence is effective as long as the matter is handled by law enforcement agencies in Hong Kong, it has no effect on the Mainland. For that reason, in order to facilitate the work of law enforcement agencies in Hong Kong and the Mainland, the industry proposes that laws should be drawn up to require the consignor and the consignee to provide accurate information on their identities apart from declaring the details of the consignment, so that Hong Kong and mainland law enforcement agencies may track down all the bad elements when contrabands are discovered and no innocent persons would be wrongly charged.....*

PRESIDENT (in Cantonese): Mr WONG, can you please raise your supplementary direct?

MR WONG TING-KWONG (in Cantonese): *Will the Government accept the proposal; if so, when will it take the action; if not, of the reason for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, with regard to Mr WONG Ting-kwong's suggestion, I consider that we will come up with a decision only after going back and studying the matter with our relevant colleagues.

MS MIRIAM LAU (in Cantonese): *Madam President, part (c) of the main reply mentioned the booklet issued by the C&ED, which was produced only after the industry had reflected their grievances to the C&ED. Nevertheless, the booklet does not mention or request the driver to inspect each carton of goods and does not mention the situation mentioned in the main answer, that is, illicit articles are mixed with the licit goods in the consignment. May I ask the Secretary, under the circumstance that a driver has not opened each and every box, how he could know some of them are mixed with illicit goods? If the relevant driver has not opened and inspected each carton of goods, how can he prove that he has made all enquiries with reasonable diligence and use that as a defence? Moreover, will the Government consider that the booklet should be reviewed insofar as the issues in this respect are concerned, and whether a new booklet should be re-produced taking account of the current situation?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I think I can answer this supplementary according to the Ordinance. Ms Miriam LAU just now made a detailed description, and she asked whether the driver can prove his innocence by using the defence that he has opened and inspected each and every box of goods. I believe it is not necessary for the driver to do that in every case. I consider that the C&ED should make the judgement in each case depending on the type of goods. Besides, the defence shall not solely rest with the fact that whether or not the driver has opened and inspected each and every box of goods. We should look at a lot of circumstantial evidence. As to the

booklet, that is, whether we should add more detailed contents according to the current situation, we will go back and study it. (Appendix III)

MR LEUNG KWOK-HUNG (in Cantonese): *Madam President, I wish to remind the Secretary that he has not answered the supplementary of Mr Albert CHAN concerning the mainland figures.....*

PRESIDENT (in Cantonese): Mr LEUNG, please raise your supplementary direct. If the Secretary has not answered a question raised by another Member, the responsibility of reminding the Secretary falls on that particular Member, and it is not necessary for you to remind the Secretary. Please raise your supplementary direct because a number of Members are still waiting for their turns.

MR LEUNG KWOK-HUNG (in Cantonese): *I understand that. Nevertheless, the Secretary has indeed not answered that supplementary. May I ask whether the Secretary has considered adopting any measures to help these drivers? For example, first, whether sealing strips could be given to consignors and could they be required to use the government seals to seal the goods, which is just like the sealing wax arrangement; second, will the Government purchase some X-ray facilities so that one could see through the container, and then provide such service to drivers, so as to make them free from being wrongly imprisoned? May I ask since such practice is adopted in other places, will the Secretary take that proposal into consideration?*

SECRETARY FOR SECURITY (in Cantonese): Allow me to answer Mr LEUNG's supplementary. The C&ED has been maintaining close contact with the industry and studying ways to help drivers raise their awareness when they undertake consignments. The booklet mentioned by me earlier is an example of raising the awareness of drivers when they undertake orders from unknown consignors. Of course, the driver should not close his eyes and care about nothing but to undertake the job after the goods are sealed. The driver should do his part of the job, for example, if a stranger asks him to undertake certain consignments, it will be impossible for him to say that since he is only the driver, thus he asks and cares nothing about the consignments.

For that reason, the booklet has already reminded drivers things that they should note in the course of undertaking consignments. As I said earlier, a driver should pay attention to whether the consignor is a regular customer, or the consignor is a stranger who suddenly gives him the consignment order. He should also pay attention to the relevant documents of the consignment and try to understand the information listed on such documents. In case of doubt, he should seek clarification from the consignor as it is the responsibility of the consignor. With regard to consignments without detailed information or sufficient documentation, the driver should enquire with the consignor and request the consignor to provide all the necessary information and documentation. Moreover, the driver should also have a better understanding of the content of the manifest, invoice, permit or licence. If the address or telephone number of the consignor or consignee on the documentation is missing, or if the content of the consignment does not tally with the manifest, he should seek immediate clarification.

Moreover, the driver should keep the record of consignment and the information of the consignor and consignee as well as the papers he has signed. If the driver has any doubts about the consignment, such as the abnormality in the number of packages or the weight of the goods, or if he is unable to contact the consignor since the consignor has given him insufficient information or no reasonable explanation, under such circumstances, he should contact the C&ED as soon as possible. Since each and every smuggling case is different from one another, thus the C&ED can only sum up circumstances in general and remind drivers of them. Nevertheless, the abovementioned situations are not exhaustive.

MR LEUNG KWOK-HUNG (in Cantonese): *Madam President, the Secretary has not answered my supplementary.*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you should stand up whenever you speak; you shall not speak while you are still sitting. I have repeated many times that you should not behave in that way. Mr LEUNG Kwok-hung, you may now speak.

MR LEUNG KWOK-HUNG (in Cantonese): *I have stood up now. Madam President, originally, I did not wish to argue with you since I started to speak*

when I was about to stand up, why should you tell me off? I consider that your treatment is unfair to me.....

PRESIDENT (in Cantonese): Please stand up and address the "President". Please do not speak while you are still sitting.

MR LEUNG KWOK-HUNG (in Cantonese): *I am not the only one; many Members do the same quite often.*

PRESIDENT (in Cantonese): There is no such thing.

MR LEUNG KWOK-HUNG (in Cantonese): *I shall have nothing to say if you insist that on every occasion.*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, do you wish to raise the part of your supplementary which has not been answered?

MR LEUNG KWOK-HUNG (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): Please go ahead.

MR LEUNG KWOK-HUNG (in Cantonese): *It is simple. I asked the Secretary whether sealing strips would be adopted, he did not reply to that; I asked him whether the Administration would provide X-ray service or the like, so as to allow drivers to see through the goods in the container, but he did not reply.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I can reply in this way. Just as I said earlier, a seal will not absolve the driver of his liability; therefore I think I have answered that part. Moreover, the seal we

currently use is not for that purpose. When we inspect goods that are being delivered direct to the Mainland, we will put the seal on them, but that is not tantamount to a defence for the driver. As to the question of whether X-ray machines are used and how we check the containers, we do use x-ray machines for inspection purposes, but they are mainly used for the detection of smuggling activities. However, drivers should perform their duties despite such machines are put in place, including the responsibility of asking the consignor of the content of the goods and so forth.

PRESIDENT (in Cantonese): This Council has spent more than 20 minutes on this question, we will proceed to the last oral question now.

Tiles Falling off from Building Walls of Public Housing

6. **MR LI KWOK-YING** (in Cantonese): *Madam President, regarding the problem of tiles falling off from public housing and Home Ownership Scheme building walls, will the Government inform this Council:*

- (a) *whether it has taken measures to prevent the deterioration of the above problem, for example, by arranging for professionals to carry out comprehensive inspections on the estates concerned;*
- (b) *as most cases of tiles falling off occurred in such places as lift lobbies and corridors, of the measures to ensure residents' safety in such places; and*
- (c) *of the number of reports it has received about tiles falling off in housing estates under the Tenants Purchase Scheme (TPS) over the past 12 months; and whether the Housing Department (HD) is responsible for the repair works and the expenses incurred?*

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

- (a) The HD is very concerned about the recent spate of tile de-bonding incidents in public rental housing estates and home ownership

courts. The Building Repairs Task Force (the Task Force) comprising professional and technical staff was set up in April 2005 to co-ordinate tile inspections, handle cases of tile de-bonding and expedite repairs.

The Task Force initially focused on the spots where tile de-bonding had occurred. Tile inspections at these locations have been completed. The repair procedures have also been streamlined to speed up the works. At present, there is a total of 115 repair projects, of which 31 have commenced. Pre-repair works for the remaining projects will commence progressively at the first instance. The pre-repair works, including removing loose tiles, trimming the affected areas, preparing the substrate and plastering the walls with cement mortar, will minimize the nuisance arising from de-bonded walls and allow tile laying works to start as soon as tiles are available. Furthermore, the Task Force will strengthen the supervision of repair works to prevent future recurrence of de-bonding.

- (b) To ensure public safety, estate management staff have been instructed to inspect all the walls in the common areas of estates during daily patrol to ensure that all the tiles are in good condition, and will promptly remove any loose tiles in the common areas of public housing estates or home ownership courts to prevent de-bonding. In addition, the Task Force will inspect the walls of other floors in buildings where de-bonding has occurred to ascertain the adhesion between the tiles and walls and the condition of the tiles. Preventive repairs will be arranged if necessary as a precaution.
- (c) In the past 12 months, the HD received a total of 287 reports of mosaic tile de-bonding in five TPS estates. Details are at the Annex.

After sale, the responsibility for the maintenance and management of the common areas in TPS estates is shared among owners. For each estate sold under the TPS, the Housing Authority (HA) has contributed a lump sum calculated on the basis of \$14,000 per flat to a Maintenance Fund for major maintenance works in the next 10

years or so after sale. Hence, the HA will not be responsible for the costs of replacing the mosaic tiles. However, among the five estates where cases of tile de-bonding have been reported, Lei Tung Estate is still on offer and the repair works will be undertaken by the HD. As for Lei Cheng Uk Estate, which was sold in 2002, the building condition assessment conducted prior to the sale had shown that follow-up action was required for the mosaic tiles on some of the walls. After discussion with the owners' corporation, the HD has agreed to repair the areas recorded in the assessment report. The owners' corporation will undertake the repair works for the other areas.

Annex

Reports of tile de-bonding in the common areas of
TPS estates in the past 12 months

<i>Estate</i>	<i>No. of cases^{Note}</i>	<i>Area</i>	<i>Repair works</i>
Lower Wong Tai Sin (I) (sold in 2001)	16	138 sq m	The owners' corporation will undertake the repair works.
Kwong Yuen (sold in 2001)	42	184 sq m	Under discussion with the owners' corporation. We suggest the corporation should assume the responsibility for the repair works.
Leung King (sold in 2001)	1	472 sq m	Under discussion with the owners' corporation.
Lei Cheng Uk (sold in 2002)	216	1 425 sq m	With reference to the building condition assessment conducted by estate management in 2002, the HD will undertake repairs for the areas already recorded in the assessment while the owners' corporation will arrange repairs for the remaining areas.
Lei Tung (on offer since 2004)	12	180 sq m	The HD will undertake the repair works during the sale period of TPS Phase 6A.
Total	287		

^{Note} All cases occurred in the corridors.

MR LI KWOK-YING (in Cantonese): *Madam President, in part (c) of the main reply, the Secretary said that for each estate sold under the TPS, the HA has contributed a lump sum calculated on the basis of \$14,000 per flat to a Maintenance Fund for major maintenance works. Hence, the HA will not be responsible for the cost of repairs in this aspect. However, the Secretary also said that since Lei Tung Estate is still on offer, the repair works will be undertaken by the HD. But I believe this will not affect the Maintenance Fund of \$14,000. Through the media, we all know that this is not an insolated case. Rather, many housing estates under the HD are facing the same problem. It is strange that in the Annex, it is stated that five TPS estates are facing tile de-bonding problem but there are four different treatments. I would like to ask the Secretary: Why is the same problem tackled by different treatments? This will lead to unfairness. What are the reasons for dealing with the problem in such different ways?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): *Madam President, before the TPS estates are sold, we would conduct estate inspections and complete the necessary repairs. I remember that when an oral question concerning sewage systems was asked last week, my reply was that the problem would be tackled in the same way. Should repairs and replacement be required, we would handle these works first. After that, we would then assess what repair works were required according to the conditions of the estates on sale. This is our standard.*

As I said in the main reply, since Lei Tung Estate is still on offer, we have the responsibility to take up the repair works. As regards Lei Cheng Uk Estate, as I said in the main reply, since an assessment report had been compiled and follow-up actions had not been taken for all the areas recorded, we are now referring to the assessment report and the HD will take follow-up actions for the areas recorded in it. As regards other areas which are discovered after sale, the owners' corporation will be responsible for the repair works according to the agreement between the HD and the owners' corporation concerned.

MR LI KWOK-YING (in Cantonese): *Madam President, in referring to Lei Cheng Uk Estate, the Secretary said that the HD was not responsible for the repair works of some areas because they had not been recorded in the assessment report. But I would like to know why the HD has to discuss with the owners'*

corporations of Kwong Yuen Estate and Leung King Estate about the repair works. According to the Secretary's remark, the HD should not be responsible if there was no tile de-bonding problem when the estates were offered for sale. Why did the HD all of a sudden engage in discussions with the owners' corporations of these two estates?

PRESIDENT (in Cantonese): Mr LI Kwok-ying, the series of questions you have just asked are not part of your previous supplementary question. If you wish to ask further questions, please press the button and wait for another turn. Now 10 Members are waiting for their turns to ask questions. Please ask the supplementary question direct and do not make any statement so that more Members can have an opportunity to ask questions.

DR JOSEPH LEE (in Cantonese): *Madam President, may I ask the Secretary whether there are any data indicating that newly completed estates or estates completed for five years, be it public rental housing or home ownership courts, are facing more a serious tile de-bonding problem than older estates? Besides, is there any particular evidence showing that estates constructed by particular contractors have more serious tile de-bonding problem?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, according to the information at hand, a total of 200 000 sq m have suffered from tile de-bonding problem since 1993. We are now talking about 70 000 sq m. In other words, we have tackled 130 000 sq m and the outstanding area to be tackled is only 70 000 sq m. This shows that the problem, as a continuous one, has not become more or less serious in recent days. Of course, we are now concerned about the more serious tile de-bonding problem during the last couple of months.

According to my understanding, the problem we are now facing is a bit different from that in the past because the tiles that have fallen off are homogeneous tiles. Since homogeneous tiles are harder and heavier and the density is higher, they will fall off more easily after exposure to drastic changes in temperature if workmanship is poor. Besides, owing to the fact that homogeneous tiles are heavier due to higher density, a stronger glue should be used for laying the tiles and the workers have to be very careful when carrying

out the work because the glue must be used instantly after dilution, lest its adhesion will be reduced. So, both the procedures of tiling and the workmanship involved are related to the de-bonding of homogeneous tiles.

To sum up, we have not found that estates built by any particular contractors have more tile de-bonding incidents. In other words, the performances of contractors are quite even. This is the situation we have observed. Our current approach is to consider not using homogeneous tiles, which are higher in density and in weight. But residents and owners of some home ownership courts have requested that the same kind of tiles be used for replacement. Since the supply of such tiles is not adequate, it takes a longer time to purchase.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, in part (a) of the main reply, the Secretary said that there was a total of 115 repair projects for tile de-bonding, of which 31 had commenced. I would like to ask the Secretary: In which estates are these 115 projects located? Do they include Tin Shui Wai? If so, what is the percentage of projects in Tin Shui Wai estates among these 115 projects?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): *Madam President, since the information I have only include estates in Tin Shui Wai. With your indulgence, I would like to provide information on the percentage and the number of projects in a written reply. (Appendix IV)*

MRS SELINA CHOW (in Cantonese): *Madam President, from the angle of buyers of TPS estates, the HD should guarantee that the flats sold are of a certain quality. But now it seems that no such guarantee is given when the flats are bought, in particular, when incidents of tile de-bonding are so common. The Secretary mentioned that the HA had contributed on the basis of \$14,000 per flat to a Maintenance Fund. I would like to ask the Secretary whether this Maintenance Fund can ensure that repairs and maintenance of tiling can be totally funded by this sum of money without any subsidy by the buyers in 10 years or the buyers still have to bear the costs of repairs themselves? If the buyers have to bear the costs, has the Government considered changing the policy in order to ensure that such responsibility can be waived?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I think no one can guarantee that certain incidents will or will not happen. I would like to quote some data to show that the probability of tile de-bonding is very slim. Over the years, the area of tiling repaired is about 1% of the total tiling area of all housing estates. And the most serious de-bonding problem occurred only accounts for 1% of the total area. Of course, for many incidents, the percentage is much lower. The Maintenance Fund of \$14,000 per flat is set up not for tile de-bonding. Rather, it is a fund for meeting all kinds of repairs and maintenance costs. In calculating this sum of money, we were of the view that the Fund could meet the costs of all major repair projects in 10 years. Moreover, we have never received any report that the Maintenance Fund for TPS estates has been exhausted due to tile repairs.

MRS SELINA CHOW (in Cantonese): *Madam President, the Secretary has not answered my supplementary question. In my supplementary question, I asked whether the Government would provide guarantee in respect of TPS flats to be sold in the future in view of the serious tile de-bonding problem.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, in fact we have mentioned time and again that flats of TPS Phase 6 are now on offer. After flats of Phase 6A have all been sold, flats of Phase 6B will come on stream. The scheme will then be completed and no more flats of TPS estates will be offered.

MR WONG YUNG-KAN (in Cantonese): *Madam President, I feel strange after reading the Annex of the main reply because I know that TPS estates will be offered only when repair works have been completed. But now I know that in some cases, the Government is discussing with the owners' corporations about repairs. In particular, since there are 216 complaint cases in respect of Lei Cheng Uk Estate, the Secretary said that it was necessary to discuss the matter with the owners' corporation. I feel strange because the Secretary has already mentioned in the main reply that problems had been discovered by the HD before the flats were sold. Why did the HD not assume the repairs responsibilities entirely before the flats were sold?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, as I said in the main reply, cases concerning Lei Cheng Uk Estate are relatively special because some repair works had not yet been completed when the estate was offered for sale. So, with reference to the assessment report, we have now assumed responsibility for the repairs of areas which have been recorded in it. As regards problems that occurred after the sale, the owners' corporations have agreed that they will be responsible for the repair costs after discussions with us. The majority of cases listed in the Annex occurred in Lei Cheng Uk Estate. As for other estates, incidents of tile de-bonding are rather infrequent and sporadic. For instance, there is only one case in Leung King Estate. This is an isolated case which occurred after the sale. In view of this, the treatment is of course different.

PRESIDENT (in Cantonese): Mr WONG Yung-kan, has your supplementary question not been answered?

MR WONG YUNG-KAN (in Cantonese): *Yes, Madam President, I asked why the cases in the Annex were handled on an individual basis. For instance, among the 40-odd cases in Kwong Yuen Estate, did they happen before or after the sale? If they occurred before the sale, why is the Government not responsible for the repairs? Did the Government discover the problem before the sale?*

PRESIDENT (in Cantonese): Secretary, please repeat your points because it seems to me that the Member did not quite understand your reply.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, today I am not too eloquent. (*Laughter*) Before the estates are sold, the repair works should of course be our responsibility. As regards Lei Cheng Uk Estate, it is because some repair works were not completed before the sale. As regards Lower Wong Tai Sin Estate, Kwong Yuen Estate and Leung King Estate, the repair works had been completed before the sale and incidents of tile de-bonding occurred only after the sale. It was agreed that there was no problem when the flats were handed over to the buyers and only sporadic problems of tile de-bonding occurred after the sale. Although we are

of the view that the owners' corporations should be responsible for the repairs, the owners' corporations still expressed their hope that the HD could take up the responsibility in the course of discussions. However, according to the terms of the contracts, the responsibility for repairs after sale should rest with the owners' corporation. As regards Lei Tung Estate, as the flats are still on offer, the HD is obliged to take up the repair works and we also accept that.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Last supplementary question now.

MR FRED LI (in Cantonese): *Madam President, in his reply just now, the Secretary said that tile de-bonding had been a continuous problem since 1993 and that the same problem had been found in the corridors of newly completed housing estates. Has the HD conducted a review to examine whether it was due to dereliction of duty at the acceptance of newly completed housing estates, thus resulting in tile de-bonding? Besides, compared with private housing estates, why is the tile de-bonding problem in public housing estates much more serious than in private housing estates? What is the cause of the problem?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I have discussed the problem with the Hong Kong Construction Association in order to find out whether such problem only occurred in public housing estates and not in private housing estates. According to the information provided by the Association, the same problem occurred in private housing estates. However, many private housing estates have ceased to use such method. They will remove all the tiles and replace them with other materials.

In fact, public housing estates have used other materials such as spray-painting or other methods instead of tiling as far as practicable since 2003. However, the problem is that for housing estates which have used tiling, particularly the home ownership courts, the owners think that tiles are easier to clean and better looking as a matter of choice. As regards workmanship, as I have just explained, after 1997, due to various reasons, the production of public housing has increased tremendously, thus leading to some problems. I think this has also aroused our attention. However, after having noticed them, we

have set up a Task Force to solve the problems faced by us. We hope that the tiling can be consolidated after the repair works have been completed. As regards the housing estates completed after 2003, no more tiling is used in the hope that such problem can be totally pre-empted.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Withdrawal Peak of MPF

7. **MR CHAN KAM-LAM** (in Chinese): *Madam President, it has been reported that the birth rate of the Hong Kong population reached its peak shortly after the Second World War, and a large number of people will attain the statutory retirement age of 65 in the coming few years, causing a surge in the withdrawal of Mandatory Provident Fund (MPF). At that time, there will be a substantial outflow of capital from the stock and bond markets, which may deal a blow to the stability of Hong Kong's financial market. In this connection, will the Government inform this Council:*

- (a) *of the number of cases in which MPF contributors withdrew their full accrued benefits on the ground of having attained the statutory retirement age of 65 and the amount involved in each of the past four years, as well as the respective percentages of the number of such contributors and the amount of their contributions in the total number of MPF scheme participants who attained the age of 65 in that year and in the total amount of their contributions;*
- (b) *of the number of cases of early withdrawal of MPF accrued benefits and the amount involved in each of the past four years, with a breakdown of the numbers of cases concerned and the amounts involved, by the five statutory reasons for early withdrawal of MPF accrued benefits;*
- (c) *of the estimated numbers of MPF contributors who will attain the statutory retirement age in the coming five years and the MPF*

accrued benefits involved, as well as whether the authorities have estimated the respective numbers of cases of early withdrawal of MPF accrued benefits and the amounts of such benefits involved each year; if they have, of the results; and

- (d) *of the authorities' estimated time when the withdrawal of MPF will reach its peak in Hong Kong, and the details of the contingency measures to be adopted?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): Madam President, according to the information provided by the Mandatory Provident Fund Schemes Authority (MPFA):

- (a) Between 2001 and 2004, the total amount of accrued benefits withdrawn by MPF scheme members on the grounds of attaining the statutory retirement age of 65 or the statutory early retirement age of 60 under section 15(1) and (2) of the Mandatory Provident Fund Schemes Ordinance (MPFSO) (Cap. 485) was around \$950 million, accounting for about 0.8% of the amount of total MPF assets accumulated in the same period (which amount to over \$120 billion).

According to the existing legislation, scheme members may claim for early withdraw of accrued benefits for the five reasons set out in section 15 of the MPFSO and Division 1 of Part XIII of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation) (Cap. 485 sub. leg. A), or either choose to withdraw or not to withdraw the accrued benefits immediately upon attaining the statutory retirement age of 65. Thus, the MPFA cannot deduce the number of withdrawal cases of accrued benefits solely from the total number of scheme members attaining the age of 60 to 65 in these few years. Since the data collected by the MPFA are mainly related to MPF assets, the MPFA cannot furnish further data on the number of cases of withdrawal of accrued benefits on the grounds of retirement, nor data on the percentage of such scheme members in the total number of scheme members in the retirement age group in the respective year.

- (b) Between 2001 and 2004, the total amount involved in early withdrawal of accrued benefits by MPF scheme members for the five reasons set out in section 15 of the MPFSO and Division 1 of Part XIII of the Regulation are as follows:

<i>Reason</i>	<i>Total amount (\$)</i>
Retirement/Early retirement ^{Note 1}	950 million
Permanent departure from Hong Kong	790 million
Death	110 million
Total incapacity	50 million
Small balance account	10 million

Note 1: Early retirement is one of the reasons for early withdrawal of accrued benefits, but the MPFA does not have separate breakdown on the amount of benefits withdrawn on the grounds of retirement or early retirement.

There was a total of about 22 000 cases of early withdrawal of accrued benefits on the ground of "permanent departure from Hong Kong". The MPFA does not have information about the number of cases of early withdrawal on other grounds.

- (c) From the information provided by the trustees of the MPF schemes, the MPFA deduces that the number of scheme members currently aged 60 to 65 is about 60 000.

The MPFA estimates that in five years, that is, in 2010, there will be about 10 000 scheme members attaining the statutory retirement age of 65 or above in that year, accounting for about 0.4% of the total number of MPF scheme members, while there will be about 100 000 scheme members attaining the statutory early retirement age of 60 or above, representing about 4.5% of the total number of MPF scheme members.

The MPFA cannot estimate the number of cases of withdrawal or early withdrawal of accrued benefits in 2010, because MPF scheme members may choose to withdraw or not to withdraw the accrued benefits immediately upon attaining the statutory retirement age of 65, and the MPFA cannot predict the scheme members' choice.

Nor can the MPFA estimate the number of cases of early withdrawal of accrued benefits for the five reasons, *viz.* "early retirement", "permanent departure from Hong Kong", "death", "total incapacity" and "small balance account".

As to the total amount involved in withdrawal or early withdrawal of accrued benefits, the MPFA cannot make the relevant estimation because such amount is subject to various unknown factors, including the amount of contributions made by the scheme members concerned, the amount of accrued benefits accumulated and the investment return in the next few years.

- (d) It can be seen from the above figures that those who were born shortly after the Second World War when the birth rate reached its peak and who will retire in the coming five years or so only account for between 0.4% to 4.5% of the total number of MPF scheme members. As MPF scheme members may choose not to withdraw the accrued benefits immediately upon attaining the retirement age, we estimate that the number of cases of withdrawal or early withdrawal of accrued benefits on the ground of retirement should be smaller than the total number of scheme members attaining the age of 60 to 65. The MPF System was implemented only in late 2000. As such, by 2010, scheme members will at most have accrued benefits derived from their contributions for about 10 years.

Moreover, in the previous four years ending 2004, the total amount of accrued benefits withdrawn or early withdrawn on the ground of retirement was only around \$950 million, while the amount of total MPF assets exceeded \$120 billion in the same period. We therefore believe it is not likely that the withdrawal of MPF will reach its peak in the next few years. Nevertheless, the MPFA will continue to monitor the relevant situation of withdrawal of accrued benefits.

It is worth noting that scheme members attaining the statutory retirement age of 65 may choose not to withdraw the accrued benefits immediately. And even if they choose to withdraw the accrued benefits, it is likely that the relevant funds will be placed or reinvested in Hong Kong's financial market.

Election Committee Members Disqualified from Voting in Chief Executive Election

8. **DR YEUNG SUM** (in Chinese): *Madam President, section 26 of the Chief Executive Ordinance (Cap. 569) stipulates that if a member of the Election Committee (EC member) whose name appears on the Final Register of Members of the Election Committee falls within paragraph (a), (b), (c), (f) or (g) of section 18 of the Schedule to the Ordinance, he shall be disqualified from voting at the poll. In this connection, will the Government inform this Council:*

- (a) of the number of EC members who have enquired with the relevant authorities whether he/she has been disqualified from voting in the election of the Chief Executive in July this year;*
- (b) of the number of EC members and their identity who fall within the descriptions of the above paragraphs and have thus been disqualified from voting in the coming Chief Executive election;*
- (c) whether, according to the legal advice the authorities have received, EC members who belong to the District Councils Subsectors or the Chinese People's Political Consultative Committee (CPPCC) Subsector will be deemed to have ceased to have a substantial connection with the subsectors concerned for reason that they are not incumbent District Council members or incumbent Hong Kong members of the National Committee of the CPPCC and hence, by virtue of paragraph 18(a) of the Schedule above, shall be disqualified from voting in the coming Chief Executive election, as well as the number of complaints received by the relevant authorities concerning the eligibility of these EC members to vote;*
- (d) of the criteria adopted by the relevant authorities for judging whether individual EC members still have a substantial connection with the subsector concerned;*
- (e) how the relevant authorities will deal with the seats of the EC members whose names are on the above Register but who have been disqualified from voting;*

- (f) *whether it has assessed if the above Ordinance should be amended to stipulate that, in compiling a provisional register of EC members, the Electoral Registration Officer may strike out the name of an EC member on grounds that he has been disqualified from voting; and*
- (g) *how the public will know whether the EC members who have been disqualified from voting have voted or not in the coming Chief Executive election?*

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

- (a) The Registration and Electoral Office (REO) has not received any enquiry from members of the Election Committee asking whether he is caught by section 18(a), (b), (c), (f) or (g) of the Schedule to the Chief Executive Election Ordinance and thus shall be disqualified from voting at the Chief Executive election. (However, the Chairman of the Electoral Affairs Committee (EAC) has exchanged views on the relevant issues with an organization at a meeting arranged at the organization's request.)
- (b) The REO has no information which shows that any EC member is caught by section 18(a), (b), (c), (f) or (g) of the Schedule to the Chief Executive Election Ordinance, and have thus been disqualified from voting in the coming Chief Executive election.
- (c) and (d)

Section 26 of the Chief Executive Election Ordinance provides for the circumstances under which an EC member whose name appears on the final register shall be disqualified from voting at the poll, one of which is the cessation of substantial connection with the subsector concerned. According to section 1(3) of the Schedule to the Chief Executive Election Ordinance, the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of a body included in the subsector.

An EC member who is no longer a District Council member or a Hong Kong member of the National Committee of the CPPCC is not necessarily disqualified from voting at the Chief Executive election. As long as he still maintains a substantial connection with the subsector concerned, he will continue to be qualified to vote. Whether an EC member maintains a substantial connection with the relevant subsector needs to be considered on a case-by-case basis; no general conclusion can be made. The REO has not received any complaints concerning the eligibility to vote of the aforementioned categories of EC members.

- (e) According to the law, the persons whose names appear on the Election Committee final register are EC members.
- (f) We have no plan to amend the relevant legislation at present. The Chief Executive election will be conducted in accordance with the existing law.
- (g) If there is any complaint that an EC member who is disqualified from voting did vote in the Chief Executive election, the EAC and the Independent Commission Against Corruption will take follow-up action according to the law.

Dissemination of Misleading Information to Market by Property Developers

9. **MR LEE WING-TAT** (in Chinese): *Madam President, it was reported that a property developer recently announced that a penthouse unit of over 5 000 sq ft in one of its residential development projects had been sold at a price of over \$30,000 per sq ft. The announcement caused a stir in the property market. On the other hand, there were reports that, apart from purchasing the penthouse unit at the above price, the buyer also bought three four-bedroom high-rise apartments in the same residential development project at prices below the market price. As such, the property transaction involved not just the penthouse unit, but also four apartments sold at different prices per sq ft. However, the developer concerned had selectively announced part of the details of the transaction concerned. In this connection, will the Government inform this Council whether:*

- (a) *it will investigate the above incident to ascertain if the property developer has disseminated misleading information to the market in order to influence the sale of the residential development project; and*
- (b) *any mechanism is currently in place to regulate arrangements for internal sale of newly completed residential units, and to prevent the dissemination of misleading information to the property market?*

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

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

- (a) The Real Estate Developers Association of Hong Kong (REDA) has put in place a self-regulating mechanism asking its members to comply with the guidelines issued by the REDA regarding the sale of uncompleted residential units to ensure that potential buyers can have adequate and accurate information when considering the purchase. We have asked the REDA to follow up the case. After checking with the developer concerned, the REDA responded as follows:
 - (i) the developer stated that the buyer who purchased the flat at the price of over \$30,000 per sq ft had not purchased any other flats in the same residential development as reported in the mass media;
 - (ii) the developer had, in compliance with the guidelines of the REDA, provided potential buyers with price lists for the flats in the development available for sale; and
 - (iii) the flats in the development were put up for sale by the developer according to normal sales strategies in the property market, including granting modest discounts to individual buyers in bulk purchase.

- (b) The Government attaches great importance to consumer protection in property purchase. It is crucial, particularly in the sale of uncompleted residential units, to enhance developers' transparency in property sale so that consumers can have sufficient information. Buyers of completed residential units can view the actual flats *in situ* but those buying uncompleted residential units can only base their decisions on information about the uncompleted developments. Therefore, the Government has been closely liaising with the Consumer Council, the REDA and the Estate Agents Authority to monitor the operation of the sale mechanism of uncompleted residential units and to seek appropriate improvements based on the experience gained in order to cater for the market and consumers' needs. The REDA, on the one hand, reminds its members from time to time to follow its guidelines on the sale of uncompleted residential units. On the other hand, new guidelines will be issued to members in the light of consumers' needs or changes in market situation to ensure that the guidelines are in tune with the times. For instance, in response to proposals put forward by the Consumer Council and the Government, the REDA has recently issued new guidelines asking its members to provide potential buyers with price lists and lists of the flats available for sale during internal sale of uncompleted residential units. Regarding the reports on the case concerned, we have already approached the REDA and will meet with the REDA shortly. We have urged the REDA to further step up its efforts to ensure compliance with the guidelines. Moreover, we will continue to, in collaboration with the Consumer Council and the Estate Agents Authority, monitor the sale of uncompleted residential units in the market to ensure a proper balance between protecting consumers' interests and maintaining an environment conducive to business development.

Execution of Lease Conditions and Planning Conditions

10. **MR ALAN LEONG** (in Chinese): *Madam President, in submitting applications for development to the Town Planning Board (TPB) and the Administration, real estate developers will invariably propose some development*

contents or measures to increase the planning merits of their applications for development, such as improving the environment, pedestrian flow and road traffic as well as bringing other additional benefits to the local community, and so on, with a view to gaining favourable consideration by the TPB and the authorities concerned in vetting their applications. Once an application for development is approved, such contents and measures will be included in the land lease conditions and the conditions to the planning permission (the planning conditions) to be executed by the real estate developer concerned. Regarding the execution of these lease conditions and planning conditions, will the Government inform this Council:

- (a) of the total number of current cases in which real estate developers have failed to discharge the relevant lease conditions or implement the requirements under the planning conditions after the completion and occupation of their developments, the locations, outstanding conditions and requirements as well as developers involved, and the reasons for the delay; and*
- (b) whether the authorities will consider amending their policy by not including in the relevant lease conditions or planning conditions those conditions which the Administration cannot oblige real estate developers to comply with and execute, so as to avoid the possibility of the TPB being misled; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Chinese):
Madam President, at the outset, I wish to point out that if after the completion and occupation of a development a developer still has not complied with the lease provisions which are planning conditions imposed by the TPB it does not necessarily mean that there has been delay on the part of the developer. It may be that the stage where the prerequisite conditions start to take effect or certain works which enable the implementation of such facilities has yet to be reached.

My reply to the two-part question is as follows:

- (a) According to the record, there have been two developments where compliance with some of the requirements under the planning

conditions imposed by the TPB and included in the relevant lease conditions has yet to take place after the completion and occupation of the developments. Details are provided in the Annex.

- (b) When a planning approval is granted, the TPB introduces conditions to it under the authority conferred by section 16(5) of the Town Planning Ordinance. To decide whether conditions are to be included in a planning approval, the TPB will consider, on the basis of the following three basic principles, namely whether the conditions are:
- (i) consistent with the planning intention;
 - (ii) appropriately and reasonably relevant to the development; and
 - (iii) reasonable.

If the TPB considers any conditions not enforceable, it will not include such conditions when granting the planning approval. As a matter of general principle, the Lands Department only incorporates conditions which are enforceable in land leases.

At present, planning enforcement in the urban area is executed generally through land leases and the Buildings Ordinance. If amendments to the land lease or executing a new land lease are involved in any development, the planning conditions will be incorporated into the land lease conditions, requiring the developer to implement such conditions. Moreover, if it is found that the development cannot fulfil the requirement of the conditions to the planning approval in respect of a site when the concerned building plan is vetted, the Administration can refuse to approve the building plan in pursuance of section 16(1)(d) of the Buildings Ordinance.

As the current practice is effective, we consider that there is no need to make any amendment.

Annex

Schedule of cases where some of the requirements under the planning conditions imposed by the TPB in the lease conditions were not executed by developers

	<i>Location</i>	<i>Planning Conditions</i>	<i>Developers</i>	<i>Reasons for failure to or delay in executing the conditions</i>
1.	Lot 261 in DD390, Sham Tseng (Rhine Garden)	Construction of a footbridge	Penkilan Limited	- The construction of the footbridge is rescheduled as its works is contingent on the improvement works at Castle Peak Road and the development of Bellagio (the connection point of the footbridge) according to the planning of the developer. The developer now plans to complete the construction of the footbridge by February 2006.
2.	IL 8766 (Wu Chung House)	Construction of a footbridge to connect Hopewell Centre and IL 7881 within 12 months from the date of handover of the possession of IL 7781 by the Government.	Mingway Company Limited	- According to the land lease of Wu Chung House, the requirement to build a footbridge is dependent upon the completion of a land exchange for a large hotel development. The land exchange has yet been implemented.

Processing of Applications for Nationalization as Chinese

11. **MR MA LIK** (in Chinese): *Madam President, regarding the processing of applications for naturalization as Chinese, will the Government inform this Council:*

- (a) *of the number of such applications submitted to the Government of the Hong Kong Special Administrative Region (SAR) each year since the establishment of SAR and the percentage of successful applications; among them, of the respective numbers of non-Chinese persons who submitted and succeeded in their applications as well as the top four nationalities (including stateless) to which these non-Chinese applicants originally belonged;*
- (b) *how the number of successful cases approved by the SAR Government each year compares to those approved by the mainland authorities; and*
- (c) *given that the authorities have to process applications for naturalization as Chinese on an individual basis and to take into account certain factors in making a decision, of the legal grounds for such discretionary practice, including the factors to be considered, and the differences between the Hong Kong authorities and the mainland authorities in processing similar applications?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) Between 1 July 1997 and 30 April 2005, the Immigration Department (ImmD) received 4 372 applications for naturalization as Chinese nationals and completed the processing of 3 999 applications. Of the latter, 3 786 applications, or 95%, were approved. Statistics on applications for naturalization received and approved each year are set out at the Annex.

As the ImmD does not distinguish naturalization applicants on the basis of whether they are of Chinese descent, statistics on the number and percentage of such applicants are not available. In terms of nationality, of the 4 372 naturalization applications received, the largest single category of applicants were Indonesians (1 735), followed by Pakistanis (833), Indians (552) and Vietnamese (547). It is believed that the bulk of the approved applicants had also been of these four nationalities before their naturalization as Chinese.

- (b) The ImmD does not have statistics on approved naturalization applications processed by the mainland authorities.
- (c) Pursuant to Article 18 and Annex III of the Basic Law, the Nationality Law of the People's Republic of China shall be applied in the SAR from 1 July 1997. Furthermore, according to the Explanations of some questions by the Standing Committee of the National People's Congress (NPC) concerning the implementation of the Nationality Law of the People's Republic of China in the SAR adopted at the 19th meeting of the Standing Committee at the 8th NPC on 15 May 1996 (the Explanations), the SAR Government is authorized to designate the ImmD as the authority responsible for receiving and handling nationality applications and related matters. The Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap. 540) provides for matters relating to the operation in the SAR of the Nationality Law of the People's Republic of China.

The ImmD handles naturalization applications in accordance with the Nationality Law of the People's Republic of China and the Explanations. Each naturalization application will normally be considered having regard to whether the applicant has a near relative who is a Chinese national having the right of abode in Hong Kong; whether the applicant has the right of abode in Hong Kong; whether the applicant's habitual residence is in Hong Kong; whether the principal members of the applicant's family (spouse and minor children) are in Hong Kong; whether the applicant has a reasonable income to support himself and his family; whether the applicant has paid taxes in accordance with the law; whether the applicant is of good character and sound mind; whether the applicant has sufficient knowledge of the Chinese language; whether the applicant intends to continue to live in Hong Kong in case his naturalization application is approved; and whether there are other legitimate reasons to support his application. The ImmD takes into account all relevant factors in deciding whether to approve an application.

As the ImmD does not have information on how the mainland authorities handle similar applications, we are unable to make a comparison of the differences (if any) between how the Hong Kong authorities and the mainland authorities process such applications.

<i>Applications for Naturalization as Chinese Nationals (Up to 30 April 2005)</i>			
<i>Year</i>	<i>Number of Applications Received</i>	<i>Number of applications completed processing</i>	<i>Number of applications approved</i>
1997 (July to December)	30	-	-
1998	240	164	157
1999	251	301	281
2000	409	321	309
2001	360	338	327
2002	560	474	457
2003	702	681	635
2004	1 342	1 278	1 209
2005 (January to April)	478	442	411
Total	4 372	3 999	3 786

Proposal to Amend Marriage Ordinance

12. **MR CHEUNG HOK-MING** (in Chinese): *Madam President, the Government will propose amendments to the Marriage Ordinance to empower the Registrar of Marriages (the Registrar) to appoint civil celebrants of marriages (Civil Celebrants) to celebrate marriages and handle related matters, and to relax the restrictions on the time and place for celebrating marriages. In this connection, will the Government inform this Council:*

- (a) *how it will relax the restrictions on the time and place for celebrating marriages, whether there will be any guidelines on the application procedure and the fees to be charged, and how the authorities can ensure that the public's affordability will be taken into consideration in determining the fee levels (particularly those charged by Civil Celebrants); and*
- (b) *whether it has any plan to develop Hong Kong into a hot spot for destination weddings similar to Las Vegas, and to allow*

fairy-tale-like weddings to be held in the Hong Kong Disneyland by amending the above Ordinance?

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) Registration of marriage mainly involves two processes, namely giving notice of intended marriage and celebration of marriage. In our proposal, if the marrying parties wish to use the services of a Civil Celebrant, they may give a notice of intended marriage (the Notice) to the Registrar through the Civil Celebrant and make before the Civil Celebrant an affidavit of no impediment of kindred or alliance, or any other lawful hindrance to the marriage. The Registrar will exhibit a copy of the notice for at least 15 days and then issue a Certificate of the Registrar to allow the celebration of marriage to take place within three months from the date of giving the notice. The Certificate of the Registrar will be issued through the Civil Celebrant to the marrying parties, who are free to decide the time and place for celebrating their marriage before the Civil Celebrant.

Following the passage of the relevant bill, the Registrar will make appropriate arrangements to publicize the new scheme (including distribution of information leaflets on the concerned procedures) and issue a code of practice to govern the professional conduct of Civil Celebrants.

In our legislative proposal, we do not intend to regulate the fees that a Civil Celebrant may charge for celebrating marriages, except that a Civil Celebrant will not be allowed to charge any fee for accepting the notice and transmitting it to the Registrar. As a Civil Celebrant may, at the request of the marrying parties, provide tailor-made services and arrangements, it will not be realistic for the Government to stipulate a standard rate for the services rendered. Following the implementation of the proposal, the five marriage registries in Hong Kong will, subject to demand, continue to provide marriage solemnization services. We believe that the discipline of market competition will make it difficult for Civil Celebrants to charge fees that are unreasonable.

- (b) Under the proposal, a marriage celebrated by a Civil Celebrant may take place at any hour and at any place. The private sector will therefore be able to provide diversified services more flexibly to meet the demand of the marrying parties. We believe that such developments, including the convenience, flexibility and wide-ranging choices offered by the private sector, will help attract more tourists to celebrate their marriages in Hong Kong and enhance the attractiveness of Hong Kong as a tourist destination.

Utilization Rates of Tennis Courts Managed by Housing Department

13. **DR JOSEPH LEE** (in Chinese): *Madam President, it has been reported that the tennis courts in 16 public housing estates, Home Ownership Scheme courts and shopping centres of the Housing Department (HD) have been under-utilized persistently. In this connection, will the Government inform this Council:*

- (a) *of the respective average monthly numbers of hours of usage for each tennis court in the daytime and at night since the introduction of the 50% discount in May 2003, and how such figures compare to the corresponding figures of the year before the introduction of such concession;*
- (b) *of the income and expenditure of each tennis court over the past five years;*
- (c) *of the arrangements for maintenance and repair of each tennis court as well as the number, frequency and details of facility replacement or upgrade for them over the past five years;*
- (d) *how the age distribution of the residents in each estate/court compares to that of the territory-wide population; whether the residents' demand for tennis courts has been analysed in the light of the relevant age distributions; if so, of the analysis results;*
- (e) *of the number and details of public suggestions on changing the use of individual tennis courts received by the HD over the past five years;*

- (f) *whether it has conducted analyses of the comparison of the tennis courts of the HD with neighbouring tennis courts in private housing estates or those managed by the Leisure and Cultural Services Department (LCSD) in terms of hiring charges, facilities, promotion, as well as maintenance and management; and*
- (g) *whether the opportunity costs for retaining the original use of individual tennis courts in the coming five years and the cost effectiveness of using the whole or part of them for other purposes have been assessed, if so, of the assessment results?*

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

- (a) A comparison between the utilization rates of the tennis courts in 16 public housing estates or home ownership courts under the Housing Authority before and after introduction of the 50% discount in May 2003 is set out at Annex A. Statistical breakdown of the hours of usage by daytime and night-time is not available.
- (b) The HD manages and maintains its tennis courts as part of day-to-day estate management duties. The actual workload involved is small and no additional expenses are incurred. Repair works are only carried out as and when required. As the hiring charges and the management and maintenance expenses only account for a very small part of the estate's overall revenue and expenditure, no separate account is kept for tennis courts.
- (c) Estate management staff carry out daily patrols of the common areas and public facilities of public housing estates, including tennis courts. Whenever defects are identified, repairs such as replacing tennis nets, and mending and repainting court surface will be promptly arranged. The need for and frequency of such repairs depend on the condition of individual courts. As these are mostly minor repairs, we have not kept statistical records on the maintenance works carried out for each tennis court.

- (d) A comparison between the age distribution of the residents in the public housing estates provided with tennis courts and that of the territory-wide population is at Annex B. No significant correlation can be discerned between the utilization rates of the tennis courts and the age distribution of the residents in estates within the service areas of the tennis courts, suggesting that the residents' demand for tennis courts is mainly a matter of personal preference.
- (e) In the past five years, the HD received five suggestions from members of the public on converting the tennis courts in public housing estates to other uses. Details are at Annex C. Upon receipt of such suggestions, the HD will examine their feasibility and take necessary follow-up action after consulting the Estate Management Advisory Committees and residents.
- (f) The aim of providing tennis courts in public housing estates is to offer residents a variety of recreational facilities so as to enhance their quality of life. Like other estate facilities, tennis courts are regularly maintained to ensure proper functioning. The charges for hiring tennis courts in public housing estates are determined with reference to the standard charges of tennis courts managed by the LCSD. Taking account of residents' affordability and to enhance utilization of the courts, since May 2003 the Housing Authority has implemented a 50% discount for its tennis courts to promote patronage. It is inappropriate to compare the operations of the tennis courts in private housing developments or those operated by the LCSD with the courts in public housing estates because of the wide variations among individual tennis courts in terms of hiring charges, service objectives and targets, locations, facilities, promotion efforts as well as management and maintenance arrangements.
- (g) In view of persistently low utilization of the tennis courts in public housing estates, to make the best use of valuable land resources, the HD is actively exploring the feasibility of converting some of the under-utilized tennis courts into other uses. These courts are not commercial facilities. If converted, they usually become recreational facilities such as sitting-out areas, estate open space or basketball courts for residents' use free of charge. Hence, there is

no point in conducting any evaluation of the opportunity costs of their continued use as tennis courts or the cost-effectiveness of the facilities after conversion. Notwithstanding, we are open to any proposals for optimizing the use of tennis courts to ensure that estate facilities meet residents' needs and bring the maximum benefits to the community.

Annex A

Average Monthly Utilization of the Tennis Courts in Public Housing Estates
(January 2003 to April 2005)

Location	No. of Courts	Average Monthly Utilization			
		Before introduction of 50% discount ^{Note 1}		After introduction of 50% discount	
		Average no. of hours	Utilization rate ^{Note 2}	Average no. of hours	Utilization rate ^{Note 2}
1. Choi Yuen Estate	2	18	2.1%	31	3.6%
2. Chung Fu Shopping Centre	2	18	2.1%	58	6.8%
3. Chung On Shopping Centre	4	77	4.5%	182	10.7%
4. Fu Tung Shopping Centre	2	30	3.6%	20	2.4%
5. Hiu Lai Court	2	6	0.8%	16	2.0%
6. Ka Fuk Shopping Centre	2	1	0.2%	5	0.6%
7. On Yam Shopping Centre	2	0	0%	0	0%
8. Shek Lei (II) Shopping Centre	3	1	0.1%	7	0.6%
9. Tin Shing Shopping Centre	2	6	1.9%	9	2.0%
10. Tin Yiu (I) Estate	2	0	0%	3	0.5%
11. Tsui Ping (South) Estate	3	37	2.9%	79	6.2%
12. Tsz Lok Estate	2	3	0.4%	24	2.8%
13. Tsz Ching Estate	2	Not Applicable ^{Note 3}		36	4.4%
14. Wah Kwai Estate	1	37	9.5%	30	7.0%
15. Wah Sum Estate	1	1	0.2%	2	0.4%
16. Wong Tai Sin Shopping Centre ^{Note 4}	4	361	22%	428	25%
Total	36	596		930	

Note 1 As the statistics before 2003 are not available, the average monthly utilization before introduction of the 50% discount is based on the figures between January and April 2003.

Note 2 The average monthly utilization rates are calculated on the basis of the total number of hours offered for hire and the actual total number of hours on hire.

Note 3 The tennis courts in Tsz Ching Estate commenced operation in June 2003.

Note 4 As the utilization rates of the tennis courts in Wong Tai Sin Shopping Centre are relatively high, the 50% discount is not offered.

Annex B

A Comparison Between the Age Distribution of the Territory-wide Population and
that of the Residents in Public Housing Estates Provided with Tennis Courts

(A) Age distribution of the territory-wide population

	<i>Age group</i>				<i>Total</i>
	<i>Aged 0-14</i>	<i>Aged 15-39</i>	<i>Aged 40-59</i>	<i>Aged 60 or above</i>	
Territory-wide population	1 025 200 (14.9%)	2 575 900 (37.4%)	2 230 800 (32.4%)	1 063 600 (15.4%)	6 895 500

(B) Age distribution of the residents in public housing estates provided with tennis courts

<i>Location of tennis court (Catchment Estates)</i>	<i>Age group</i>				<i>Total</i>
	<i>Aged 0-12</i>	<i>Aged 13-39</i>	<i>Aged 40-59</i>	<i>Aged 60 or above</i>	
1. Choi Yuen Estate (Choi Yuen Estate and Yuk Po Court)	1 369 (6.8%)	6 928 (34.5%)	7 125 (35.5%)	4 647 (23.2%)	20 069
2. Chung Fu Shopping Centre (Tin Wah Estate and Tin Shui (I) and (II) Estates)	5 752 (14.3%)	17 159 (42.6%)	13 122 (32.6%)	4 233 (10.5%)	40 266
3. Chung On Shopping Centre (Chung On Estate)	1 898 (19.4%)	3 758 (38.4%)	3 171 (32.4%)	949 (9.7%)	9 776
4. Fu Tung Shopping Centre (Fu Tung Estate and Yu Tung Court)	1 593 (10.8%)	6 419 (43.5%)	4 771 (32.3%)	1 983 (13.4%)	14 766
5. Hiu Lai Court (Hiu Lai Court)	776 (4.3%)	7 155 (39.9%)	6 348 (35.4%)	3 660 (20.4%)	17 939
6. Ka Fuk Shopping Centre (Ka Fuk Estate)	1 013 (14.1%)	2 917 (40.5%)	2 395 (33.2%)	883 (12.3%)	7 208
7. On Yam Shopping Centre (On Yam Estate)	1 175 (6.3%)	7 654 (41.1%)	4 153 (22.3%)	5 647 (30.3%)	18 629
8. Shek Lei (II) Shopping Centre (Shek Lei (I) and (II) Estates)	4 045 (11.9%)	13 051 (38.7%)	9 292 (27.5%)	7 355 (21.8%)	33 743
9. Tin Shing Shopping Centre (Tin Shing Court)	2 504 (11.1%)	10 353 (45.8%)	7 157 (31.7%)	2 577 (11.4%)	22 591
10. Tin Yiu (I) Estate (Tin Yiu (I) and (II) Estates)	3 241 (10.9%)	13 187 (44.7%)	10 209 (34.6%)	2 834 (9.6%)	29 471

<i>Location of tennis court (Catchment Estates)</i>	<i>Age group</i>				<i>Total</i>
	<i>Aged 0-12</i>	<i>Aged 13-39</i>	<i>Aged 40-59</i>	<i>Aged 60 or above</i>	
11. Tsui Ping (South) Estate (Tsui Ping (South) and (North) Estates)	2 040 (8.7%)	7 833 (33.4%)	6 741 (28.7%)	6 833 (29.1%)	23 447
12. Tsz Lok Estate (Tsz Lok Estate)	2 486 (12.1%)	7 596 (36.9%)	6 226 (30.3%)	4 232 (20.6%)	20 540
13. Tsz Ching Estate (Tsz Ching Estate and Tsz Man Estate)	3 991 (12.6%)	11 183 (35.3%)	9 405 (29.7%)	7 132 (22.5%)	31 711
14. Wah Kwai Estate (Wah Kwai Estate)	259 (8.1%)	1 036 (32.6%)	922 (28.9%)	963 (30.3%)	3 180
15. Wah Sum Estate (Wah Sum Estate)	803 (14.9%)	2 159 (40.3%)	1 862 (34.8%)	533 (9.9%)	5 357
16. Wong Tai Sin Shopping Centre (Wong Tai Sin (I) and (II) Estates)	2 144 (8.0%)	8 813 (32.9%)	8 229 (30.7%)	7 603 (28.4%)	26 789

Annex C

Suggestions from Members of the Public on Changing the Use of the Tennis Courts
in Public Housing Estates in the Past Five Years

<i>Year</i>	<i>Location of Tennis Court</i>	<i>Suggested Use</i>	<i>Progress of Follow-up Action</i>
2000	Choi Yuen Estate	Estate Open Space	The suggestion was not implemented because of objections from residents in nearby estates.
2001	Tin Tsz Estate	Basketball Court	The tennis court has been converted into a basketball court after consultation with the residents.
2002	Chak On Estate	Estate Open Space	The tennis court has been converted into estate open space after consultation with the residents.
2005	Ka Fuk Estate	Estate Open Space	The HD is exploring the feasibility of these suggestions and will consult the Estate Management Advisory Committees shortly.
	Fu Tung Estate	Skateboard Ring	

Cessation of Operation of Schools Failing to Admit Sufficient Students

14. **MR JASPER TSANG** (in Chinese): *Madam President, 22 schools failed to admit a minimum of 23 students for operating subsidized Primary One (P1) classes in the coming academic year. It has been reported that one of them was a Y2K school which commenced operation in 2000 and its construction cost was as high as \$100 million dollars. In this connection, will the Government inform this Council:*

- (a) of the justifications which had been considered when the construction of that new school was approved; whether it has assessed the reasons why the school, which has commenced operation for only five years, still fails to admit sufficient students even with such considerations;*
- (b) whether it has drawn up plans regarding the usage of the above Y2K school upon its cessation of operation; if it has, of the details; if not, whether this will amount to a waste of land and resources; and*
- (c) whether it will allow under-enrolled schools to continue their operation in the light of the special situations of individual schools?*

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

- (a) All school building projects proposed by the Government are subject to thorough deliberation, due consultation with the local community through District Councils, and funding approval from the Legislative Council before implementation. These projects, regardless of their locations, must be formulated on the basis of sound justifications, specific policy objectives and the long-term interest of students. However, owing to the usual lapse of four to five years between project planning and completion, during which there may have been some social changes (for example, changes in

the school-age population), individual school building project may not match seamlessly with the prevailing situation when the school commences operation.

As regards the building project of the School asked about by the Honourable Jasper TSANG, its planning commenced as early as 1996. According to the population projections then available, there would be a shortfall of 58 primary school classes in the school zone concerned in the 1998-99 school year. As such, the then Education Department proposed to build a new primary school comprising 30 classrooms in the school zone to alleviate the shortfall in school places as projected. The funding application in respect of the project was fully justified and hence approved by the Legislative Council in July 1996. Construction commenced in 1997 and the school premises were completed in 2000. Considering the under-enrolment in P1 class of the School and the need to optimize the use of public resources, the Government has decided to cease subsidizing the School to operate P1 class in the coming academic year.

- (b) The Education and Manpower Bureau is presently examining the feasibility of a proposal submitted by the School on collaboration with other schools or operating classes with private funds. If there are vacant school premises arising from closure of schools, in line with optimal utilization of public resources, the vacant school premises will be used for conversion to whole-day primary schooling, re-provisioning, decanting or other educational purposes.
- (c) Before coming to the conclusion that government subsidy should cease to be provided for a particular under-enrolled school, the Education and Manpower Bureau will give due consideration to all circumstances of the case including the supply and demand of school places in the district at which the school is located, the quality of education services provided by the school, the possibility of its collaboration with other schools, its special situation, and so on.

Setting up of Internet Websites by Advisory and Statutory Bodies

15. **DR FERNANDO CHEUNG** (in Chinese): *Madam President, regarding the setting up of Internet websites by advisory and statutory bodies (ASBs), will the Government inform this Council:*

- (a) *of the ASBs which have set up websites and in respect of each of such websites, the web address and whether the following information is available on it:*
 - (i) *a list of its members;*
 - (ii) *personal data of its members, such as their occupations, professional background and political affiliations as well as their first and reappointment dates (please list the answers individually);*
 - (iii) *the agenda of each meeting and the relevant discussion papers;*
 - (iv) *the records of each meeting;*
 - (v) *the attendance rates of its members at meetings; and*
 - (vi) *the means to contact the relevant body;*
- (b) *of the ASBs which have not yet set up their websites and the reasons for that; and*
- (c) *whether it will require all ASBs to set up websites and provide the above information on the websites; if it will, when they are expected to complete setting up their websites; if not, of the reasons for that?*

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

- (a) 487 ASBs have either set up their websites or uploaded information about the board or committee concerned onto the Internet. Please

refer to the table at Annex 1 regarding the availability of information referred to in items (i) to (vi) on the respective links.

- (b) Seventeen ASBs have not uploaded any information onto the Internet. The reasons for not setting up their websites are at Annex 2. Six of these ASBs would upload information onto the Internet in the near future, while one ASB has plans to set up its webpage in future. We shall encourage the remaining ASBs to upload information about the board or committee concerned onto the Internet.
- (c) The Government encourages ASBs to adopt appropriate measures to enhance their transparency and accountability to the public as far as practicable. In this connection, ASBs have adopted various transparency measures, taking into account their functions and nature of business. These measures include, among others, issuing press releases, making relevant documents and papers of the meetings available for public inspection, and uploading onto the Internet relevant information.

At present, personal data of ASB members such as occupation/profession as well as their first appointment and reappointment dates may be disclosed to the public upon request. Not all ASBs upload such releasable personal data of ASB members in full onto the Internet. We shall encourage ASBs to make available on the Internet personal data of ASB members which can be released to the public in accordance with the data protection principles of the Personal Data (Privacy) Ordinance.

We have so far not collected information pertaining to the political affiliations of ASB members. We plan to request ASB members to provide the Government with information on their political affiliations on an optional basis with effect from June 2005. However, these sensitive personal data will not be made available to the public except in aggregates.

ASBs with Information Available on the Internet

	Name of ASB	Has uploaded information on the Internet?	Website address	Has uploaded membership list?	Has uploaded personal data of members, such as occupation, professional background, political affiliations, as well as appointment date?						Has uploaded agenda of each meeting and the relevant discussion papers?	Has uploaded records of each meeting?	Has uploaded attendance rates of members at meetings?	Has uploaded means to contact the relevant body?	Notes
					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date					
1	Advisory Committee on Corruption of the ICAC	✓	http://www.icac.org.hk	✓	x	x	x	x	x	x	x	x	x	✓	
2	Chief Executive's Council of International Advisers	✓	http://www.info.gov.hk/info/cia.htm	✓	✓	✓	x	x	x	x	x	x	x	x	1
3	Citizens Advisory Committee on Community Relations of the ICAC	✓	http://www.icac.org.hk	✓	x	x	x	x	x	x	x	x	x	✓	
4	Commission on Strategic Development	✓	http://www.info.gov.hk/cpu/chinese/csd.htm	x	x	x	x	x	x	x	x	x	x	x	
5	Corruption Prevention Advisory Committee of the ICAC	✓	http://www.icac.org.hk	✓	x	x	x	x	x	x	x	x	x	✓	
6	Independent Commission Against Corruption Witness Protection Review	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	✓	
7	Operations Review Committee of the ICAC	✓	http://www.icac.org.hk	✓	x	x	x	x	x	x	x	x	x	✓	
8	Administrative Appeals Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	✓	
9	Council for Sustainable Development	✓	http://www.susdev.gov.hk/html/en/council	✓	x	x	x	x	x	x	✓	✓	✓	✓	2

	Name of ASB	Has uploaded information on the Internet?	Website address	Has uploaded membership list?	Has uploaded personal data of members, such as occupation, professional background, political affiliations, as well as appointment date?						Has uploaded agenda of each meeting and the relevant discussion papers?		Has uploaded records of each meeting?	Has uploaded attendance rates of members at meetings?	Has uploaded means to contact the relevant body?	Notes
					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
10	Disaster Relief Fund Advisory Committee	✓	http://www.info.gov.hk/admwing/eng/topical	✓	x	x	x	x	x	x	x	x	x	x	✓	
11	Greater Pearl River Delta Business Council	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
12	Honours Committee	✓	http://www.info.gov.hk/protocol	✓	x	x	x	✓	x	x	x	x	x	x	✓	
13	ICAC Complaints Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
14	Independent Commission on Remuneration for Members of the Executive Council and the Legislature of the HKSAR	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
15	Legal Aid Services Council	✓	http://www.info.gov.hk/lasc	✓	x	x	x	✓	x	x	x	x	x	x	✓	
16	Municipal Services Appeals Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
17	Banking Advisory Committee	✓	http://www.info.gov.hk/hkma/eng/bank/advisory/advisory_index.htm	✓	✓	x	x	x	x	x	x	x	x	x	✓	
18	Deposit-taking Companies Advisory Committee	✓	http://www.info.gov.hk/hkma/eng/bank/advisory/advisory_index.htm	✓	✓	x	x	x	x	x	x	x	x	x	✓	
19	Economic and Employment Council	✓	http://www.info.gov.hk/fso	✓	x	x	x	x	x	x	✓	✓	x	x	✓	
20	Exchange Fund Advisory Committee	✓	http://www.info.gov.hk/hkma/eng/hkma/advisory/exchange_index.htm	✓	✓	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
21	Hong Kong Deposit Protection Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
22	Process Review Committee	✓	http://www.info.gov.hk/hkma/eng/oversight/index.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
23	Commission on Poverty	✓	http://www.cop.gov.hk	✓	x	x	x	x	x	x	✓	✓	✓	x	✓	
24	Law Reform Commission of Hong Kong	✓	http://www.hkreform.gov.hk	✓	x	x	x	x	✓	x	x	x	x	x	✓	
25	Advisory Committee on Post-retirement Employment	✓	http://www.csb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
26	Board of Directors of the Surviving Spouses' and Children's Pension Scheme	✓	http://www.csb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
27	Board of Directors of the Widows and Orphans Pension Scheme	✓	http://www.csb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
28	Civil Service Training and Development Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
29	Pensions Appeal Panel	✓	http://www.csb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
30	Public Service Commission	✓	http://www.csb.gov.hk	✓	x	x	x	✓	✓	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
31	Standing Commission on Civil Service Salaries and Conditions of Service	✓	http://www.jsscs.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
32	Standing Committee on Directorate Salaries and Conditions of Service	✓	http://www.jsscs.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
33	Standing Committee on Disciplined Services Salaries and Conditions of Service	✓	http://www.jsscs.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
34	Standing Committee on Judicial Salaries and Conditions of Service	✓	http://www.jsscs.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
35	Accreditation Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
36	Advisory Committee on Code of Practice for Recognized Certification Authorities	✓	http://www.ogcio.gov.hk/eng/caro/esub6.htm	✓	✓	x	x	✓	x	x	✓	x	x	✓	✓	
37	Appeal Board Panel (Entertainment Special Effects)	✓	http://www.citb.gov.hk/ctb/chi/film/comm.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
38	Board of Directors of the Applied Research Council	✓	http://www.itc.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
39	Board of Directors of the Hong Kong Science and Technology Parks Corporation	✓	http://www.hkstp.org	✓	✓	x	x	x	x	x	x	x	x	x	✓	
40	Board of Review (Film Censorship)	✓	http://www.citb.gov.hk/ctb/chi/film/comm.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
41	Broadcasting Authority	✓	http://www.hkba.hk	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
42	Certification Co-ordination Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
43	Certifying Body of Hong Kong-Canada Film and TV Co-production	✓	http://www.citb.gov.hk/ctb/chi/film/comm.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
44	Chinese Language Interface Advisory Committee	✓	http://www.info.gov.hk/digital21/chi/structure/cl	✓	✓	✓	x	✓	x	✓	✓	x	x	✓	✓	
45	Copyright Tribunal	✓	http://www.info.gov.hk/cib	✓	x	x	x	x	x	x	x	x	x	x	✓	3
46	Federation of Hong Kong Industries General Committee	✓	http://www.fhki.org.hk	✓	✓	x	x	x	x	x	x	x	x	x	✓	4
47	Film Services Advisory Committee	✓	http://www.citb.gov.hk/ctb/chi/film/comm.htm	✓	x	x	x	✓	x	x	✓	x	x	x	✓	
48	General Support Programme Vetting Committee	✓	http://itf.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
49	Hong Kong Committee for Pacific Economic Co-operation	✓	http://www.hkpec.org	✓	✓	x	x	✓	x	x	x	x	x	x	✓	
50	Hong Kong Export Credit Insurance Corporation Advisory Board	✓	http://www.hkeic.com	✓	x	x	x	x	x	x	x	x	x	x	✓	
51	Hong Kong Productivity Council	✓	http://www.hkpc.org	✓	x	x	x	x	x	x	x	x	x	x	✓	
52	Hong Kong Trade Development Council	✓	http://www.tdctrade.com	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
53	Nanotechnology Projects Vetting Committee	✓	http://itf.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
54	Panel of Film Censorship Advisers	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
55	Radio Spectrum Advisory Committee	✓	http://www.ofta.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
56	Review Body on Bid Challenges (under the World Trade Organization Agreement on Government Procurement)	✓	http://www.info.gov.hk/reviewbody-gpa	✓	✓	✓	x	✓	x	x	x	x	x	x	✓	
57	Rice Advisory Committee	✓	http://www.tid.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
58	Small and Medium Enterprises Committee	✓	http://www.sme.gcn.gov.hk/smeop/index.cfm	✓	x	x	x	✓	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
59	Small Entrepreneur Research Assistance Programme Project Assessment Panel	✓	http://www.itf.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
60	SME Development Fund Vetting Committee	✓	http://www.smefund.tid.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
61	Steering Committee on Innovation and Technology	✓	http://www.itc.gov.hk	✓	✓	x	x	x	x	x	x	x	x	x	✓	
62	Steering Group on the Promotion of Innovation and Design	✓	http://www.itc.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
63	Telecommunications (Competition Provisions) Appeal Board	✓	http://www.citb.gov.hk/ctb/eng/telecom/comm.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
64	Telecommunications Numbering Advisory Committee	✓	http://www.ofta.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
65	Telecommunications Standards Advisory Committee	✓	http://www.ofta.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
66	Telecommunications Users and Consumers Advisory Committee	✓	http://www.ofta.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
67	Textiles Advisory Board	✓	http://www.tid.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date						Agenda	Relevant discussion papers
68	Trade and Industry Advisory Board	✓	http://www.tid.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓		
69	Vetting Committee of the Professional Services Development Assistance Scheme	✓	http://www.info.gov.hk/cib/psdas	✓	x	x	x	✓	x	x	x	x	x	x	✓	5	
70	Digital 21 Strategy Advisory Committee	✓	http://www.ogcio.gov.hk	✓	✓	x	x	x	x	x	x	x	x	x	✓	6	
71	Assessment Panel of Design Support Programme under the Design Smart	✓	http://www.designsmart.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓		
72	Panel of Assessors for the Innovation and Technology Support Programme under the Innovation and Technology Fund	✓	http://itf.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓		
73	Basic Law Promotion Steering Committee	✓	http://info.gov.hk/basic_law/flash.html	✓	x	x	x	x	x	x	x	x	x	x	✓		
74	Electoral Affairs Commission	✓	http://www.info.gov.hk/eac	✓	✓	✓	N/A (See Note)	✓	✓	✓	x	x	x	x	✓	7	
75	Advisory Committee on Travel Agents	✓	http://www.tar.gov.hk/eng/board/index.html	✓	x	x	x	x	x	x	x	x	x	x	✓		
76	Air Transport Licensing Authority	✓	http://www.edlb.gov.hk/edb/eng/related/atla.htm	✓	x	x	x	x	x	x	x	x	(See Note)	(See Note)	x	✓	8
77	Airport Authority	✓	http://www.hongkongairport.com	✓	✓	✓	x	x	✓	✓	x	x	x	(See Note)	✓	9	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
78	Appeal Board Panel (Consumer Goods Safety)	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
79	Appeal Board Panel (Electricity)	✓	http://www.emsd.gov.hk/emsd/chi/pps/electricity_sab_abp2.shtml	✓	x	✓	x	✓	x	✓	x	x	x	x	x	
80	Appeal Board Panel (Gas Safety)	✓	http://www.emsd.gov.hk/emsd/chi/pps/gas_sab2	✓	x	x	x	✓	x	✓	x	x	x	x	x	
81	Appeal Board Panel (Toys and Children's Products Safety)	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
82	Aviation Advisory Board	✓	http://www.info.gov.hk/cad/english/organisation.html	✓	x	x	x	x	x	x	x	x	x	x	✓	
83	Committee on Boating and Yachting	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
84	Consultative Committee, Ship Personnel Management	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	x	x	x	x	✓	
85	Consumer Council	✓	http://www.consumer.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
86	Disciplinary Tribunal Panel (Electricity)	✓	http://www.emsd.gov.hk/emsd/chi/pps/electricity_sab_dtp2.shtml	✓	x	✓	x	✓	x	✓	x	x	x	x	x	
87	Electrical Safety Advisory Committee	✓	http://www.emsd.gov.hk/emsd/chi/pps/electricity_sab_ac.shtml	✓	x	✓	x	✓	x	✓	✓	x	x	x	x	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
88	Employees Compensation Assistance Fund Board	✓	www.labour.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
89	Employees' Compensation Insurance Levies Management Board	✓	www.labour.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
90	Energy Advisory Committee	✓	http://www.edlb.gov.hk/edb/eng/related/eac.htm	✓	x	x	x	x	x	x	x	x	x	x	x	
91	Gas Safety Advisory Committee	✓	http://www.emsd.gov.hk/emsd/chi/pps/gas_sab3	✓	x	x	x	✓	x	✓	✓	x	x	x	x	
92	High Speed Craft Consultative Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	x	x	x	x	✓	
93	Hong Kong Logistics Development Council	✓	http://www.logisticshk.gov.hk/	✓	x	x	x	x	x	x	x	✓	✓ (See Note)	x	✓	10
94	Hong Kong Maritime Industry Council	✓	http://www.mic.gov.hk/	✓	x	x	x	✓	x	x	x	x	x	x	✓	
95	Hong Kong Port Development Council	✓	http://www.pdc.gov.hk/	✓	x	x	x	✓	x	x	x	x	x	x	✓	
96	Hong Kong Tourism Board	✓	http://www.discoverhongkong.com	✓	x	x	x	x	x	x	x	x	x	x	✓	
97	Labour Advisory Board	✓	http://www.labour.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
98	Mercantile Marine Assistance Fund Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date						Agenda
99	Occupational Deafness Compensation Board	✓	http://www.odcb.org.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
100	Occupational Safety and Health Council	✓	http://www.oshc.org.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
101	Pilotage Advisory Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	✓	✓	✓	x	✓	
102	Pneumoconiosis Compensation Fund Board	✓	http://www.pcfb.org.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
103	Port Operations Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	✓	x	✓	x	✓	
104	Port Welfare Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	✓	✓	✓	x	✓	
105	Pressure Equipment Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
106	Protection of Wages on Insolvency Fund Board	✓	http://www.labour.gov.hk	✓	x	x	x	✓	x	✓	x	x	x	x	✓	
107	Provisional Local Vessel Advisory Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	✓	✓	✓	x	✓	
108	Safety Officer Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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109	Seafarers' Advisory Board	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	x	x	x	x	✓	
110	Shipping Consultative Committee	✓	http://www.mardep.gov.hk/en/aboutus/committees.html	✓	x	✓	x	x	x	x	✓	✓	✓	x	✓	
111	Tourism Strategy Group	✓	http://www.tourism.gov.hk/english/tourism/tourism.html	✓	x	x	x	x	x	x	x	x	x	x	✓	
112	Travel Industry Compensation Fund Management Board	✓	http://www.tar.gov.hk/eng/board/fund.html	✓	x	x	x	x	x	x	x	x	x	x	✓	
113	Consumer Legal Action Fund Management Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
114	Ocean Park Corporation Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
115	Advisory Committee on Teacher Education and Qualifications	✓	http://www.acteq.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
116	Advisory Committee on the Placement of Pupils	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
117	Advisory Management Committee of the Hong Kong Teachers' Centre	✓	http://www.emb.gov.hk/hktc	✓	x	x	x	x	x	x	x	x	✓	x	✓	
118	Appeal Boards Panel (Education)	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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119	Board of Control - Grant Schools Provident Fund	✓	http://www.emb.gov.hk/index.aspx?nodeID=259	✓	✓	✓	x	x	x	x	x	x	x	x	✓		
120	Board of Control - Subsidized Schools Provident Fund	✓	http://www.emb.gov.hk/index.aspx?nodeID=259	✓	✓	✓	x	x	x	x	x	x	x	x	✓		
121	Clothing Industry Training Authority	✓	http://www.clothingtraining.org.hk	✓	x	✓	x	✓	x	x	x	x	x	x	✓		
122	Committee on Home-School Co-operation	✓	http://embhsc.hkedcity.net	✓	✓	✓	x	x	x	x	x	x	x	x	✓		
123	Community Youth Club Council	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓		
124	Construction Industry Training Authority	✓	http://www.cita.edu.hk	✓	x	✓	x	x	x	x	x	x	x	x	✓		
125	Council of The Chinese University of Hong Kong	✓	http://www.cuhk.edu.hk/en/about.htm	✓	x	x	x	x	x	x	x	x	x	✓	✓		
126	Council of the City University of Hong Kong	✓	http://www.cityu.edu.hk/cuc	✓	(See Note)	x	x	x	x	x	✓	✓	✓	(See Note)	x	✓	11
127	Council of the Hong Kong Baptist University	✓	http://www.hkbu.edu.hk/eng-ver/al/council.html	✓	x	x	x	x	x	x	x	x	x	x	✓		
128	Council of The Hong Kong Institute of Education	✓	http://www.hkied.edu.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓		
129	Council of The Hong Kong Polytechnic University	✓	https://www2.polyu.edu.hk/ppoffice/web/index.htm	✓	x	x	x	x	x	x	x	x	x	(See Note)	✓	✓	12

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130	Council of The Hong Kong University of Science and Technology	✓	http://www.abust.hk/ccss/Council.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
131	Council of the Lingnan University	✓	http://www.ln.edu.hk/info/about/lingnan/gb_council.shtml	✓	x	x	x	x	x	x	x	x	x	✓	✓	
132	Council of The Open University of Hong Kong	✓	http://www.ouhk.edu.hk/WCM/?FUELAP_TEMPLATENAME=tcSingPage&ITEMID=CCPOCONTENT_104992&lang=chi	✓	x	x	x	x	x	x	x	x	x	x	✓	
133	Council of the University of Hong Kong	✓	http://www.hku.hk/hkuhome/about/governance/council_members.htm	✓	x	x	x	x	x	x	x	x	x	✓	x	
134	Council on Professional Conduct in Education	✓	http://www2.hkedcity.net/citizen_files/aa/dw/pc1994/public_html/index.htm	✓	(See Note)	✓	✓	x	x	x	x	x	x	x	✓	13
135	Curriculum Development Council	✓	http://cd.emb.gov.hk/cdc/tc/	✓	✓	✓	x	x	x	x	✓	x	✓	x	✓	
136	Education Commission	✓	http://www.e-c.edu.hk/	✓	✓	x	x	x	x	x	x	x	x	x	✓	
137	Education Scholarships Fund Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
138	Employees Retraining Board	✓	http://www.erb.org	✓	x	x	x	✓	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
148	Non-local Higher and Professional Education Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
149	Primary One Admission Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
150	Quality Education Fund Investment Committee	✓	http://qef.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
151	Quality Education Fund Steering Committee	✓	http://qef.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
152	Research Grants Council	✓	http://www.ugc.edu.hk	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
153	Secondary School Places Allocation Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
154	Skills Upgrading Scheme Steering Committee	✓	http://sus.vtc.edu.hk/index.asp	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
155	Standing Committee on Language Education and Research	✓	http://cd.emb.gov.hk/scolar/html/new_index_tw.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
156	Steering Committee on Strategic Development of Information Technology in Education	✓	http://www.emb.gov.hk/elt	✓	x	x	x	x	x	x	x	x	x	x	✓	
157	The Sir Edward Youde Memorial Fund Council	✓	http://www.info.gov.hk/sfaa	✓	x	x	x	✓	x	x	x	x	x	x	✓	

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158	University Grants Committee	✓	http://www.ugc.edu.hk	✓	✓	✓	×	×	×	×	×	×	×	×	✓	
159	Vocational Training Council	✓	http://www.vtc.edu.hk	✓	×	×	×	×	×	×	✓	×	×	×	✓	
160	School Allocation Committee	✓	http://www.emb.gov.hk/index.aspx?nodeid=246&langno=2	✓	×	×	×	×	×	×	×	×	×	×	✓	
161	Advisory Committee on the Appearance of Bridges and Associated Structures	✓	http://www.info.gov.hk/cml	✓	×	✓	×	×	×	×	×	×	×	×	✓	
162	Advisory Committee on the Quality of Water Supplies	✓	http://www.wsd.gov.hk/acqws	✓	×	×	×	✓	×	×	✓	✓	✓	×	✓	
163	Advisory Council on the Environment	✓	http://www.epd.gov.hk	✓	×	×	×	✓	×	×	✓	✓	✓	✓	✓	14
164	Advisory Group on Waste Management Facilities	✓	http://www.epd.gov.hk/epd/misc/eoi/en_invit.html	✓	×	×	×	×	×	×	×	×	×	×	✓	
165	Air Pollution Control Appeal Board	✓	http://www.epd.gov.hk	✓	×	×	×	✓	×	×	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	15
166	Water Pollution Control Appeal Board	✓	http://www.epd.gov.hk	✓	×	×	×	✓	×	×	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	16
167	Appeal Board Panel (Builders' Lifts and Tower Working Platforms (Safety))	✓	http://www.emsd.gov.hk	✓	×	✓	×	✓	×	×	×	×	×	×	✓	
168	Architects Registration Board	✓	http://www.arb.org.hk	✓	×	×	×	✓	×	×	×	×	✓	×	✓	17

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169	Asbestos Administration Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
170	Building Contractors Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
171	Consulting Engineers' Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	N/A (See Note)	x	x	x	x	x	x	✓	18
172	Country and Marine Parks Board	✓	http://www.afcd.gov.hk	✓	✓	✓	x	✓	x	x	✓	x	x	x	✓	
173	Disciplinary Tribunal Panel (Builders' Lifts and Tower Working Platforms (Safety))	✓	http://www.emsd.gov.hk	✓	x	✓	x	✓	x	x	x	x	x	x	✓	
174	Drainage Appeal Board Panel	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
175	Dumping at Sea Appeal Board	✓	http://www.epd.gov.hk	✓	x	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	19
176	Endangered Species Advisory Committee	✓	http://www.afcd.gov.hk	✓	✓	✓	x	✓	x	x	✓	x	✓	x	✓	
177	Engineers Registration Board	✓	http://www.erb.org.hk	✓	x	✓	x	✓	x	x	✓	x	x	x	✓	
178	Environment and Conservation Fund Committee	✓	http://www.epd.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
179	Environmental Campaign Committee	✓	http://www.ecc.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
180	Environmental Impact Assessment Appeal Board	✓	http://www.epd.gov.hk	✓	x	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	20

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181	Landscape Architects Registration Board	✓	http://www.larb.com.hk	✓	x	✓	x	✓	x	x	x	x	x	x	✓	
182	Managing Board of the Kowloon-Canton Railway Corporation	✓	http://www.kcrc.com	✓ (See Note)	✓	✓	x	x	✓ (See Note)	x	x	x	x	x	✓	21
183	Noise Control Appeal Board	✓	http://www.epd.gov.hk	✓	x	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	22
184	Planners Registration Board	✓	http://www.prb.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
185	Prevention of Legionnaires' Disease Committee	✓	http://www.emsd.gov.hk/emsd/eng/pps/oa_ld_sab.shtml	✓	x	x	x	✓	x	x	x	x	x	x	x	
186	Provisional Construction Industry Co-ordination Board	✓	http://www.pcicb.gov.hk	✓	✓	x	x	x	x	x	✓	✓	x	x	✓	
187	Railway Objections Hearing Panel	✓	http://www.etwb.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
188	Road Safety Council	✓	http://www.roadsafety.gov.hk	✓	x	x	x	x	x	x	x	x	✓	x	✓	
189	Surveyors Registration Board	✓	http://www.srb.org.hk	✓	x	✓	x	x	x	x	✓	x	✓ (See Note)	✓ (See Note)	✓	23
190	Transport Advisory Committee	✓	http://www.etwb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	
191	Transport Tribunal	✓	http://www.etwb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
192	Waste Disposal Appeal Board	✓	http://www.epd.gov.hk	✓	x	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	24

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193	Construction Workers Registration Authority	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
194	Advisory Committee on Human Resources Development in the Financial Services Sector	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
195	Board of Inland Revenue	✓	http://www.ird.gov.hk	✓	x	x	x	x	x	x	N/A (See Note)	x	N/A (See Note)	x	✓	25
196	Board of Review (Inland Revenue Ordinance)	✓	http://www.info.gov.hk/bor	(See Note)	x	x	x	x	x	x	N/A (See Note)	N/A (See Note)	✓ (See Note)	x	✓	26
197	Council of the Hong Kong Institute of Certified Public Accountants	✓	http://www.hkicpa.org.hk	✓	x	✓	x	✓	x	x	x	x	x	x	✓	
198	Insurance Advisory Committee	✓ (See Note)	http://www.info.gov.hk/oci	✓	x	x	x	x	x	x	x	x	x	x	x	27
199	Mandatory Provident Fund Schemes Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
200	Mandatory Provident Fund Schemes Authority	✓	http://www.mpfahk.org	✓ (See Note)	✓	✓	x	✓ (See Note)	x	x	x	x	x	x	✓	28
201	Occupational Retirement Schemes Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
202	Securities and Futures Commission	✓	http://www.sfc.hk	✓	✓	✓	x	✓	✓	x	x	x	x	✓	✓	

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203	Standing Committee on Company Law Reform	✓ (See Note)	http://www.info.gov.hk/cr	x	x	x	x	x	x	x	x	x	x	x	x	29
204	Statistics Advisory Board	✓	http://www.info.gov.hk/censtatd	✓	✓	✓	x	✓	✓	x	✓	x	✓	x	x	
205	Securities and Futures Commission Advisory Committee	✓ (See Note)	http://www.sfc.hk	✓	x	x	x	✓	x	x	x	x	x	✓ (See Note)	✓	30
206	Risk Management Committee of the Hong Kong Exchanges and Clearing Limited	✓ (See Note)	http://www.hkex.com.hk	✓	✓	x	x	x	x	x	x	x	x	✓ (See Note)	x	31
207	Mandatory Provident Fund Schemes Advisory Committee	✓ (See Note)	http://www.mpfahk.org	✓ (See Note)	✓	✓ (See Note)	x	✓ (See Note)	x	x	x	x	x	x	✓	32
208	Mandatory Provident Fund Industry Schemes Committee	✓ (See Note)	http://www.mpfahk.org	✓ (See Note)	✓	✓ (See Note)	x	✓ (See Note)	x	x	x	x	x	x	✓	33
209	Clearing and Settlement System Appeals Tribunal	✓	http://www.fstb.gov.hk/fsb/topical/cassat.htm	✓	✓ (Partly) (See Note)	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	34
210	Deposit Protection Appeals Tribunal	✓	http://www.fstb.gov.hk/fsb/topical/cassat.htm	✓	x	x	x	✓	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	35
211	Advisory Committee on Agriculture and Fisheries	✓	http://afce.gov.hk	✓	✓	x	x	✓	x	x	x	x	x	x	x	

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212	Advisory Committee on Social Training and Manpower Planning	✓	http://www.info.gov.hk/swd/html_tc/cor_info/adv_stat_comm/index.html	x	x	x	x	x	x	x	x	x	x	x		
213	Advisory Council on Food and Environmental Hygiene	✓	http://www.hwfb.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	
214	Agricultural Products Scholarship Fund Advisory Committee	✓	http://www.afcd.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	
215	Animal Welfare Advisory Group	✓	http://www.afcd.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	
216	Appeal Board on Closure Orders (Immediate Health Hazard)	✓	http://www.hwfb.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
217	Board of Governors of the Prince Philip Dental Hospital	✓	http://www.ppdh.org.hk/en/index.htm	x	x	x	x	x	x	x	x	x	x	x	✓	
218	Chinese Medicine Council of Hong Kong	✓	http://www.cmchk.org.hk	✓	x	✓	x	x	x	x	x	x	x	x	✓	
219	Chiropractors Council	✓	http://www.chiro-council.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
220	Committee on Child Abuse	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
221	Committee on Financial Assistance for Family Members of those who Sacrifice their Lives to Save Others	✓	http://www.hwfb.gov.hk/	✓	x	x	x	x	x	x	x	x	x	x	✓	
222	Committee on Services for Youth at Risk	✓	http://www.info.gov.hk/swd/	✓	x	x	x	x	x	x	✓	x	✓	x	x	
223	Committee on Trust Fund for Severe Acute Respiratory Syndrome (SARS)	✓	http://www.hwfb.gov.hk/	✓	x	x	x	x	x	x	x	x	x	x	✓	
224	Community Investment and Inclusion Fund Committee	✓	http://www.hwfb.gov.hk/ciif/	✓	x	x	x	x	x	x	x	x	x	x	✓	
225	Council for the AIDS Trust Fund	✓	http://www.info.gov.hk/atf	✓	x	x	x	x	x	x	x	x	x	x	✓	
226	Council of the Hong Kong Academy of Medicine	✓	http://www.hkam.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
227	Council of the Queen Elizabeth Foundation for the Mentally Handicapped	✓	http://www.hwfb.gov.hk/en/committees/qef.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
228	Criminal and Law Enforcement Injuries Compensation Boards and Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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229	Dental Council of Hong Kong	✓	http://www.dchk.org.hk	✓	x	✓	x	x	x	x	x	x	x	x	✓	
230	Disciplinary Committee Panel (under Social Workers Registration Ordinance)	✓	http://www.swrb.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
231	Dogs and Cats Classification Board	✓	http://www.afcd.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
232	Elderly Commission	✓	http://www.elderlycommission.gov.hk	✓	✓	x	x	✓	(See Note)	(See Note)	✓	(See Note)	✓	x	✓	36
233	Emergency Relief Fund Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
234	Fish Marketing Advisory Board	✓	http://www.afcd.gov.hk	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
235	Fisheries Development Loan Fund Advisory Committee	✓	http://www.afcd.gov.hk	✓	✓	✓	x	x	x	x	x	x	x	x	x	
236	Guardianship Board	✓	http://www.adultguardianship.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
237	Health Care and Promotion Fund Committee	✓	http://www.info.gov.hk/cml	x	x	x	x	x	x	x	x	x	x	x	✓	
238	Hong Kong Advisory Council on AIDS	✓	http://www.aca-hk.com	✓	x	x	x	✓	x	x	✓	x	x	x	✓	
239	Hong Kong Council on Smoking and Health	✓	http://www.smokefree.hk/cosh/ccs/index.xml?la	✓	x	x	x	x	x	x	x	x	x	x	✓	

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240	Hong Kong War Memorial Pensions Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
241	Hong Kong War Memorial Pensions Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
242	Hospital Authority	✓	http://www.ha.org.hk/	✓	x	x	x	x	x	x	x	✓	✓	✓	✓	
243	Kadoorie Agricultural Aid Loan Fund Committee	✓	http://www.afcd.gov.hk	✓	✓	✓	x	x	x	x	x	x	x	x	x	
244	Licensing Appeals Board	✓	http://www.hwfb.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
245	Liquor Licensing Board	✓	http://www.fehd.gov.hk	✓	✓	✓	x	x	x	x	✓	x	x	x	✓	
246	Lotteries Fund Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
247	Marine Fish Scholarship Fund Advisory Committee	✓	http://www.afcd.gov.hk	✓	✓	✓	x	x	x	x	x	x	x	x	✓	
248	Marketing Advisory Board	✓	http://www.afcd.gov.hk	✓	✓	✓	x	x	x	x	x	x	x	x	x	
249	Medical Council of Hong Kong	✓	http://www.mchk.org.hk	✓	x	x	x	x	x	x	x	x	x	✓	✓	
250	Mental Health Review Tribunal	✓	http://www.hwfb.gov.hk/en/committees/mhrt.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
251	Midwives Council of Hong Kong	✓	http://www.mwchk.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
252	Nursing Council of Hong Kong	✓	http://www.nchk.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date						Agenda
253	Pensions Assessment Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
254	Rehabilitation Advisory Committee	✓	http://www.hwfb.gov.hk/en/committees/rac.htm	✓	x	x	x	x	x	x	x	x	✓	x	✓	
255	Research Council	✓	http://www.hwfb.gov.hk/grants	✓	✓	x	x	x	x	x	x	x	x	x	✓	
256	Review Committee on Trust Fund for Severe Acute Respiratory Syndrome (SARS)	✓	http://www.hwfb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
257	Social Security Appeal Board	✓	http://www.info.gov.hk/swd	✓	x	x	x	x	x	x	x	x	x	x	✓	
258	Social Welfare Advisory Committee	✓	http://www.hwfb.gov.hk	✓	x	x	x	x	x	x	x	x	✓	x	✓	
259	Social Work Training Fund Committee	✓	http://www.info.gov.hk/swd/html_tc/sup_ser/soc_train_fund/index.html	x	x	x	x	x	x	x	x	x	x	x	✓	
260	Social Workers Registration Board	✓	http://www.swrb.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
261	Supplementary Medical Professions Council	✓	http://www.smp-council.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
262	Traffic Accident Victims Assistance Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
263	Veterinary Surgeons Board	✓	http://www.afcd.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	

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264	Women's Commission	✓	http://www.women.gov.hk	✓	x	x	x	✓	✓	✓	x	✓	x	x	✓	
265	Board of Scientific Advisors	✓	http://www.chp.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
266	Risk Communication Advisory Group	✓	http://www.chp.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
267	Appeal Board Panel under the Rabies Ordinance (Cap. 421)	✓	http://www.hwfb.gov.hk	✓	✓	x	x	✓	x	x	x	x	x	x	✓	
268	Cantonese Opera Advisory Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
269	Antiquities Advisory Board	✓	http://www.amo.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
270	Appeal Board (Amusement Game Centres)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	37
271	Appeal Board (Bedspace Apartments)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
272	Appeal Board (Betting Duty Ordinance)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	N/A (See Note)	x	x	x	x	✓	38
273	Appeal Board (Clubs (Safety of Premises))	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
274	Appeal Board (Hotel and Guesthouse Accommodation)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
275	Appeal Board Panel (Amusement Rides (Safety))	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	N/A (See Note)	N/A (See Note)	N/A (See Note)	N/A (See Note)	✓	39

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276	Award Council of the Hong Kong Award for Young People	✓	http://www.ayp.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
277	Board of Management of the Chinese Permanent Cemeteries	✓	http://www.bmcp.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
278	Board of Trustees of the Lord Wilson Heritage Trust	✓	http://www.lordwilson-heritagetrust.org.hk/	✓	x	x	x	✓	x	✓	x	x	x	x	✓	
279	Board of Trustees of the Sir Edward Youde Memorial Fund	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
280	Board of Trustees, Hong Kong Jockey Club Music and Dance Fund	✓	http://www.hab.gov.hk/	✓	x	x	x	✓	x	✓	x	x	x	x	✓	
281	Brewin Trust Fund Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
282	Chinese Temples Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
283	Commission on Youth	✓	http://www.info.gov.hk/coy	✓	x	x	x	✓	x	x	✓	x	✓	x	✓	
284	Committee on the Promotion of Civic Education	✓	http://www.cpce.gov.hk	✓	x	x	x	✓	x	x	x	x	✓	x	✓	
285	Committee on the Promotion of Racial Harmony	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	✓	x	✓	x	✓	
286	Community Sports Committee	✓	http://www.hab.gov.hk	✓	x	x	x	✓	x	x	✓	✓	✓	x	✓	

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297	Lord Wilson United World Colleges Scholarship Fund Council	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
298	Major Sports Events Committee	✓	http://www.hab.gov.hk	✓	x	x	x	✓	x	x	✓	✓ (See Note)	x	x	✓	42
299	Personal Data (Privacy) Advisory Committee	✓	http://www.pco.org.hk	✓	✓	x	x	x	x	x	x	x	x	x	✓	
300	Ping Wo Fund Advisory Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	N/A (See Note)	✓	x	x	x	x	43
301	Sir David Trench Fund Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
302	Sir David Trench Fund for Recreation Investment Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
303	Sir Jack Cater Scholarship Fund Selection Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
304	Sir Murray MacLehose Trust Fund Advisory Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
305	Sir Robert Black Trust Fund Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
306	Stamp Advisory Committee	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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307	Area Committee, Aberdeen, Tin Wan, Shek Pai Wan and Chi Fu	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
308	Area Committee, Aldrich	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
309	Area Committee, Ap Lei Chau	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
310	Area Committee, Causeway Bay	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
311	Area Committee, Cheung Chau	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
312	Area Committee, Choi Ngau	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
313	Area Committee, Chuk Yuen	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
314	Area Committee, Chung Wan and Mid-Levels	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
315	Area Committee, Ho Man Tin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
316	Area Committee, Hong Shing	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
317	Area Committee, Hung Hom	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
318	Area Committee, Kwai Chung (Central & South)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
319	Area Committee, Kwai Chung (North East)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
320	Area Committee, Kwai Chung (West)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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321	Area Committee, Kwun Tong Central	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
322	Area Committee, Kwun Tong South	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
323	Area Committee, Kwun Tong West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
324	Area Committee, Lam Tin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
325	Area Committee, Lamma	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
326	Area Committee, Lantau	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
327	Area Committee, Lung Tong	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
328	Area Committee, North Point East	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
329	Area Committee, North Point West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
330	Area Committee, Peng Chau/Discovery Bay	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
331	Area Committee, Sai Kung	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
332	Area Committee, San Tsuen	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
333	Area Committee, Sau Mau Ping	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
334	Area Committee, Sha Tin East One	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
335	Area Committee, Sha Tin East Three	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
336	Area Committee, Sha Tin East Two	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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337	Area Committee, Sha Tin West One	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
338	Area Committee, Sha Tin West Three	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
339	Area Committee, Sha Tin West Two	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
340	Area Committee, Sham Shui Po Central and South	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
341	Area Committee, Sham Shui Po East	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
342	Area Committee, Sham Shui Po West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
343	Area Committee, Shek Tong Tsui and Kennedy Town	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
344	Area Committee, Sheung Wan and Sai Ying Pun	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
345	Area Committee, Sze Shun	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
346	Area Committee, Tai Hing and Shan King	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
347	Area Committee, Tin Shui Wai (North)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
348	Area Committee, Tin Shui Wai (South)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
349	Area Committee, To Kwa Wan	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
350	Area Committee, Tseung Kwan O North	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
351	Area Committee, Tseung Kwan O South	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
352	Area Committee, Tsing Yi (North East)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
353	Area Committee, Tsing Yi (South West)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
354	Area Committee, Tsuen Wan Central	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
355	Area Committee, Tsuen Wan East	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
356	Area Committee, Tsuen Wan Rural	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
357	Area Committee, Tsuen Wan West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
358	Area Committee, Tsz Wan Shan	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
359	Area Committee, Tuen Mun North East	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
360	Area Committee, Tuen Mun North West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
361	Area Committee, Tuen Mun South East	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
362	Area Committee, Tuen Mun South West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
363	Area Committee, Wah Fu and Pokfulam	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
364	Area Committee, Wan Chai	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
365	Area Committee, Wan Chai Mid-Levels	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
366	Area Committee, Wan Tai	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
367	Area Committee, Wong Chuk Hang and Stanley	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
368	Area Committee, Wong Nai Chung	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
369	Area Committee, Wong Tai Sin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
370	Area Committee, Wong Tai Sin West	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
371	Area Committee, Yau Tsim Mong (East)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
372	Area Committee, Yau Tsim Mong (North)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
373	Area Committee, Yau Tsim Mong (South)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
374	Area Committee, Yau Tsim Mong (West)	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
375	Area Committee, Yee Wan	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
376	Area Committee, Yuen Long Town	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
377	District Council, Central & Western	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
378	District Council, Eastern	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
379	District Council, Islands	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
380	District Council, Kowloon City	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
381	District Council, Kwai Tsing	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	✓	✓	x	✓	
382	District Council, Kwun Tong	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
383	District Council, North	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
384	District Council, Sai Kung	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
385	District Council, Sha Tin	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
386	District Council, Sham Shui Po	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
387	District Council, Southern	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
388	District Council, Tai Po	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
389	District Council, Tsuen Wan	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
390	District Council, Tuen Mun	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
391	District Council, Wan Chai	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
392	District Council, Wong Tai Sin	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
393	District Council, Yau Tsim Mong	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
394	District Council, Yuen Long	✓	http://www.districtcouncils.gov.hk	✓	✓	x	✓	✓	x	x	✓	x	✓	x	✓	
395	District Fight Crime Committee, Central & Western	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
396	District Fight Crime Committee, Eastern	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
397	District Fight Crime Committee, Islands	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
398	District Fight Crime Committee, Kowloon City	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
399	District Fight Crime Committee, Kwai Tsing	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
400	District Fight Crime Committee, Kwun Tong	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓
401	District Fight Crime Committee, North	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	x	✓

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
402	District Fight Crime Committee, Sai Kung	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
403	District Fight Crime Committee, Sha Tin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
404	District Fight Crime Committee, Sham Shui Po	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
405	District Fight Crime Committee, Southern	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
406	District Fight Crime Committee, Tai Po	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
407	District Fight Crime Committee, Tsuen Wan	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
408	District Fight Crime Committee, Tuen Mun	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
409	District Fight Crime Committee, Wan Chai	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
410	District Fight Crime Committee, Wong Tai Sin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
411	District Fight Crime Committee, Yau Tsim Mong	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
412	District Fight Crime Committee, Yuen Long	✓	http://www.yldfcc.org.hk	✓	x	x	x	x	x	x	x	x	✓	✓	✓	
413	District Fire Safety Committee, Central & Western	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
414	District Fire Safety Committee, Eastern	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
415	District Fire Safety Committee, Islands	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
416	District Fire Safety Committee, Kowloon City	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
417	District Fire Safety Committee, Kwai Tsing	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
418	District Fire Safety Committee, Kwun Tong	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
419	District Fire Safety Committee, North	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
420	District Fire Safety Committee, Sai Kung	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
421	District Fire Safety Committee, Sha Tin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
422	District Fire Safety Committee, Sham Shui Po	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
423	District Fire Safety Committee, Southern	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
424	District Fire Safety Committee, Tai Po	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
425	District Fire Safety Committee, Tsuen Wan	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
426	District Fire Safety Committee, Tuen Mun	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
427	District Fire Safety Committee, Wan Chai	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
428	District Fire Safety Committee, Wong Tai Sin	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
429	District Fire Safety Committee, Yau Tsim Mong	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
430	District Fire Safety Committee, Yuen Long	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
431	Tung Wah Group of Hospitals Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
432	Po Leung Kuk Advisory Board	✓	http://www.poleungkuk.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
433	Committee on Performing Arts	✓	http://www.hab.gov.hk	✓	x	x	x	✓	x	N/A (See Note)	✓	x	x	x	✓	44
434	Committee on Museums	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	N/A (See Note)	✓	x	x	x	✓	45
435	Committee on Libraries	✓	http://www.hab.gov.hk	✓	x	x	x	x	x	N/A (See Note)	✓	x	x	x	✓	46
436	Sports Commission	✓	http://www.hab.gov.hk	✓	x	x	x	✓	✓	N/A (See Note)	✓	(See Note)	x	x	✓	47
437	Advisory Committee on Barrier Free Access	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/ACBFA_c.htm	✓	x	✓	x	✓	(See Note)	x	x	x	x	x	✓	48
438	Appeal Board Panel (Town Planning)	✓	http://www.hplb.gov.hk/tpab	✓	x	x	x	x	x	x	x	x	✓ (See Note)	x	✓	49

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439	Appeal Panel (Estate Agents Ordinance)	✓	http://www.hplb.gov.hk/chi/aboutus/ap_eao.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
440	Appeal Panel on Housing	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
441	Appeal Tribunal Panel (Buildings)	✓	http://www.hplb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
442	Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/APRSEDBPa	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	50
443	Authorized Persons Registration Committee Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/APRCPanel_c.htm	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	51
444	Board of the Urban Renewal Authority	✓	http://www.ura.org.hk	✓	✓	✓	x	x	x	x	x	x	x	✓	✓	
445	Contractors Registration Committee Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/CRCPanel_c.htm	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	52
446	Disciplinary Board Panel (Land Survey)	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
447	Estate Agents Authority	✓	http://www.eaa.org.hk/organisation/ch_index.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
448	Harbour-front Enhancement Committee	✓	http://www.harbourfront.org.hk	✓	x	x	x	✓	✓	N/A (See Note)	✓	✓	✓	x	✓	53

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
449	Home Purchase Allowance Appeals Committee Panel	✓	http://www.hplb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
450	Hong Kong Housing Authority	✓	http://www.housingauthority.gov.hk	✓	✓	✓	x	x	x	x	✓	✓	✓	x	✓	
451	Housing Managers Registration Board	✓	http://www.hmregistration.org.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
452	Land and Building Advisory Committee	✓	http://www.hplb.gov.hk	✓	x	x	x	✓	x	x	x	x	x	x	✓	
453	Land Surveyors Registration Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
454	Registered Contractors' Disciplinary Board Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/RCDBPanel_c.htm	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	54
455	Standing Advisory Committee (Oil Storage Installations)	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/OSISAC_c.htm	✓	x	x	x	x	x	x	x	x	x	x	✓	
456	Structural Engineers Registration Committee Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/SERCPanel_c.htm	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	55
457	Town Planning Board	✓	http://www.info.gov.hk/tpb	✓	x	✓	x	✓	x	x	✓	x	✓ (See Note)	x	✓	56
458	Appeal Board Panel (Lifts and Escalators Safety)	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
459	Disciplinary Board Panel (Lifts and Escalators (Safety Ordinance))	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
460	Geotechnical Engineers Registration Committee Panel	✓	http://www.bd.gov.hk/chineseT/inform/boards_committee/GERCPANEL_c.htm	✓	x	x	x	✓ (See Note)	x	x	x	x	x	x	✓	57
461	Action Committee Against Narcotics	✓	http://www.nd.gov.hk	✓	x	x	x	✓	x	x	✓	x	x	x	✓	
462	Advisory Committee on the Admission Scheme for Mainland Talents and Professionals	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	N/A (See Note)	x	x	x	x	✓	58
463	Appeal Board on Public Meetings and Processions	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
464	Committee on Community Support for Rehabilitated Offenders	✓	http://www.csd.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
465	Correctional Services Children's Education Trust Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
466	Correctional Services Children's Education Trust Investment Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
467	Customs and Excise Service Children's Education Trust Fund Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
468	Customs and Excise Service Children's Education Trust Fund Investment Advisory	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
469	Dangerous Goods Standing Committee	✓	http://www.hkfsd.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
470	Fight Crime Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
471	Governing Committee of the Beat Drugs Fund Association	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
472	HKSAR Passports Appeal Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
473	Immigration Tribunal	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
474	Independent Police Complaints Council	✓	http://www.ipcc.gov.hk	✓	x	x	x	x	x	x	(See Note)	x	(See Note)	x	✓	59
475	Long-term Prison Sentences Review Board	✓	http://www.sb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
476	Police Children's Education Trust Investment Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	

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					Occupation	Professional background	Political affiliations	Period of appointment	First appointment date	Reappointment date	Agenda	Relevant discussion papers				
477	Police Children's Education Trust Management Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
478	Police Education and Welfare Trust Investment Advisory Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
479	Police Education and Welfare Trust Management Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
480	Police Witness Protection Review Board	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
481	Post-Release Supervision Board	✓	http://www.sb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
482	Prisoners' Education Trust Fund Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
483	Prisoners' Education Trust Fund Investment Advisory Committee	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
484	Registration of Persons Tribunal	✓	http://www.info.gov.hk/cml	✓	x	x	x	x	x	x	x	x	x	x	✓	
485	Release under Supervision Board	✓	http://www.sb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	
486	Security and Guarding Services Industry Authority	✓	http://www.sb.gov.hk/eng/links/sgsia/	✓	x	x	x	x	x	x	x	x	x	x	✓	
487	Aviation Security Committee	✓	http://www.sb.gov.hk	✓	x	x	x	x	x	x	x	x	x	x	✓	

Explanatory Notes

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
1	Chief Executive's Council of International Advisers	-	Post-meeting press releases covering names of attending Advisers and summaries of meeting discussions are posted on web.
2	Council for Sustainable Development	Has uploaded records of each meeting?	The digests of meeting are uploaded on the webpage.
		Has uploaded attendance rates of members at meetings?	The attendance rates of members have been reflected in the digests of meeting.
3	Copyright Tribunal	-	Copyright Tribunal is a quasi-judicial body established under the Copyright Ordinance. Its principal function is to adjudicate disputes between copyright owners and users of copyright work on the terms and conditions of licensing schemes. The Tribunal has not convened any hearing since its establishment in 1997. As the documents for hearing may involve contractual or other confidential information, such papers should not be disclosed to the public but the Tribunal's decisions would be posted on web.
4	Federation of Hong Kong Industries General Committee	-	The names and profiles of the Chairman, Deputy Chairmen and some other members of the General Committee are posted on web. Members of the public can also approach the Federation of Hong Kong Industries to request for inspection of the list of General Committee members. The Federation is going to revamp its website with a view to enriching the information available for surfing.
5	Vetting Committee of the Professional Services Development Assistance Scheme	-	Information on approved applications, the respective applicants, funds approved and project reports, and so on, is posted on web.
6	Digital 21 Strategy Advisory Committee	Has uploaded records of each meeting?	Major issues discussed at the meetings will be publicized through press release.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
7	Electoral Affairs Commission	Political affiliations	The job nature of the Electoral Affairs Commission (EAC) requires that the EAC members must be politically neutral. The eligibility criterion of the EAC members as set out under section 3(5) of the Electoral Affairs Commission Ordinance aims to ensure the political neutrality of the EAC members.
8	Air Transport Licensing Authority	-	All air transport licence applications and decisions made by the Air Transport Licensing Authority will be gazetted in accordance with the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A).
9	Airport Authority	Has uploaded attendance rates of members at meetings?	Average attendance rates of all members are provided.
10	Hong Kong Logistics Development Council	Has uploaded records of each meeting?	The Hong Kong Logistics Development Council related discussion papers and minutes are uploaded on "Members Link" in the website which can be accessed by members only.
11	Council of the City University of Hong Kong	Occupation	Only the company name is available.
		Agenda	For members' access only.
		Relevant discussion papers	For members' access only.
		Has uploaded records of each meeting?	For members' access only.
12	Council of The Hong Kong Polytechnic University	Has uploaded records of each meeting?	Recently, the Council of The Hong Kong Polytechnic University (PolyU) has unanimously adopted the recommendation of the University's Governance and Management Review Committee to upload major decisions (except confidential matters) of the Council onto PolyU's intranet. PolyU is making suitable arrangement for this particular decision of the Council.
13	Council on Professional Conduct in Education	Occupation	Information on the schools/organizations to which members belong are provided.
14	Advisory Council on the Environment	Has uploaded attendance rates of members at meetings?	Attendance records are shown in the minutes of each meeting.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
15	Air Pollution Control Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.
16	Water Pollution Control Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.
17	Architects Registration Board	Has uploaded records of each meeting?	Only summaries of discussion are provided.
18	Consulting Engineers' Committee	Period of appointment	Members of the Committee are representatives from the Association of Consulting Engineers of Hong Kong and there is no definite period of appointment.
19	Dumping at Sea Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.
20	Environmental Impact Assessment Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.
21	Managing Board of the Kowloon-Canton Railway Corporation	Has uploaded membership list?	The annual report contains the details of members of the Board.
		First appointment date	Only the year and month of the first appointment are shown in the Annual Report published on the website.
22	Noise Control Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.
23	Surveyors Registration Board	Has uploaded records of each meeting?	Only summaries of discussion are provided.
		Has uploaded attendance rates of members at meetings?	Attendance records are shown in the uploaded Annual Reports.
24	Waste Disposal Appeal Board	-	There is no regular schedule of meeting for the Appeal Board. If an open hearing is held, the notification of hearing will be uploaded onto the relevant webpage.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
25	Board of Inland Revenue	-	The Board of Inland Revenue usually transacts its business by the circulation of papers, and there is no routine agenda or meeting minutes.
26	Board of Review (Inland Revenue Ordinance)	Has uploaded membership list?	The Board of Review (Inland Revenue Ordinance)'s website < http://www.info.gov.hk/bor/ > has only uploaded the list of chairman and deputy chairmen. The list of Board members is uploaded on the relevant webpage in the website of the Civil and Miscellaneous List at < http://www.info.gov.hk/cml/cbc/a46.htm > .
		Agenda	The Board of Review (Inland Revenue Ordinance)'s function is to hear and to determine tax appeals in accordance with section 65 of the Inland Revenue Ordinance (Cap. 112). Therefore, there are no routine agenda and discussion papers for each hearing.
		Relevant discussion papers	The Board of Review (Inland Revenue Ordinance)'s function is to hear and to determine tax appeals in accordance with section 65 of the Inland Revenue Ordinance (Cap. 112). Therefore, there are no routine agenda and discussion papers for each hearing.
		Has uploaded records of each meeting?	"Meeting Minutes" are only confined to the Decisions published in the quarterly issue of the Inland Revenue Board of Review Decisions. The Decisions to be published are selected by the presiding chairmen and edited by the Office of the Clerk to the Board of Review. In compliance with the Personal Data (Privacy) Ordinance, all personal particulars in relation to the appellants are deleted. Every selected decision contains a headnote which serves as a summary of the case.
27	Insurance Advisory Committee	Has uploaded information on the Internet?	Information relating to Insurance Advisory Committee can be accessed from the website of Office of the Commissioner on Insurance.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
28	Mandatory Provident Fund Schemes Authority	Has uploaded membership list?	Relevant information can be found in the Mandatory Provident Fund Schemes Authority (MPFA) annual report which is uploaded to the MPFA website.
		Period of appointment	Position as at the year of the annual report.
29	Standing Committee on Company Law Reform	Has uploaded information on the Internet?	Certain important information of the Standing Committee on Company Law Reform (SCCLR), such as annual reports, can be accessed from the website of the Companies Registry, which provides the secretariat for the SCCLR.
30	Securities and Futures Commission Advisory Committee	Has uploaded information on the Internet?	Information relating to this committee can be accessed from the website of the Securities and Futures Commission.
		Has uploaded attendance rates of members at meetings?	Average attendance rate is provided.
31	Risk Management Committee of the Hong Kong Exchanges and Clearing Limited	Has uploaded information on the Internet?	Information relating to this committee can be accessed from the website of the Hong Kong Exchanges and Clearing Limited (HKEx).
		Has uploaded attendance rates of members at meetings?	Attendance rate of members can be found in the annual report of HKEx which is uploaded to the HKEx website.
32	Mandatory Provident Fund Schemes Advisory Committee	Has uploaded information on the Internet?	Information relating to this Committee can be accessed from the website of the Mandatory Provident Fund Schemes Authority (MPFA).
		Has uploaded membership list?	Relevant information can be found in the MPFA annual report which is uploaded to the MPFA website.
		Professional background	Information relating to the constituency of the members only.
		Period of appointment	Position as at the year of the annual report.
33	Mandatory Provident Fund Industry Schemes Committee	Has uploaded information on the Internet?	Information relating to this Committee can be accessed from the website of the MPFA.
		Has uploaded membership list?	Relevant information can be found in the MPFA annual report which is uploaded to the MPFA website.
		Professional background	Information relating to the constituency of the members only.
		Period of appointment	Position as at the year of the annual report.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
34	Clearing and Settlement System Appeals Tribunal	Occupation	Chairman of the Clearing and Settlement System Appeals Tribunal (CSSAT) is a serving Judge and the judge title appears on the membership list.
		Agenda	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Relevant discussion papers	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Has uploaded records of each meeting?	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Has uploaded attendance rates of members at meetings?	No inquiry has been conducted as at 6 May 2005. Inquiry and its result (including information relating to the attendance of inquiry members) will be uploaded if hearing is conducted in future.
35	Deposit Protection Appeals Tribunal	Agenda	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Relevant discussion papers	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Has uploaded records of each meeting?	No inquiry has been conducted as at 6 May 2005. Inquiry and its result will be uploaded if hearing is conducted in future.
		Has uploaded attendance rates of members at meetings?	No inquiry has been conducted as at 6 May 2005. Inquiry and its result (including information relating to the attendance of inquiry members) will be uploaded if hearing is conducted in future.
36	Elderly Commission	First appointment date	The Committee membership lists for each year since the establishment of the Committee are uploaded to the webpage.
		Reappointment date	The Committee membership lists for each year since the establishment of the Committee are uploaded to the webpage.
		Relevant discussion papers	Only the powerpoint presentation is uploaded to the webpage.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
37	Appeal Board (Amusement Game Centres)	-	The Appeal Board (Amusement Game Centres) determines appeal by any person aggrieved by a decision of the Commissioner for Television and Entertainment Licensing made under sections 5, 6 and 9 of the Amusement Game Centres Ordinance by way of hearings.
38	Appeal Board (Betting Duty Ordinance)	Reappointment date	The first appointment period has not yet expired.
39	Appeal Board Panel (Amusement Rides (Safety))	-	The Appeal Board Panel (Amusement Rides (Safety)) determines appeal by any person aggrieved by a requirement made, a direction given, a refusal or a revocation of a consent, approval or permission given by the Director of Electrical and Mechanical Services under the Amusement Rides (Safety) Ordinance by way of hearings.
40	Elite Sports Committee	Relevant discussion papers	Except those which are confidential in nature.
41	Football Betting and Lotteries Commission	Reappointment date	The first appointment period has not yet expired.
42	Major Sports Events Committee	Relevant discussion papers	Except those which are confidential in nature.
43	Ping Wo Fund Advisory Committee	Reappointment date	The first appointment period has not yet expired.
44	Committee on Performing Arts	Reappointment date	The first appointment period has not yet expired.
45	Committee on Museums	Reappointment date	The first appointment period has not yet expired.
46	Committee on Libraries	Reappointment date	The first appointment period has not yet expired.
47	Sports Commission	Reappointment date	The first appointment period has not yet expired.
		Relevant discussion papers	Except those which are confidential in nature.
48	Advisory Committee on Barrier Free Access	Period of appointment	Term expiry date only.
49	Appeal Board Panel (Town Planning)	Has uploaded records of each meeting?	Result of appeal only.
50	Authorized Persons' and Registered Structural Engineers' Disciplinary Board Panel	Period of appointment	Term expiry date only.

<i>Number</i>	<i>Name of ASBs</i>	<i>Item</i>	<i>Explanatory Notes</i>
51	Authorized Persons Registration Committee Panel	Period of appointment	Term expiry date only.
52	Contractors Registration Committee Panel	Period of appointment	Term expiry date only.
53	Harbour-front Enhancement Committee	Reappointment date	The first appointment period has not yet expired.
54	Registered Contractors' Disciplinary Board Panel	Period of appointment	Term expiry date only.
55	Structural Engineers Registration Committee Panel	Period of appointment	Term expiry date only.
56	Town Planning Board	Has uploaded records of each meeting?	Part of the meeting records only.
57	Geotechnical Engineers Registration Committee Panel	Period of appointment	Term expiry date only.
58	Advisory Committee on the Admission Scheme for Mainland Talents and Professionals	Reappointment date	The first term of appointment will expire on 14 July 2005.
59	Independent Police Complaints Council	Agenda	Open session of meeting only.
		Has uploaded records of each meeting?	Open session of meeting only.

Annex 2

ASBs that have not uploaded information onto the Internet

<i>Number</i>	<i>Name of ASBs</i>	<i>Reasons for not setting up the websites</i>	<i>Plan for uploading information onto the Internet</i>
1	Non-official Justices of the Peace Selection Committee	It is not a standing committee.	-
2	Legal Practitioners' Liaison Committee	The Committee provides a forum for members of the legal profession to discuss matters of mutual concern in an informal and friendly atmosphere. Given the nature of the Committee, it is not considered necessary to set up a webpage at this stage.	-
3	Task Force on Continuing Development and Employment-related Training for Youth	Regarding the Task Force, its terms of appointment are limited (two years) and in view of the very specific and focused mandate in addressing the issue of non-engaged youth, it is considered that there is not a need to set up a website.	-

<i>Number</i>	<i>Name of ASBs</i>	<i>Reasons for not setting up the websites</i>	<i>Plan for uploading information onto the Internet</i>
4	Review Panel (Land (Miscellaneous Provision) Ordinance)	The Highways Department will set up a webpage of the Committee.	Plan to set up webpage in June/July 2005.
5	Council on Human Reproductive Technology	The Human Reproductive Technology Ordinance (Cap. 561) (other than Parts I and II and Schedule I) is not yet in operation.	The webpage will be established following implementation of the licensing system.
6	Human Organ Transplant Board	There is no immediate need to set up a website for the Committee.	-
7	Kwan Fong Charitable Foundation - Kwan Fong Trust Fund for the Needy Advisory Committee	At present, the information and eligibility criteria of Kwan Fong Trust Fund is available at the Social Welfare Department Homepage. Information of the Kwan Fong Trust Fund for the Needy Advisory Committee will also be put on the homepage in May 2005.	Plan to upload information onto the Internet in May 2005.
8	National Committee for the Certification of Wild Poliovirus Eradication in Hong Kong	There is no immediate need to set up a website for the Committee.	-
9	Pharmacy and Poisons Appeal Tribunal	It is not necessary to set up a website in view of the function of the Tribunal.	-
10	Pharmacy and Poisons Board	There is no immediate need to set up a website for the Board.	-
11	Radiation Board	There is no immediate need to set up a website for the Board.	-
12	Radiological Protection Advisory Group	The Radiological Protection Advisory Group is responsible for the emergency response towards the nuclear accident of Daya Bay and it has no day-to-day function.	-
13	Residential Care Homes (Elderly Persons) Appeal Board	The Residential Care Homes (Elderly Persons) Appeal Board (the Appeal Board) handles appeals relating to the licensing of residential care homes for the elderly. To protect the privacy of the appellants and to avoid the disclosure of commercial and sensitive information relating to the appellants, we will not make public the information relating to appeal cases, such as the background of the appellants and their companies and the records of the appeal hearings of the Appeal Board. Therefore, the only information which the Appeal Board may make public is its membership and the term of office. Members of the public may request the Health, Welfare and Food Bureau to provide this information. We consider it unnecessary to set up a website for the Appeal Board.	-

Number	Name of ASBs	Reasons for not setting up the websites	Plan for uploading information onto the Internet
14	Tang Shiu Kin and Ho Tim Charitable Fund Management Committee	At present, the information and eligibility criteria of Tang Shiu Kin and Ho Tim Charitable Fund is available at the Social Welfare Department Homepage. Information of the Tang Shiu Kin and Ho Tim Charitable Fund Management Committee will also be put on the homepage in May 2005.	Plan to upload information onto the Internet in May 2005.
15	Fire Safety Vetting Committee	To enhance the transparency of the Board, the Fire Services Department will set up a webpage of the Board in the Department's website providing information on its terms of reference, membership list and contact means.	Plan to upload information onto the Internet in July 2005.
16	Fire Service (Installation Contractors) Disciplinary Board	To enhance the transparency of the Board, the Fire Services Department will set up a webpage of the Board in the Department's website providing information on its terms of reference, membership list and contact means.	Plan to upload information onto the Internet in July 2005.
17	Immigration Department Users' Committee	The Immigration Department will set up a webpage of the Committee.	Plan to set up webpage in June 2005.

Hong Kong Tourism Board

16. **MR FRED LI** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *whether it knows the staff establishment of the Hong Kong Tourism Board (HKTB), the nature and scopes of work of its staff at various ranks as well as their average monthly salaries;*
- (b) *whether the HKTB has obtained the Government's consent to its converting appointment of staff on contract terms to appointment on permanent terms, and including contract gratuity in the monthly salaries paid to the staff, and whether government departments or other subvented bodies have adopted similar practice; if they have not, the reasons for the HKTB being allowed exceptionally to adopt such a practice;*
- (c) *as the staff cost for the HKTB's 315-strong establishment amounted to more than \$140 million in the past year, with the average monthly*

salary of each employee exceeding \$37,000, whether the HKTB staff's salaries are on the high side, about the same or on the low side compared to those of employees of other public bodies which receive 90% of their funding from the Government; if they are on the high or low side, of the reasons for that; and

- (d) *as the HKTB is granted funding of \$440 million this year for launching global promotion and marketing programmes in the coming two years, whether the Tourism Commission will monitor the use of these funds and the results achieved, so as to ensure that the relevant marketing programmes achieve value for money and the public funds are put to effective use?*

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

- (a) The total establishment of the HKTB is 321, including posts in the Hong Kong Head Office (HO) and 13 worldwide offices (WWO). The HKTB currently employs 289 staff. Details of the post banding, nature and scope of work as well as the average monthly salary are as follows:

<i>Band</i>	<i>Actual no. of staff in position</i>		<i>Nature and scope of work</i>	<i>Average Monthly Salary</i>
	<i>HO</i>	<i>WWO</i>		
A	6	6	Senior management: formulate the overall strategies of the organization and provide directions for execution	\$129,368
B	41	26	Middle management: plan and manage specific functions of the organization and co-ordinate with other function units and external parties	\$55,596
C	92	41	Execution: implement functions and projects of the organizations	\$23,908
D	70	7	Support: provide support for execution of functions and projects	\$13,293
Total	209	80		

- (b) According to the Hong Kong Tourism Board Ordinance, the HKTB has the autonomy to appoint staff to carry out its statutory functions. As a marketing organization, the HKTB has to recruit suitable professionals from the market. In 1985, in pursuance of a review on the compensation and benefits of its staff, the former Hong Kong Tourist Association approved the proposal to delink the salary scale of their staff from the civil service pay scale and benchmark the salary scale with the market.

The HKTB has established its own policy and mechanism in drawing up staff remuneration packages. It commissioned an independent human resources consultant (Hay Group) in 2002 to conduct a comprehensive comparison of the compensation and benefits for each level of staff in the organization with those in the market; devise a set of benchmarks by making reference to the market salary levels and relevant positions in comparable organizations; and recommend appropriate remuneration packages. In 2004, the Hay Group revalidated the comparisons and the findings indicated that the remuneration levels of the HKTB staff were comparable to those in the market.

The conversion of fixed-term contract to continuous employment was one of the recommendations in the Hay Group consultancy study conducted in 2002. According to a survey conducted by the Hay Group consultants, a majority of the comparable private organizations in the market adopted continuous employment terms (not contract terms) in recruiting mid-to-lower level staff to ensure stability of its establishment and minimize staff turnover. Contract staff are usually on time-limited employment (normally one to three years); while staff on continuous employment are on non-expiry continuous employment terms. But to protect the rights of both the employer and the employees on continuous employment terms, both parties may terminate the employment according to the employment terms and conditions. Therefore, staff on continuous employment terms enjoy higher job stability than contract staff. However, there were both staff on continuous employment terms and contract terms in the HKTB for the same positions at the mid-to-lower levels at the time of the consultancy study. The differences in employment

terms¹ created uncertainty among staff in respect of job stability. Hence, the conversion of employment terms as recommended by the Hay Group consultants is intended to align the employment terms of mid-to-lower levels with the market practice and enhance job stability. In addition, the standardization of the employment terms for the mid-to-lower levels would help improve staff management, while preserving the total remuneration package for existing staff at the same time.

According to the Hay Group consultants, the conversion from contract to continuous employment terms entailed changes to the components of the remuneration package of the staff concerned, so as to align them with those of the continuous employment package. The major change was to convert part of the gratuity into retirement scheme contributions which cannot be instantly retrieved, and the other part into the 13th month salary. To minimize the impact of the conversion on the contract staff and the HKTB, the abovementioned recommendation of the Hay Group consultants would only change the components of the remuneration package of the affected staff. As there was no change to their total package, there is no increase in the HKTB's total staff cost. The arrangement is reasonable for both the HKTB and the affected staff. It was vetted and approved by the Board for implementation.

As regards the 13th month salary, it was in fact proposed, as part of a basket of recommendations made by the Hay Group consultants on the HKTB's human resources management, to turn this part of the salary into performance-based variable pay. As the proposal will affect the employment terms of existing staff, the HKTB is now consulting its staff on the arrangement to convert the 13th month salary into variable pay. The HKTB is also conducting a review to strengthen its staff performance appraisal system to prepare for the implementation of the variable pay scheme.

¹ The remuneration package of staff under contract terms includes salary of 12 months, end-of-term gratuity (10% to 15%, net of employer's contribution to mandatory provident fund (MPF)). The duration of contract normally lasts for one to three years and the conditions of contract termination are listed in the contract. The remuneration package of staff under continuous employment terms includes salary of 13 months and retirement benefits, and there is no expiry date of employment. The conditions of contract termination are listed in the contract.

At present, there are many government subvented bodies in Hong Kong and their mode of operations and nature of business vary. Each subvented body adopts its own human resources policy in accordance with its operational needs and human resource requirements. There is no uniform requirement or approach and it is difficult to compare the abovementioned conversion arrangement with the practice of other bodies.

- (c) The total staff cost of the HKTB in 2003-04 was \$140 million. Apart from salary, this covers expenses on retirement/MPF contributions, statutory contributions for staff in WWO, overtime allowance for supporting staff, medical insurance, as well as staff training, recruitment expenses, and so on. Calculating the average salary level simply based on the total staff cost and the number of staff does not accurately reflect the overall situation.

In another consultancy study commissioned by the Government in 2001-02, one of the tasks was to conduct a survey to determine whether the existing remuneration of the top three tiers of senior executives in a number of government subvented bodies and public bodies were in line with those holding comparable positions in the private sector in Hong Kong. The study also proposed comparable and competitive remuneration packages for these bodies. The survey findings showed that the remuneration of the senior executives in the HKTB was comparable to the market level. According to the findings of the Hay Group survey for the HKTB in 2004, the remuneration of all levels of staff is within reasonable market levels.

Among the government subvented bodies which operate on 90% or more subventions, including statutory bodies, public bodies, aided schools and non-government organizations providing different types of services, and so on, there is no comparable marketing organization like the HKTB. As these subvented bodies have different organizational structure, functions and nature of work and they have different service clientele, the required staff qualifications and attributes are not the same. We cannot make direct comparison among different organizations.

- (d) The HKTB has in place an effective mechanism in its day-to-day management and financial monitoring to ensure the cost-effectiveness of its promotional activities. The work plan and budget, progress and effectiveness of its programmes, financial procedures and guidelines are all vetted and monitored by various committees under the Board. For example, the Marketing and Business Development Committee is responsible for providing strategic input and advice on the HKTB's marketing direction and business development, as well as reviews and endorses its annual business plan. The Product and Event Committee is responsible for reviewing and approving the product and event strategy plan as well as the concepts and implementation of mega events, in order to monitor the cost-effectiveness of the products and events. The Staff and Finance Committee is responsible for monitoring the HKTB's human resources and financial policies, including its annual budget, audited accounts, and also remuneration policies and salary adjustment levels. The Audit Committee ensures that sound corporate governance is in place, and that the HKTB complies with relevant legislation, regulation and internal policies. The Chairman and members of these three Committees, including the Commissioner for Tourism, are all members of the Board. In addition, the HKTB is required to conduct independent audit and comply with stringent internal audit control. Its annual financial statement is audited by the external auditor appointed by the Government. The Government closely monitors the work of the HKTB and its use of resources.

In addition, there are other measures to monitor the HKTB's spending of additional funding. The Government has requested the HKTB to maintain separate accounts for managing and auditing the additional funding, and to submit a separate audited account and financial report to the Government. Moreover, the HKTB is required to submit quarterly reports to update the Government on the latest position of how the HKTB uses the funds, and to assess the effectiveness of the campaigns, and evaluates whether the targets are met.

Pok Fu Lam Moratorium

17. **MS EMILY LAU:** *Madam President, it is learnt that the executive authorities introduced an administrative measure in 1970s, called the Pok Fu Lam Moratorium (the Moratorium), which prohibited the Government from granting new leases for land or modification to existing leases which would result in an increase of traffic in the area until such time as the transport infrastructure had been improved sufficiently. In this regard, will the executive authorities inform this Council:*

- (a) whether the Moratorium is still in force;*
- (b) of the number of applications received in the past 10 years from private leaseholders for lease modifications to enlarge, within the limits permissible under the relevant Outline Zoning Plans, the development acreage of their developments in Pok Fu Lam, and the number of such applications rejected; and*
- (c) of the reasons of the Cyberport project not affected by the Moratorium in terms of the granting of leases and the measures in place to ensure a level playing field for everybody?*

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

- (a) Based on traffic/transport policy considerations, the Moratorium restricts lease modification and the sale of government land to control the amount of traffic generated within the Pok Fu Lam area. It is still in force.

The Environment, Transport and Works Bureau is now studying the feasibility of Route 4, West Island Line and South Island Line. Once a decision has been made on the way forward, the Transport Department will review the need for the Moratorium.

- (b) In pursuance of the Moratorium, the Lands Department would automatically reject all such applications within the area which the Moratorium applies, unless the Chief Executive in Council orders

otherwise. Therefore, the Lands Department has not got dedicated record on the number of applications within the area which the Moratorium applies. Due to time constraint, we are not able to provide the number of cases which were rejected in the past 10 years.

- (c) The Town Planning Board (TPB) agreed to the zoning amendment in relation to the Cyberport development in April 1999. In considering the application, the TPB made reference to the Transport Department's advice that the existing transport infrastructure with the completed and planned road improvement and extension project, together with some further recommended improvements of a number of existing junctions, would be capable of coping with the traffic generated from the Cyberport development.

In May 2000, the Chief Executive in Council considered the Cyberport project. Since the traffic impact assessment concluded that the Cyberport project would not create adverse traffic impact on the existing road network, it agreed to partially lift the Moratorium for the purpose of the Cyberport project, with a view to creating a strategic cluster of information technology and information services companies and a critical mass of professional talents in Hong Kong in the shortest possible time.

The Moratorium was imposed on traffic grounds. The partial lifting of the Moratorium for projects where the assessment of traffic implications is acceptable and with overriding public needs is not unprecedented. In 1985, the Government identified the site within the Pok Fu Lam area for public housing development to meet pressing demand. The Moratorium was then partially lifted to enable the development of the Wah Kwai Estate, considering that the traffic implications of the housing project are manageable.

The Government has considered the traffic impact which would be brought about by individual projects before making the above decisions. Provided that the traffic impacts are assessed to be acceptable and the projects are considered necessary to fulfil public

needs, the Government would then consider approving the development or redevelopment projects within the Pok Fu Lam area. Therefore, the Cyberport project is neither a unique nor an unprecedented case for which the Moratorium is partially lifted. The issue of not ensuring a level playing field for everybody does not arise.

Encouraging the Public to Help Police in Fighting Crimes

18. **MR LAU KONG-WAH** (in Chinese): *Madam President, with regard to encouraging the public to help the police in fighting crimes, will the Government inform this Council:*

- (a) *of the number of cases in which members of the public reported crimes or provided the relevant information through the police telephone hotlines in each of the past three years and, among such cases, the percentage of those which were of help to the police in detecting crimes;*
- (b) *of the total amount of cash rewards paid for information leading to the arrest of persons wanted by the police in each of the past three years, and the number of crimes allegedly committed by these wanted persons;*
- (c) *of the criteria for presentation of Good Citizen Awards (GCAs) to members of the public who help combat crimes, as well as other forms of awards in this respect; and*
- (d) *whether it will consider setting up a fund for awarding members of the public who have contributed to fighting crimes; if not, of the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) In 2002, 2003 and 2004, there are respectively 12 516, 35 981 and 44 838 cases in which members of the public reported crimes or

provided relevant information to the police through telephones. Although not every piece of information provided by members of the public may necessarily assist the police in the investigation of crimes directly, some of the information would be beneficial to the analysis of intelligence, and may be useful for future detection and prevention of crimes. Therefore, we do not make a distinction between cases reported or information provided that have assisted the police in the detection of crime, and those that have not.

- (b) In the past three financial years, the total amount of reward offers and number of cases involved are as follows:

<i>Year</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Total amount of reward offers (\$ million)	16.25	24.35	12.47
Cases involved	42	54	40

- (c) and (d)

The GCA, jointly established by the Hong Kong police and the Hong Kong General Chamber of Commerce (HKGCC), aims to commend and award members of the public who have assisted the police in combating crimes. The fund for the Award is set up and managed by the HKGCC. The GCA was first introduced in 1973 to present cash awards and certificates to selected citizens as a token of commendation. In 1984, a further award, the Good Citizen of the Year Award (GCYA), was established.

Persons nominated for the GCA must meet the following criteria:

- (1) the nominee, who may either be a witness or a victim, must have acted positively to assist the police or other member(s) of the public in preventing or detecting a crime or in apprehending the culprit(s); and
- (2) the degree of assistance rendered must have been material and of substantial value.

Persons nominated for the GCYA must further demonstrate:

- (1) exceptional bravery or courage;
- (2) great resourcefulness; or
- (3) outstanding initiative.

Besides the GCA, individual police districts may on their own consider presenting tokens of commendation to members of the public who are enthusiastic in assisting the police in combating crimes.

The GCA has long been well supported and recognized by the citizens and the community since its establishment. The police have currently no plan to establish other funds of a similar nature.

Defaulted Repayment of Student Loans

19. **MR CHEUNG MAN-KWONG** (in Chinese): *Madam President, will the Government inform this Council of the following information over the past five years:*

- (a) *the average administrative cost incurred by the Student Financial Assistance Agency (SFAA) for recovering a defaulted loan repayment from a student;*
- (b) *whether the Agency has forfeited recovery action in any default cases; if it has, of the reasons for that, the number of such cases and the total amount defaulted each year; if not, how it dealt with bad debt cases, and the total expenditure involved;*
- (c) *whether there had been cases in which the administrative cost for recovering a loan exceeded the amount defaulted; if so, how the authorities dealt with such cases, the details of such cases and the amounts involved; and*

- (d) *the respective numbers of cases of default in repayment for one, two and three instalments and the amounts involved, and whether there is any dedicated government department and extra manpower to follow up these cases; if there is, the details of the manpower involved; if not, whether the authorities have assessed if the handling of such default cases by the existing staff has increased their work pressure, if they have, of the assessment results?*

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

- (a) Under the various student financial assistance schemes administered by the SFAA, loan borrowers are required to repay their loans in quarterly instalments upon graduation or termination of studies. Failure to repay two or more consecutive quarterly instalments constitutes a default. The time and resources taken to recover a defaulted loan vary from case to case depending on the complexity and specific circumstances of the case. The average administrative cost incurred by the SFAA in processing default cases¹, inclusive of staff cost and related departmental expenses, during the past five years is as follows:

<i>Financial Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Average administrative cost required for processing a default case	\$264	\$429	\$583	\$380	\$293

- (b) It is the SFAA's standing policy to encourage students with genuine difficulty in repaying their loans to approach it to work out together the best repayment arrangements for them, such as rescheduling of the repayment schedule. To safeguard public money, the SFAA would not resort to writing off loans until all reasonable ways to recover the loans have been exhausted. Generally speaking, the SFAA would consider writing off loans in the following circumstances:

¹ Taken as the number of outstanding cases as at end of respective financial year and cases concluded during the year

- (i) loan borrowers and their indemnifiers remain untraceable despite the SFAA's continuous effort in locating them and further efforts will not be cost-effective or in the public interest;
- (ii) loan borrowers and their indemnifiers are discharged bankrupt; and
- (iii) the loan borrowers are deceased.

The number of cases and the amount which has been written off in the past five years are as follows:

<i>Financial Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Total number of cases	0	3	4	15	4
Total amount written-off (\$m)	0	0.086	0.059	0.337	0.220

- (c) So far the SFAA has not dealt with any default case in which its administrative cost is higher than the amount of loans defaulted.
- (d) The SFAA has started to compile since 2002-03 statistics with breakdown of the number of defaulters with two or more overdue instalments. The number of defaulters with two and three overdue instalments and the loan amount overdue at the end of each of the financial years since 2002-03 are as follows:

<i>Financial Year</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
Number of loan borrowers with two overdue instalments (Loan amount overdue (\$m))	611 (3.28)	731 (3.912)	1 210 (5.01)
Number of loan borrowers with three overdue instalments (Loan amount overdue (\$m))	437 (4.11)	654 (4.952)	733 (5.17)

The SFAA assigns dedicated staff to take recovery actions against defaulters. The number of staff involved in the past five years is as follows:

<i>Financial Year</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
No. of staff for handling two or more overdue instalments (that is, defaulters)	2.6	7.6	18.6	16.8	18.6

The SFAA strives to provide quality and timely services to the public through flexible deployment of staffing resources, streamlining of workflow and procedures, and constant review of workload and staffing deployment.

Refusal of Patients to be Discharged from Public Hospitals

20. **MR LI KWOK-YING** (in Chinese): *Madam President, it has been reported that quite a number of beds in public hospitals are occupied for a long time by some patients who have been diagnosed by doctors as having no need to stay in hospital for treatment but who have refused to be discharged from the hospital. In this connection, will the Government inform this Council:*

- (a) *of the total number of patients, in the past five years, who stayed in public hospitals for over a week after being diagnosed as having no need to stay in hospitals any longer, together with a breakdown of the figure by the hospitals where they stayed and the departments to which the wards concerned belong;*
- (b) *whether it has studied the reasons for these patients' refusal to be discharged, and how the Hospital Authority (HA) and the relevant government departments have followed up these cases;*
- (c) *whether it has assessed the impact of such a phenomenon on the quality of medical services in public hospitals and the workload of front-line staff; if so, of the assessment results; if not, the reasons for that; and*
- (d) *of the measures to improve this situation?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in the absence of the Secretary for Health, Welfare and Food) (in Chinese):

Madam President, the HA has a set of well-established procedures for assessing patients' suitability for discharge from a hospital after the completion of treatment. The assessment is made by relevant doctors, nurses and allied health staff, including medical social workers. These hospital staff will determine whether the patients are ready to make a return to the community or need to be cared for in a residential home. A determination will also be made on the support that the patients may need after their discharge from hospital (for example, community nursing service, financial assistance, and so on). This arrangement has worked well for the vast majority of the patients and their families, although there are cases where patients have refused to be discharged.

- (a) The situation in respect of patients refusing to be discharged varies from hospital to hospital and changes constantly. The HA does not have a consolidated record on the number of such patients at this time.
- (b) While some patients have refused to be discharged on personal grounds, the majority of such cases are because of family reasons. For example, some families would reject that hospital's assessment that the patient is ready for discharge because they thought that the patient still required medical treatment and that it would be better for the patient to remain in a hospital than to be discharged back into the community. Some families would even simply refuse to discuss post-discharge arrangements for the patient with the hospital.

The hospital staff will follow up these cases with care and compassion. They will try to understand the specific difficulties faced by the families and work closely with relevant government departments (for example, the Social Welfare Department) in arranging for the appropriate support and assistance for them to facilitate the discharge of the patient from hospital.

- (c) Patients refusing to be discharged would of course add to the workload of front-line staff in public hospitals, which include the efforts for resolving the refusal cases and the continued provision of care to these patients in the hospital. However, given the limited

number of such cases, the quality of medical services in public hospitals have not been adversely affected.

- (d) The HA will continue to communicate with patients and their families to allay the concerns that they may have regarding their discharge from hospitals. In addition, in respect of individual cases, the HA will continue to work out the issues impeding the patient discharge with the patients, their families and related social service providers and government departments to ensure that discharged patients are provided with the necessary support and assistance for their integration back into the community.

STATEMENTS

PRESIDENT (in Cantonese): Statement. The Secretary for Education and Manpower will make a statement on "The New Academic Structure for Senior Secondary and Higher Education - Action Plan for Investing in the Future of Hong Kong".

In accordance with Rule 28(2) of the Rules of Procedure, no debate may arise on the statement but I may in my discretion allow short questions to be put to the Secretary for Education and Manpower for the purpose of elucidating its contents.

The New Academic Structure for Senior Secondary and Higher Education - Action Plan for Investing in the Future of Hong Kong

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, all our educators share a common goal, that is, to provide the best quality education to our students. We are all willing to take on and work hard towards this goal.

All sectors in our community place great importance on the quality of human resources in Hong Kong, and are willing to invest in our future.

In October last year, I made a statement in this Council to introduce the "Consultation Document on Reforming the Academic Systems for Senior

Secondary and Higher Education". During the consultation period, we have received about 3 300 written submissions and also listened to and exchanged views through various channels. We are deeply encouraged by the overwhelming support for the new academic structure and for the broad direction of changes in curriculum and assessment. This reflects the consensus among the Hong Kong community to continuously invest in our young people through providing them with a better education system.

The "3+ 3+ 4" academic structure that we are going to implement is a major development in the history of education in Hong Kong. The new academic structure provides opportunities for all students to receive six-year secondary education and promises to infuse our students with a broadened knowledge base, balanced development, sound language and other generic skills and a propensity for lifelong learning. We hope we can cater for diversified learning needs of all students through curriculum and assessment changes, allowing students with different aptitudes, interests and competencies to excel. Moreover, the new academic structure will provide smoother articulation for further studies or work in Hong Kong and be better connected with other major education systems in the world. For university education, the four-year undergraduate programme will allow more balanced and comprehensive development of our university students.

The changes in the academic structure will involve extensive human resource and financial investment. The resource commitment is nonetheless essential for investing in our future. We are pleased to see that after years of preparation and discussion, most people now have stopped asking why we need the new academic structure. They are now focusing more on what we need to do, when and how and at what pace we can put the new academic structure smoothly in place.

I must express my deepest appreciation and thanks for the support and valuable views from the education sector and the wider community. Their feedback has helped us decide how to implement the new academic structure. Having considered the views expressed by various sectors, we have made considerable modifications on the original proposals. Today, we will publish the Report titled "The New Academic Structure for Senior Secondary and Higher Education – Action Plan for Investing in the Future of Hong Kong". The Report not only summarizes the results of the consultation, but also consolidates

the consensus reached on the broad direction and the roadmap for proceeding with the new senior secondary and higher education arrangements.

Many stakeholders, including those from the university sector, want to see the early implementation of the new academic structure. However, we also hear voices from some stakeholders, particularly those from the school heads and teachers, who wanted more time to get fully prepared for the changes. Building the new academic structure involves substantial and far-reaching changes. To ensure a smooth transition, we see the need for schools, teachers and concerned parties to be professionally and psychologically prepared for the changes. Taking into account the views of all parties and having balanced various considerations, we have now decided to introduce the new academic structure in September 2009. Current Primary Five students will be the first cohort to benefit from the new senior secondary education. The first cohort of Senior Secondary Three students will enter the four years' undergraduate programme in September 2012.

On curriculum changes, a great majority of views support the curriculum framework for the new senior secondary academic structure, which includes four core subjects and two to three electives or career-oriented studies, as well as other learning experiences. The vision and curriculum objectives of the Liberal Studies subject are also generally agreed by all sectors. However, having taken into account concerns and views from the educators, we have decided to reduce the number of core units of Liberal Studies from nine to six, so that students will have ample time to study thoroughly the relevant issues. We will also provide additional resource and support measures to schools, including a Senior Secondary Curriculum Support Grant with which schools can use to arrange small group teaching for Liberal Studies, and a web-based resource support platform to be launched in mid-2005 for teachers' reference. We also plan to provide all Liberal Studies teachers with training of no less than 100 hours, according to their needs.

In order to take due care of the different learning needs and interests of students, we will develop the career-oriented studies alongside the elective subjects to provide students with more diversified learning experiences and choices. Career-oriented studies will also be connected to pathways for further studies and work. The Education and Manpower Bureau will establish a quality assurance mechanism in collaboration with the Hong Kong Council for

Academic Accreditation to ensure the credibility and recognition of career-oriented studies qualifications. Moreover, we will provide a Diversity Learning Grant for schools to offer diversified curriculum.

We are committed to caring for students with special educational needs, and to ensure that these students will have the opportunity to receive six years of secondary education like other students. Since the competencies of students with special educational needs are very diverse, the Education and Manpower Bureau will cater for their different abilities in the curriculum and assessment arrangements. We have taken into account views already given to us, and will continue to consult the stakeholders with a view to finalizing future arrangements and details by the end of this year.

On the assessment and examination front, there is significant support for a single examination leading to a new Hong Kong Diploma of Secondary Education (HKDSE). School-based assessment will be adopted flexibly with changes made in scope, weighting, and timetable in accordance with feedback from front-line teachers.

The status of the new HKDSE has attracted considerable attention. The Hong Kong Examinations and Assessment Authority (HKEAA) is already making progress in negotiating with overseas universities for direct recognition of both the current examinations and the new HKDSE. The HKEAA will continue to work on ensuring international recognition of the new HKDSE.

The University Grant Committee and Heads of Universities Committee have expressed support for the new academic structure and curriculum changes, and have indicated that the four subjects of Chinese Language, English Language, Mathematics and Liberal Studies will be considered as mandatory requirements for university entrance. I am confident that the higher education institutions will be ready to announce the general admission criteria in mid-2005 as well as detailed requirements at the faculty/programme level by mid-2006. This will provide a clear picture of university admission criteria for schools and parents.

We fully appreciate that sufficient support and detailed planning is the key to successful implementation of the new academic structure. Having taken into

account views from all quarters, we recommend allocating more resources to create space for teachers and school leaders, improve teacher provision, provide more diversified professional development opportunities, and strengthen support for schools, so that schools would be fully equipped for the implementation of the new senior secondary curriculum and assessment framework.

In our previous consultation document, we recommended allocating \$6.7 billion to meet the capital and other non-recurrent costs for the implementation of the new academic structure in the school and university sectors. The Government is now prepared to increase the investment to \$7.9 billion, of which \$3.5 billion is for the capital costs for schools and the universities, and the remainder \$4.4 billion for meeting other non-recurrent costs. On the non-recurrent funding, the Government plans to provide \$1.7 billion to support schools for the implementation of the new senior secondary curriculum in the run up to 2009. For the university sector, it is estimated that \$550 million will be provided for the development of the new undergraduate programme.

Moreover, we last estimated in the consultation document that we would need an additional recurrent funding of \$1.1 billion. In order to further strengthen the support for schools, we now estimate that upon full implementation of the new academic structure, we have to spend \$2 billion on a recurrent basis. About \$1.1 billion of the recurrent cost is to meet with the additional funding requirements for implementing the four-year undergraduate programmes. For the school sector, when the new senior secondary academic structure is in full operation, we will provide schools with the Senior Secondary Curriculum Support Grant, the Diversity Learning Grant, support for students with special educational needs, and enhanced teacher provision for senior secondary classes after the double cohort year, involving altogether a recurrent expenditure of \$900 million.

The Government will review the student financial assistance schemes, including the assistance level, and the loan and repayment arrangements, to ensure that no student will be deprived of the opportunity of education due to lack of means.

Detailed support measures we plan to provide to schools include those in the following areas:

- (i) provision of a Teacher Professional Preparation Grant during the four school years from September 2005 onwards, for schools to provide teacher relief for serving teachers to receive professional training, and to get fully prepared for the new curriculum and assessment changes;
- (ii) provision of recurrent cash grants including the Diversity Learning Grant and Senior Secondary Curriculum Support Grant to enable schools to offer more diversified learning opportunities including career-oriented studies, programmes for gifted students and for students with special educational needs, and to enable schools to arrange flexible groupings of students in Liberal Studies or in other subjects as needed; and
- (iii) improvement to the teacher provision for senior secondary classes from 1.9 to 2.0 teachers per class when the new senior secondary academic structure is fully implemented. In addition, the Senior Secondary Curriculum Support Grant equivalent to the salary of 0.1 teacher per class will be disbursed in the form of a cash grant to provide schools with more flexibility in making appropriate arrangements for implementation of the new academic structure.

Madam President, the outcomes of the consultation have shown a high degree of community consensus on the new academic structure. We have also set the roadmap and direction of work for the future development of senior secondary and higher education. We will proceed shortly to a second round consultation on the detailed design of the curriculum and assessment frameworks for the new senior secondary subjects. Besides, we will continue our dialogue with the relevant sectors on a number of areas where we need future investigation and development. Implementing this reform will inevitably bring about many challenges, and it involves complicated issues that will have lasting implications. Successful implementation will hinge on the close co-operation among all the key stakeholders.

Before us is a major and important step forward in refining our education system. The proposed academic structure will provide a landmark development opportunity for upgrading the quality of our education as well as our people, especially the younger generation. The proposal has secured widespread

support from our community which demonstrated a common vision for bringing forward the changes. For our goals to be accomplished, we need the partnership of teachers and the education profession. We need the full understanding and support of students and parents in order to have a curriculum that will bring our children more joy and benefits of learning. We need to further the consensus of the wider community in bringing forward the necessary reform that would nurture the talents that make Hong Kong a world city. Last but not the least, we need the support and funding approval of this Council for the Administration to join hands with our stakeholders in smoothly implementing the new academic structure.

Thank you, Madam President.

PRESIDENT (in Cantonese): As Members have pressed the button to seek elucidation from the Secretary, I will let them ask questions according to their order.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, I wish to seek an elucidation from the Secretary on paragraph 16 of the statement via you. It was mentioned in that paragraph that the Government estimated that upon full implementation of the new academic structure, it would have to spend \$2 billion on a recurrent basis. Does the \$2 billion recurrent expenditure belong to an additional allocation on top of the education envelope, or it is already encapsulated in the current expenditure on primary and secondary education by the Education and Manpower Bureau and funds that were internally redeployed? Have the Government and the Education and Manpower Bureau reached any agreement on the mode of allocation? Will this agreement change in tandem with improvement in the financial position in future?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, each year, the Education and Manpower Bureau conducts education programmes with the funds allocated by the Financial Secretary. The recurrent expenditure that we refer to now is something after 2009. We do not know the financial position in 2009, but for the time being, our expenditure estimate is included in our envelope.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, it seems that the Secretary has not answered whether it is an arrangement concerning fund allocation, and whether this agreement will change according to the financial position after 2009?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the Government estimates that \$2 billion recurrent expenditure will be added, and it is already included in our estimate. If the economic condition improves at that time, there should be no problem at all, but in case of an economic downturn, I believe the Government will have to consider how the recurrent expenditure should be dealt with from an overall perspective.

DR YEUNG SUM (in Cantonese): *Madam President, the Secretary said in the 16th paragraph that ".....\$1.1 billion of the recurrent cost is to meet with the additional funding requirements for implementing the four-year undergraduate programmes." May I ask the Secretary to clarify whether or not it means an increase in university tuition fees?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the additional \$1.1 billion recurrent expenditure is meant to meet the change in three-year undergraduate programmes into four-year programmes and the increase in number of students as well. We estimate that a total of \$1.7 billion to \$1.8 billion would be required. The Government is prepared to allocate \$1.1 billion and the outstanding cost would be recovered from tuition fees. In the preliminary consultation paper issued last year, we already mentioned that the tuition fees would be increased from \$42,500 to \$50,000, thus it is already included in our estimate. As to whether or not the future tuition fees would be increased to, below or above \$50,000, this could only be determined by 2012.

MS EMILY LAU (in Cantonese): *Madam President, the Secretary mentioned in the 10th paragraph that the Government was committed to caring for students with special educational needs, and to ensure that these students would have the opportunity to receive six years of secondary education. This will address the need in society, but may I ask the Secretary to elucidate what is the number of these students?*

Moreover, the Secretary mentioned the capital costs and \$3.5 billion of non-recurrent costs in the 15th paragraph, may I ask how much would be spent on the construction of school buildings for the purpose of taking care of these students, and to ensure that these students would have the opportunity to receive six years of secondary education?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, taking about the construction of new school buildings, I am rather scared, because I have been lambasted by Members in the past. I am glad that Ms Emily LAU has told us that she hopes new special schools can be built.

MS EMILY LAU (in Cantonese): *Madam President, how could it be like that? He has strayed from the main topic, perhaps you will not ask him to come back to the right track again. May I ask the Secretary to clarify how many students have special educational needs? Since the Secretary said they would have the opportunity to receive six years of secondary education, then, what is the number of these students? How many schools should be built? Moreover, with regard to the costs mentioned in the 15th paragraph, how much would be used in this respect? Madam President, I hope the Secretary will not talk about so many irrelevant things.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, we have pledged that all students in special schools would have the opportunity to receive six years of secondary education like ordinary students. Nevertheless, their curriculum is different from that of ordinary

secondary schools and the effect would be very different. For that reason, the newly proposed examinations and other measures will not necessarily be suitable for them. Henceforth, we will review the needs and curriculum of special schools. I have said that we hope to complete the assessment and consultation on all the relevant stakeholders at the end of this year.

MS AUDREY EU (in Cantonese): *Madam President, the last sentence in the eighth paragraph of the statement is: "We also plan to provide all Liberal Studies teachers with training of no less than 100 hours, according to their needs." May I ask the Secretary to elucidate whether the term "all" means all of the existing liberal studies teachers? If the answer is yes, what is the total number of them? Will all the teachers who are being trained to be Liberal Studies teachers be included? How many teachers we are talking about? Furthermore, is 100 hours of training adequate?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): *Madam President, at present, there are 300 to 400-odd Liberal Studies teachers. We plan to provide all teachers, including current and future Liberal Studies teachers, with training of at least 35 hours; if necessary, they can receive training up to 100 hours. I think that will cater for the needs of teachers. As to the future number of Liberal Studies teachers, it is up to schools to decide. We therefore hope that schools can arrange small group teaching for Liberal Studies. In the meantime, as to the training of teacher, it is also up to schools to decide.*

MS AUDREY EU (in Cantonese): *Madam President, the Secretary said that it depends on individual schools, but can the Secretary estimate how many Liberal Studies teachers will have to receive the new training in future? The Secretary said that there are currently 300 Liberal Studies teachers, but I wish to look at the relevant comparative figures, because all teachers may have to receive training in future and even university entrance examinations would use the Liberal Studies as the enrolment criteria. For that reason, may I ask the Secretary how many new Liberal Studies teachers we have between now and 2009?*

PRESIDENT (in Cantonese): Secretary, Ms Audrey EU is asking you to elucidate the statement you have just made. You said training would be provided to all Liberal Studies teachers. What she wants you to clarify is that in the course of planning, have you considered the number of new Liberal Studies teachers required?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Fine. We should have a clear idea that Liberal Studies is nothing new; all the current teachers can teach Liberal Studies. For that reason, with regard to the training I have mentioned, it does not mean that we are going to train up the teachers to teach a new subject, instead, it is about the training of teaching methods which show teachers the ways to achieve the ideology of Liberal Studies. For that reason, if the Member asks me the future number of Liberal Studies teachers who will only teach the studies, it will be a difficult question to answer, because a teacher may not necessarily teaches Liberal Studies alone; we should bear in mind that Liberal Studies is not a single subject, it should complement other subjects.

MS AUDREY EU (in Cantonese): *I am sorry, Madam President, I have actually not asked the Secretary how many teachers would only teach Liberal Studies. What I wish to ask is, how many teachers are involved with regard to "all Liberal Studies teachers" mentioned in the eighth paragraph in the statement? The Secretary tells us there are currently 300 Liberal Studies teachers, and he also says that they will be provided with training. I therefore ask the Secretary, if those teachers who are not teaching Liberal Studies at present but will teach Liberal Studies in future are included, according to the Secretary's estimate, how many of them there would be.*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Perhaps let me explain once again. If we look at the relevant timetable, Liberal Studies accounts for 10% of the time of all studies. According to that, about 10% teachers would receive the training.

DR FERNANDO CHEUNG (in Cantonese): *Madam President, in paragraph 6.3 under the subheading of "special education" in page 60 of the "The New Academic Structure for Senior Secondary and Higher Education – Action Plan for Investing in the Future of Hong Kong", it is mentioned that "Children with special educational needs (SEN) should have equal right to educational opportunities under the concept of 'one curriculum framework for all'." Under the new academic structure, the curriculum framework comprises a six-year primary school curriculum, a three-year school curriculum at junior secondary level, a three-year school curriculum at senior secondary level, and of course a four-year undergraduate programme at university. May I ask the Secretary, if the so-called "one curriculum framework for all" concept means that all students with SEN are included in the framework and will receive education of a six-year primary school curriculum, a three-year school curriculum at junior secondary level and a three-year school curriculum at senior secondary level?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I have clearly explained that as to students with SEN, their curriculum would be different from the ordinary school children. Nevertheless, our pledge is these students will have the opportunity to receive six years of primary education and six years of secondary education. At present, they can only receive six years primary school education, then a maximum of another three to four years of education. But we will make it an additional six years of education. As to the distribution of these six years, it would be difficult to lump them together because different students would need different curriculum.

PRESIDENT (in Cantonese): The time for elucidation ends here.

BILLS**First Reading of Bills**

PRESIDENT (in Cantonese): Bills: First Reading.

MERCHANT SHIPPING (LOCAL VESSELS AND MISCELLANEOUS AMENDMENTS) BILL 2005**WASTE DISPOSAL (AMENDMENT) BILL 2005**

CLERK (in Cantonese): Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005
Waste Disposal (Amendment) Bill 2005.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

MERCHANT SHIPPING (LOCAL VESSELS AND MISCELLANEOUS AMENDMENTS) BILL 2005

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I move that the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 (the Bill) be read the Second time.

The Bill proposes amendments to marine legislation and other legislation, in order to bring the Merchant Shipping (Local Vessels) Ordinance (LVO) into operation.

The LVO updates marine legislation to meet the modern day operational requirements of the local shipping industry and enhances the safety standards of

local vessels. It has been enacted, but has not yet commenced operation as its effective implementation requires the making of 10 pieces of subsidiary legislation. To date, five of them have been completed, and the remaining five will be tabled at the Legislative Council following enactment of the Bill.

The Bill covers three broad categories of amendments. First, the Bill will make consequential amendments to nine pieces of ordinances and 13 pieces of subsidiary legislation affected by the LVO and its subsidiary legislation.

Secondly, the Bill will propose improvements to the LVO, including adding new provisions to effect the agreed policy of introducing compulsory third party risk insurance requirements for all locally certificated vessels. At present, such requirements are imposed on launches, ferry vessels and pleasure vessels. Extending such requirements to all locally certificated vessels will enhance protection for passengers. The Bill will also clarify the meaning of some provisions in the LVO. For example, we propose to clarify the power of the Director of Marine to prohibit vessels from anchoring or lying, which is necessary for the discharge of duties under the LVO.

Thirdly, the Bill will make miscellaneous amendments to marine legislation. The LVO is a dedicated piece of law for local vessels. The Director of Marine needs to rely on the LVO and other related legislation to ensure maritime safety and effective control of both local and ocean-going vessels. These miscellaneous amendments will enable the Director to discharge his duties and ensure consistency in port operation requirements which are equally applicable to local and ocean-going vessels.

Madam President, the Bill will help ensure the effective operation of the LVO and provide for better control of vessels, and has the support of the local shipping industry. I recommend the Bill to the Legislative Council for early passage into law.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 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.

WASTE DISPOSAL (AMENDMENT) BILL 2005

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, I move that the Waste Disposal (Amendment) Bill 2005 (the Bill) be read the Second time. The Bill mainly proposes to legislate for control on the handling of clinical waste to protect public health. We introduced the Bill in June 2003 into the Legislative Council during its previous term, however, due to the lack of time in the previous term of the Legislative Council, the provisions of this Bill could not be scrutinized. Therefore, we have now introduced the Bill into the Legislative Council again.

Waste arising from certain medical procedures can be infectious and hazardous. If not handled properly, it can pose serious threats to the health and lives of the public and waste collectors. Therefore, we propose to implement a Clinical Waste Control Scheme (the Control Scheme) to provide proper protection to the public. The Control Scheme requires clinical waste producers to properly manage their clinical waste by segregating those waste from other waste and consigning the clinical waste to licensed clinical waste collectors for disposal; setting up a trip-ticket system to track clinical waste from source to disposal facility and designating the Chemical Waste Treatment Centre as the facility to treat clinical waste and levying a disposal charge on clinical waste producers for use of the facility.

The Bill defines clinical waste and provides for licensing control on clinical waste collection and disposal. After the passage of the Bill, regulations will be introduced to set out in detail the requirements on the disposal of clinical waste. In addition, Codes of Practice will be issued to the waste producers and collectors to provide detailed guidelines on the segregation, packaging, labelling, collection, storage, transportation and disposal of clinical waste.

Apart from introducing the Control Scheme, the Bill will also regulate the disposal of imported waste.

At present, the import of non-hazardous waste for recycling purposes does not require a permit, but this exemption may be abused leading to the waste being disposed of in local landfills ultimately. To prevent abuse and conserve the valuable landfill space in Hong Kong, we propose to stipulate that the disposal of imported non-hazardous waste originally intended for recycling purposes must obtain authorization from the Director of Environmental

Protection. Authorization will only be granted if the applicant can prove that he has exhausted all possible recycling outlets and all means to return the waste to the place of origin. The applicant will be required to pay the full disposal cost involved.

In addition, the Bill also proposes the incorporation of the Basel Ban into the Waste Disposal Ordinance. This is an international ban that prohibits the movement of hazardous waste from developed countries to developing countries. Since 1998, we have been implementing the ban on importation of hazardous waste from developing countries to Hong Kong by administrative means. Local and overseas traders are fully aware of the arrangement. The Bill will set out the Basel Ban in clear terms in Hong Kong laws. This helps to send a strong message to the international community regarding Hong Kong's commitment to enforcing the Basel Ban.

Madam President, the passage of the Bill will boost the protection of public health and provide a safer and healthier living environment to the public. I hope Members will support the Bill so that the proposals set out in the Bill can be implemented at an early date.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Waste Disposal (Amendment) Bill 2005 be read the Second time.

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. As Members are already very familiar with the limits of their speaking time, I will not repeat them here. I only wish to remind Members that the President is obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Continuing decline in birth rate.

CONTINUING DECLINE IN BIRTH RATE

MR LEE CHEUK-YAN (in Cantonese): Madam President, I move that the motion as printed on the Agenda be passed.

I think today is the last time that the Chief Secretary for Administration will be responding on behalf of the Government to a Members' motion in a debate before his formal resignation from his office to contest the election of the new Chief Executive. The topic under our discussion today is decline in birth rate and measures that are conducive to achieving a balance between work and family life, and Chief Secretary for Administration Donald TSANG is the most suitable person to give a response whether in his capacity as a public officer or in his private capacity. It is because insofar as his capacity as a public officer is concerned, the Chief Secretary, who is the Chairman of the Task Force on Population Policy, is the official responsible for policies in this area; and insofar as his private capacity is concerned, it can be said that the Chief Secretary has heartfelt feelings about this. Early this year, in the *Hong Kong Economic Times* — I do not know if the Chief Secretary has read this newspaper — there was a columnist "Bowtie B", and the title of that titbit of news was this: "Bowtie longs for a grandchild but sighed that his son does not have the time to make a baby". It was said that the Chief Secretary actually very much wished to become a grandfather as soon as possible, but his son had not given him any good news after getting married. It was also learned that the Chief Secretary had sighed that his son and daughter-in-law, both being doctors in Queen Mary Hospital, are so busy with their work in hospital that they can find no time to give birth to children. That work has affected childbirth is not only a family affair of the Chief Secretary. It is, in fact, a common problem faced by many Hong Kong people.

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

Recently, I have often received complaints from mothers, that their children have really turned out to be not getting married, or that they will not give birth to children even if they do get married, because their work has practically sucked all the energy of parents or couples. So, I hope that the Chief Secretary will identify with this feeling since he has the same experience insofar as today's topic is concerned, and since today is the last time that the Chief

Secretary will be responding to a motion in this Council, I hope he will not let Members down in his reply later, and I hope that at least he will not do what he did in reply to our written questions on several occasions previously by simply copying from the 2002 report, thinking that he had done his job.

If we look at the current birth rate of Hong Kong, we will find it very shameful indeed, for the total fertility rate in Hong Kong is the lowest in the world. Total fertility rate refers to the average number of children born alive, or live births, per 1 000 females during their lifetime. The total fertility rate is an index that measures the possible impact of the fertility level on the population. Over the past 30 years, this figure in Hong Kong has dropped from 2 666 to just over 900 recently, which is far lower than the natural replacement level of 2 100. Hong Kong is ranked the lowest in the world at 209. Macao has been doing as badly as Hong Kong. This time around, Hong Kong and Macao have the lowest ranking.

Let us look at Japan. Although the birth rate in Japan is not high either, which now stands at 1.38, it is still far higher than that in Hong Kong. In Korea where the working hours are actually very long as well, the birth rate is 1.56, whereas that in Taiwan is 1.57. Many people said that the birth rate in advanced countries will naturally drop. But let us look at the United States, theirs is as high as 2.07. So, that Hong Kong is ranked the lowest now is, in fact, an issue that awakes our vigilance, attention and concern.

A decline in the birth rate will give rise to a series of problems. They include insufficient manpower supply, which may affect economic development; an ageing population, which will add to the burden on medical and welfare expenditure; and the weakening of the family system and functions. There are broadly three directions to address these problems. Firstly, we should do everything we can to boost the birth rate, and this is what we call for in the original motion; secondly, we should absorb foreign immigrants to supplement the local population; and thirdly, we should formulate corresponding measures to cope with the declined birth rate and an ageing population. The second and third directions are the main contents of Mr CHAN Kam-lam's amendment, and I will discuss them later on.

Madam Deputy, some people say that giving birth to children is purely a private decision and the Government, therefore, should not interfere with it, and

that it is precisely because this is a matter of personal choice that there is very little that the Government can do. I agree with this view, but I also take exception to it. Of course, the Government should not directly interfere with the private life of the people, and I believe Hong Kong people do not consider it acceptable if the Government should point a gun at the people forcing them to give birth to children, or punish people who do not give birth to children. However, if a personal choice will lead to serious social consequences, then the Government must pay attention to it and intervene as appropriate. Although giving birth to children is a private decision, personal preferences can often be affected by many social factors, and the Government has the ability and responsibility to reduce those social factors deterring individuals from choosing to give birth to children, thereby creating a social environment conducive to childbirth.

There are broadly four factors affecting an individual's childbirth decision, and these four factors can also affect each other. They include the ideal way of living to individuals, the cost of childbirth, economic prospects, and the relations between men and women. Firstly, the way of living. More and more Hong Kong people now tend to get married late or even to remain single. The median age of females at first marriage rose from 23 in 1975 to 28 last year, whereas that of men also rose from 27 to 31. Apart from late marriage, couples may not necessarily give birth to children immediately after marriage and so, many women will have passed 30 at the birth of the first child, which almost exceeds the childbearing age of women. Consequently, the fertility rate of married women has declined. Besides, compared with the United States and European countries, it is not common for children to be born out of wedlock in Hong Kong. In the United States and European countries, about one third of newborn babies were born to unmarried women, and the figure in Hong Kong is only 3% to 4%. Certainly, whether giving birth to children out of wedlock will cause other social problems is another topic that warrants studies.

The second factor affecting childbirth is the cost of childbirth. Giving birth to a child and raising it is not as simple as having one more member in the family and putting one more pair of chopsticks on the table. Many expenses will be incurred. This is of concern not only to the grassroots. Many of those in the middle class may also find it difficult to meet the expenses. Particularly as competition is becoming increasingly keen in society, many middle-class parents have to put plenty of resources on their children. If they wish to send their children abroad for studies, they even have to pay more than \$1 million for

each of their children. This is the education expenses that they must meet for their children. Moreover, they also need to put in time for their children, and if their working hours are long, it would be basically impossible for parents to have time to take care of their children. Having considered the cost in terms of time, many people are, therefore, deterred from giving birth to children. Furthermore, working women will also consider the opportunity cost, such as whether their career development will be affected, and after weighing the pros and cons, another obstacle may arise.

The third factor affecting childbirth is the general economic conditions. This factor can affect women's opportunities of career development on the one hand and directly affect the affordability of parents on the other. Giving birth to and raising children is an investment which takes at least over a decade to two decades, and there is no guarantee of return. In times of economic uncertainty, or even when the economy is turning the corner, the entire community of Hong Kong will be beset with problems of unemployment and job insecurity. Wage earners in Hong Kong basically lack a sense of security. A person who lacks a sense of security basically dares not shoulder the cost of childbirth. That is why many people do not dare to give birth to children in order to avoid the risks, and this also explains the reason for a substantial decline in the birth rate in Hong Kong over the past few years.

The last factor affecting childbirth is the relations between men and women. Many people think that given a higher education level of women and more opportunities of development for women, a decline in the birth rate will be inevitable. This is not exactly true, because it cannot explain why there is a big difference in the birth rate between places where women have comparable educational attainment and opportunities of development. Having analyzed the situation in many countries in the world, Peter MCDONALD, an academic, pointed out that the relations between men and women may affect the birth rate at two levels — women's opportunities of and inclinations for personal development, and society's expectation or requirement (particularly that of family and the workplace) for women. In simpler terms, if women have little opportunities of personal development in society and when society mainly expects women to take up a child-bearing role, then the birth rate will be on the high side. On the other hand, if women have great opportunities of development in society and when other social institutions allow greater equality in the relations between men and women, such as division of work between men and women in a family, work arrangement being made having regard to the

needs of family, and so on, it will be easier for women to strike a balance between work and family life, in which case the birth rate will still be higher. This explains why the birth rate is so high in the United States. On the contrary, Hong Kong is caught in the middle, as women have ample opportunities of and strong inclinations for personal development, but society does not allow them to strike a balance between work and family life. For such cases of women being caught in the middle, the birth rate will be extremely low, and Hong Kong is absolutely one of these cases.

To address the external factors affecting childbirth, many countries have formulated a series of measures in an attempt to boost the birth rate. These measures can be divided into two major categories. The first is to provide economic incentives directly to encourage childbirth, including granting cash for giving birth to children and even providing incentives in terms of housing or providing tax concessions, which is a more common measure. Nevertheless, these measures cannot produce significant results, because childbirth involves huge expenses indeed and so, no matter what concession is provided by the Government, it is still not attractive. Besides, these measures cannot address factors other than the financial ones. Yet, I must point out that many of these measures carry other policy considerations. For instance, subsidies for rearing children mainly aim to alleviate inter-generational poverty, and tax concessions will need to consider the question of equity in the tax regime. Certainly, these are not the main issues of our discussion today.

Another category of measures is what the Hong Kong Confederation of Trade Unions wishes to advocate most today, that is, measures which are conducive to achieving a balance between work and family life. The Government must introduce more family-friendly labour policies, including reducing the working hours, extending the maternity leave, providing leave for staff to attend to their family affairs, protecting part-time workers, promoting flexible working hours, encouraging enterprises to provide nursery facilities, and so on. I wish to point out in particular that it is most imperative to reduce the working hours. That workers in Hong Kong have to work excessively long hours is something that we need not say much about it, for it is already known to all. The present situation has become so serious that it has affected childbirth seriously. Come to imagine this: A couple who work for more than 10 hours a day will be exhausted when they get home, and such being the case, how could they be interested in thinking about making a baby? Not to mention how they would have the courage to take the challenge of bringing up "costly" children.

As for the other measures, such as extending the maternity leave and providing leave for staff to attend to their family affairs, they serve to improve the division of work between men and women in a family on the one hand and ease the conflict between work and family care as well as the associating pressure faced by working women on the other. Moreover, they also put across the message to society that caring for children and dedication to work are not mutually exclusive. Please do not put a glass ceiling above the heads of women. As long as suitable arrangements are made, they can be complementary to each other.

Madam Deputy, as I said earlier, the many measures that I have just mentioned serve not only to boost the birth rate. They also carry other policy considerations. Should anyone say that in proposing this motion today, I am trying to achieve some purposes under the cover of this motion and seeking to promote those labour policies that I have always been fighting for, I would not totally deny it. Indeed, I hope that society (including the Government) can return to the people a free choice of childbirth. I hope that through promoting measures to achieve a balance between work and living, such as regulating working hours, providing leave for staff to attend to their family affairs, providing nursery services, and so on, more Hong Kong people can truly have more freedom to choose whether or not to give birth to children.

Thank you, Madam Deputy.

Mr LEE Cheuk-yan moved the following motion: (Translation)

"That, in view of the continuing decline in Hong Kong's birth rate, this Council urges the Government to look into the anxieties and obstacles experienced by Hong Kong people in giving birth to children, and formulate measures that are conducive to achieving a balance between work and family life, so that Hong Kong people's childbirth plans will not be affected by their work."

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

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Kam-lam and Mrs Sophie LEUNG 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 will call upon Mr CHAN Kam-lam to speak first, to be followed by Mrs Sophie LEUNG; but no amendments are to be moved at this stage.

MR CHAN KAM-LAM (in Cantonese): Madam Deputy, the slogan of "two are enough" has struck roots in the hearts of the people over the past 30 years, and as the people have started to attach importance to giving birth to healthy babies and ensuring that their children are well brought up, they have actively responded to this call, and this has indeed eased the pressure of a sharp increase in population. But with the passage of time, the situation has changed and now, Hong Kong is going to another extreme. We are now facing a declining birth rate and an ageing population. Should the situation deteriorate continuously, social resources may become slanted and a shortage of labour may even arise, and this will be very unfavourable to the long-term development of Hong Kong. Madam Deputy, I have three children. It appears that I did not follow the trend of the times back then, but judging from today's situation, I must say that my wife and I do have foresight.

In February this year, Chief Secretary for Administration Donald TSANG openly encouraged childbirth, calling on each family in Hong Kong to give birth to three children, in order to resolve the problem of an ageing population in Hong Kong, and this had aroused rounds of enthusiastic discussion on childbirth in the community. Some people have attributed the low birth rate in Hong Kong to the Government's failure in governance, which has plunged the people's livelihood into dire straits, thus shattering Hong Kong people's confidence in giving birth to children. Undeniably, the many policies of the Government and those relating to the next generation, particularly the policy on education, have aroused much controversy in the community of Hong Kong in recent years. I know many parents from the younger generation, and they are worried about a decline in the quality of education in Hong Kong and so, those who have the means have sent their children abroad for studies, while those who cannot afford the cost may decide not to give birth to children altogether, in order not to cause their next generation to suffer.

However, it seems unfair to lay all the blame on the Government alone. In fact, the economy of Hong Kong started to take off in the '80s, but the local birth rate has constantly dropped since the mid-1970s. The total number of births dropped from some 80 000 in 1975 to only 47 000 in 2003, and the total fertility rate was only 0.94% in the corresponding period. In other words, this problem already existed two to three decades ago.

If we attribute the people's reluctance to give birth to children to their being too busy at work or having to work long hours, that will only oversimplify the problem. In fact, we can easily cite a dozen reasons to explain why the people are unwilling to give birth to children. They include an increase in the living expenses, not being able to spare time out of the hectic life to look after their children, not knowing how to teach their children, or preference for late marriage or not giving birth to children for the reason of seeking pleasure for personal enjoyment or enjoying "a world of two". These are all cogent reasons, only that some are affected by objective circumstances. Certainly, a person's own choice of or preference for lifestyle is most important.

Madam Deputy, if the Government wishes to encourage childbirth, it must draw up measures targeting at the various reasons why the people resist giving birth to children. Besides improving the quality of education and increasing the tax allowance for children, the Government should formulate family-friendly policies and measures, including looking into ways to enhance various types of child-minding services, in order to allay the concern of the people and hence, their worries about rearing children can be dispelled.

Now, I would like to turn to the impact of a decline in the fertility rate on society. According to projections, the overall fertility rate in Hong Kong was on the low side in 2003 with 941 births per 1 000 women, which is far below the replacement level of 2 100 children per 1 000 women. This figure is even lower than that in North America and most European and Asian countries.

The decline in the birth rate has directly diluted the local population profile, and future changes in the age composition of the local population can be reflected by the overall dependency ratio which represents the number of persons aged under 15 and those aged 65 and over per 1 000 persons aged between 15 and 64. This ratio increased from 378 in 2003 to 598 in 2033. According to the projection of the Census and Statistics Department (C&SD), the number of

persons aged 65 or over will account for 27% of the total population of Hong Kong in 2033.

In view of these figures, we must face up squarely to the problem of an ageing population. Despite the establishment of the Task Force on Population Policy by the Government some two years ago, no clear policy has been formulated on population in Hong Kong. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) considers that talents are very important to the future development of Hong Kong. It becomes, therefore, more necessary to perfect the current policies regarding the admission of mainlanders to Hong Kong for settlement.

Apart from locally born babies, new arrivals from the Mainland admitted under the One-way Permit Scheme have all along been a major source of population growth in Hong Kong, and the daily quota under the Scheme is 150 at present. According to the latest population census conducted by the C&SD, the inflow of One-way Permit holders drastically dropped 32% from about 61 000 in mid-2000 to only 38 000 in mid-2004. It is evident that the daily quota of 150 has not been used fully.

The DAB considers it necessary to review the situation. At the last meeting of the Chinese People's Political Consultative Conference (CPPCC) of the People's Republic of China, the several DAB members who are Hong Kong members of the National Committee of the CPPCC proposed to the Central Authorities that the daily quota of 150 be readjusted in order to put the quota to full use.

Absorbing talents extensively is no doubt a way to enhance competitiveness in the long term, and schemes to attract foreign investors are an immediate stimulant to the economy. That is why the Hong Kong Government officially introduced the Capital Investment Entrant Scheme a year or so ago, with the objective of attracting investors to come to Hong Kong for settlement. However, it seems that the Scheme has not been very well-received.

As at end March this year, 720 applications were received over a period of 17 months, with 347 applications having been approved. The approved applications accounted for 48% of the total number of applications, which means that only 21 cases of investment entrant can be successfully absorbed monthly on average. Under the stipulations of the Scheme, those who are eligible for

application include foreign nationals, Macao Special Administrative Region residents, Chinese nationals who have obtained permanent resident status in a foreign country, Taiwan residents, and so on, but mainland residents are specifically excluded. Some DAB members who are members of the National Committee of the CPPCC openly proposed a motion at the last meeting on relaxing the restrictions on mainlanders taking up residency in Hong Kong by way of investment. As measures have been taken by the Mainland since the end of last year to relax the control on the outward transfer of personal assets by mainland residents, we consider that it is now opportune to relax the restrictions on mainland residents taking up residency in Hong Kong by way of investment.

Meanwhile, we also hope that the Government will review the eligibility criteria under the existing Capital Investment Entrant Scheme. Compared with investment migrant schemes in other countries, the current threshold of \$6.5 million in Hong Kong seems to be too high. We hope that the Government can review this threshold and examine whether it can be lowered, with a view to making the Scheme more attractive.

I have spoken at great length to encourage the Government to identify ways to attract talents to live and work in Hong Kong. I hope that the Government can also work in the direction of relaxing restrictions to facilitate the admission of talents to Hong Kong for studies and take matching measures accordingly. To maintain Hong Kong's advantage as an Asian cosmopolitan, education in Hong Kong must move towards internationalization, with a view to attracting more non-local students to study in Hong Kong, thereby upgrading the competitiveness of Hong Kong. If Hong Kong can become a meeting point of international and mainland students, it can certainly attract more foreign investors to set up offices in Hong Kong, and this will in turn benefit the Hong Kong economy as well as the competitiveness of the enterprises.

At the third meeting of the tenth CPPCC National Committee, DAB members who are members of the CPPCC National Committee proposed a motion on relaxing the restrictions on primary and secondary students in the Mainland coming to Hong Kong for studies. I hope that the Government can further study the proposal on relaxing the immigration restrictions to allow more overseas and mainland students to study in Hong Kong.

The DAB will support the original motion of Mr LEE Cheuk-yan and the amendment of Mrs Sophie LEUNG. Madam Deputy, I so submit.

MRS SOPHIE LEUNG (in Cantonese): Madam Deputy, as an old Chinese saying goes: There are three forms of unfilial conduct, of which the worst is to have no descendants. However, the times have changed, and our younger generation has another point of view and cares not about filial piety. They just do not want to have children, and that is why Members have to discuss this issue in this Chamber today, as the birth rate is now at an all-time low. The fertility rate of each woman is less than one child, which is only 0.927 child, far below the optimal replacement level of 2.1 in demography.

Dr Paul YIP of the Department of Statistics and Actuarial Science of the University of Hong Kong published a study report on Hong Kong population in February. He pointed out that our population was now facing a risk of disconnection when the ageing problem was approaching hastily while the fertility rate had dropped drastically. If the situation continues, by 2012, we would have too many retirees of over 60 years of age, while there would be too few young people working to support the community. At that time, there would be an elderly among every three persons.

Early this year, Mr Donald TSANG, Chief Secretary for Administration who was originally responsible for population policy, was also concerned about this problem. By resorting to "verbal coercion", he called upon the public through the radio to "give birth to two children at the least, and to three at the best". Heated discussions on this topic then followed in town. Therefore, I opine that this topic has given us a good opportunity to think about how to encourage people giving birth in order to relieve the problem of an ageing population.

However, I also think that whether giving birth will involve a lot of complicated factors, for example, assessment of one's own future, personal income, one's responsibility to children's education, as well as how to teach them to be nice and obedient, instead of entrusting them simply to the education system. I believe that these are the topics of our discussion today. Therefore, on behalf of the Liberal Party, I propose an amendment today in the hope that we can first have a more in-depth study on the low fertility rate, and then map out a prescription. And the prescription is not necessarily to formulate measures for striking a balance between work and family. If this is as simple as that, the problem can be easily solved.

Madam Deputy, before the end of the holiday, the Liberal Party conducted a random survey of public views on the reasons for the low birth rate. We

successfully interviewed 1 567 members of the public to understand why they would reduce giving birth to children and how they would be encouraged to give birth. As a result, most interviewees thought that the main reasons for the low fertility rate in Hong Kong were: the first being "unstable income" which accounted for 41%; then they were "the responsibility of having children is too heavy" which accounted for about 24.6%, "do not want to lose freedom" which accounted for 11.4%, and "uncertain prospects in education reform" which accounted for 7.7%. The reason chosen by the least interviewees was "work is too hard" which only accounted for 6.8%, while 8.5% of the interviewees chose "others".

In regard to the measures to encourage childbirth, the top one was again "stable income" which accounted for 38.2%. The second one was "stable prospects" which accounted for 23%. "The Government providing more economic incentives, such as tax concessions" ranked the third, accounting for 12%. This result has given me a very great inspiration, that is, in encouraging people to give birth, the certainty of economic prospects has the greatest impact on the people's decision in giving birth or not.

Just as the public's response to the appeal of Mr TSANG, Acting Chief Executive, to "give birth to three children", the decision of giving birth cannot be made simply because of someone's verbal encouragement. It is possible that over the past few years, due to continuous political arguments in Hong Kong, downward spiral of the economy for many years, lack of harmonious atmosphere in society, unstable job prospects of the workforce, homeowners becoming holders of negative equity assets, and so on, many people harbour some negative views about the future.

Madam Deputy, another academic, Prof KWAN Cheuk-chiu of Department of Economics of The Chinese University of Hong Kong, estimated that for a general middle-class family, the resources (personal and social) required for nurturing a child from birth to graduation from university is nearly \$4 million. In a poor family, to nurture a child with popular education, \$400,000 will be required. As to how to bring up an obedient child, it is even a bigger challenge.

Madam Deputy, the Women Commission has recently organized a seminar with another group on how to nurture a student with high achievement. It was

full house and parents spent three to four hours listening to it. Most of them were parents of new born babies and they had very great worry about how to nurture an obedient child in the future environment. The second major reason for refusing to give birth may be that people find themselves unable to shoulder this substantial responsibility.

We opine that given this concept and environment unfavourable to giving birth, the Government should not simply deal with the lack of balance between work and family. Of course, I also agree that we have to find ways to strike a balance between work and family. However, a more positive method is to adopt measures directly addressing the different reasons for not giving birth.

For instance, apart from studying how to map out some policies to alleviate the actual burden of parents in bring up children, we suggest the Government to step up publicity and education in order to change the mindset of the new generation who are afraid of giving birth and shouldering the responsibility. If publicity is possible, only when it is planned well, we can promote the notion of "having children, seeing the future and having fun". We can replace the outdated concept of family planning which discourages people to have as many as three or four children by the prospects of joy brought to family by new lives.

In regard to Mr CHAN Kam-lam's amendment, its notion is basically the same as that of the Liberal Party. At the same time, he reminds us that facing the ageing population problem, we have to take precautions lest it will pose a burden too much for the community to shoulder. We agree with all these ideas which have actually been mentioned many times. The Liberal Party also agrees that we should find measures earlier lest the entire society will be "broke" by then.

With these remarks, Madam Deputy, I propose the amendment.

MR LAU CHIN-SHEK (in Cantonese): Madam Deputy, I speak in support of Mr LEE Cheuk-yan's motion.

The focus of news on China recently is on the "landing" of Chairman LIEN and Chairman SONG, representing two political parties not in office in

Taiwan, as well as the impact this has created. Another piece of news that saw little coverage by mainland media last week was the death of ZHANG Chunqiao, a member of the "Gang of Four" who passed away at the end of last month. Of course, the "Gang of Four" has no influence in the Chinese political arena nowadays. However, at the time back then, the "Gang of Four", including ZHANG Chunqiao, had very strong influence in the Mainland. What is most well-known about ZHANG Chunqiao is his philosophy of limiting the legal rights of the bourgeoisie, and the people he criticized most severely were those without the Yan An Spirit. According to ZHANG Chunqiao, the bourgeoisie and the petty bourgeoisie were always very demanding. They asked for more earnings, materialistic improvement, improvement to working environment, and improvement to wages. However, according to him, we should think about the Communists who, in the Yan An era, would sacrifice themselves for a lofty ideal. They would never take their own welfare into account. They were neither afraid of sufferings nor death.

Madam Deputy, I feel that nowadays, some employers in Hong Kong still strongly oppose the labour sector's request for protection as to setting a minimum wage and regulating the working hours. The argument of those employers is very similar to ZHANG Chunqiao's views on Yan An Spirit. We can always hear some employers say, "The work of a boss is also very hard. I work around the clock. Are there any regulations on the maximum working hours? When the boss can work as hard as that, why should the employees insist on demanding protection of working hours?"

Madam Deputy, I do not doubt most of the employers are very industrious. For the sake of establishing or maintaining businesses, they make nothing of hardships and do not mind their long working hours. However, I believe no matter how the employers think, they should not impose their thought on the employees. By the same token, whether we agree with the Yan An Spirit of sacrifice upheld by ZHANG Chunqiao, I believe ZHANG Chunqiao would have no right to impose his Yan An Spirit on all the Chinese people.

In fact, apart from the employers, our high-ranking government officials also have similar thinking as ZHANG Chunqiao's. I recall that at the end of last month, during a Question and Answer Session of the Legislative Council, Mr Donald TSANG, Acting Chief Executive made the following response on the issue of working hours, "I consider industry is a virtue of Hong Kong people, and I think it is not easy to change this tradition. Sometimes, employees work

overtime not necessarily because their bosses have told them to do so. Besides, some people are themselves so dedicated to work that they are willing to work overtime for many hours." Madam Deputy, Mr TSANG is such a hard-working official that he really deserves to be the Chief Executive, and this is of course very nice. However, I hope that Mr TSANG and also other officials can understand that their thought might not be that of all the Hong Kong employees, nor should they find it natural to evade the responsibility of regulating working hours.

When the employers work from morning till night, they may have lofty aspirations and think that it is worthy to devote all efforts to making money. When high-ranking government officials often work overtime or even during holidays, they may have a sense of dedication or may want to be promoted soon with their outstanding performance. Anyhow, we cannot imitate ZHANG Chunqiao who, restricting the legal rights of the bourgeoisie, required everyone to put the Yan An Spirit into practice. Government officials, in particular, should even understand that what the general employees want is stable employment, to have some time to spend with the family after work, to strengthen the bond within the family and even to bring up children.

Madam Deputy, if ZHANG Chunqiao's philosophy of restricting the legal rights of the bourgeoisie and advocating the Yan An Spirit were tenable, the Cultural Revolution would have already been successful, for everyone would have recognized and accepted the so-called spirit of revolution and sacrifice of the "Gang of Four". However, this is not the way in the Chinese society, and the Chinese people do not think it that way either. I very much hope that various parties can think more about other people's needs, and to think over problems from other people's standpoints.

Thank you, Madam Deputy.

MR JAMES TO (in Cantonese): Madam Deputy, the Democratic Party published in 1993 a document on population policies, entitled "Breaking regional boundaries in the face of the challenge posed by the population". According to our proposal at that time, Hong Kong should adopt a neutral policy on childbirth. Why? Because we were aware that the Mainland, having the same cultural background and ethnic groups as Hong Kong does, could provide the territory with a major source of people.

Actually, members of the community are greatly divided on population policies. Some can even be described as holding views of a higher level as they believe that the global population is actually excessive. When it comes to our own country, its approach is the other way round. It has adopted a one-child policy under which people are encouraged not to give birth to so many children. It can even be said that childbirth is not encouraged. Even though a less stringent attitude is now adopted, population development is still being monitored very closely on the Mainland.

Of course, many countries or regions around the world encourage childbirth. For instance, the relatively radical Singapore is taking a highly proactive attitude in influencing its birth rate in the hope of encouraging childbirth among its citizens, particularly certain ethnic groups of the country. Why? Actually, childbirth involves the rise and fall of a country or region, and even the balance among various ethnic groups. In the opinion of the Democratic Party, Hong Kong should adopt a neutral childbirth policy.

Insofar as the motion proposed today by Mr LEE Cheuk-yan is concerned, we share his fundamental spirit. In our opinion, policies should be formulated to remove the obstacles impeding the desire of the people to give birth to children. Earlier, Mrs Sophie LEUNG commented that a series of obstacles had been identified in a survey conducted by the Liberal Party, to which she belongs. She also cited several leading factors as follows: unstable income, uncertain prospects, reluctance to be tied down, and so on. But these obstacles, such as unstable income, are greater economic problems for the Government to address. However, the fact that hard work still ranks the fourth among all those obstacles does prove that it affects childbirth. As such, it is imperative for the Government to introduce proactive policies to remove the obstacles.

We can also see that some colleagues have proposed some helpful measures for inducing improvements in such areas as education, child minding, and so on. I have no wish to repeat here, and we agree with all of them. However, we hold that these measures actually seek to remove obstacles rather than encourage childbirth. This is because, in such countries as Sweden and Japan where childbirth is encouraged, nationals who have given birth to children are perceived by their countries as acting in the interest of the state, not their own. These countries are extremely concerned about their birth rate because they cannot survive with an exceedingly low birth rate. Therefore, they would rather maintain the birth rate of their country by handing out money and paying all expenses. Things are entirely different there.

We can also see that the proposals made by some colleagues can achieve the same result as ours, albeit by different means such as speeding up vetting, reviewing the quota system, particularly the quotas for children born on the Mainland to Hong Kong people. As local Hong Kong people are already unwilling to give birth to children, problems will arise should children born overseas to Hong Kong people be subject to numerous restrictions and obstacles when they make a request to come to Hong Kong. Actually, many quotas were left in the past couple of years. Of course, there are certainly room for improvement. We also agree with the proposal raised by colleagues of allowing mainland primary and secondary students to come to Hong Kong for schooling. We even hold that there may be benefits in several areas if some international schools in Hong Kong can successfully admit these students.

Actually, what else can we do? I would like to put forward an idea reflected to me by someone. At present, there are actually at least thousands of couples in Hong Kong who are keen to have children. However, owing to lack of means, they can only queue up at the reproductive technology departments of public hospitals for the relevant services. Although these services are available at private hospitals, it would probably cost them tens of thousands of dollars for each visit. Despite their strong desire for having children, their chances of doing so will probably diminish, because of their age, when it comes to their turn after waiting for an exceedingly long period — probably several years (because the costs of the services are indeed very expensive). Despite scientific progress, it would be difficult to raise the chances for having children when one grows older.

Therefore, I hope the Secretary can understand that there is just a very thin line between removing the obstacles to childbirth and encouraging it. I am aware that, in reply to a question raised by Mr LEE Cheuk-yan last month, the Government mentioned that a group was looking into the so-called proactive incentives implemented in other places, including whether they are effective, cost-effective, and so on. Of course, someone might ask what would happen even if these reproductive technology services could be relaxed or more investment be injected into this area to give the public at large who do not have the means a fair chance. In my personal opinion, many people can then be benefited immediately.

I also know that Hong Kong people in general do not have much confidence in their prospects. I believe this problem cannot be resolved very

easily. Yet, we still hope the Government, particularly the future Government, can really consult the public fully after conducting a review.

As Mrs Sophie LEUNG's amendment proposes to delete many of the terms in Mr LEE Cheuk-yan's original motion considered by us to be reasonable and relevant to the measures, we will oppose her amendment. As for Mr CHAN Kam-lam's amendment, we will abstain from voting. Why? Because we hold that the Capital Investment Entrant Scheme is irrelevant to childbirth, the subject under discussion. Although we agree with the Scheme, it must be borne in mind that should many people aged over 40 come to Hong Kong for investment through this Scheme, the effect on the ageing of the population in future will become even more prominent. The slogan adopted by the Family Planning Association, "Two is enough", has not been mentioned by the Government for a long time. In fact, people no longer follow this slogan. It would actually be quite good if people really follow the slogan by having two children. The problem is that people nowadays do not want to have any children. Therefore, from a general point of view, we will abstain from voting on Mr CHAN Kam-lam's amendment. I hope the Government can conduct a detailed review before consulting the public.

MR WONG KWOK-HING (in Cantonese): Madam Deputy, since the parents of the last two generations did not have any knowledge and concept of family planning, they would at least give birth to three or four children, while some of them would give birth to eight or nine, or even 10 children. The kids of that time were raised by Mother Nature. They would be very lucky if they had the chance to go to school. After school, they would not receive any child care services nor would they have to go to tuition classes. If there was no one to look after them, they would go to the football pitch to play football or roam about on the hillsides.

However, the cost of bringing up children in Hong Kong nowadays is very high. Apart from providing basic education, clothing, food, shelter and transportation, parents have to arrange various kinds of extra-curricular courses for their children, and among which, learning to play the piano and violin are the most basic activities. Besides musical instruments, they also have to learn dancing, marital arts, swimming, mental calculation, abacus calculation, Olympic mathematics, take the Cambridge Young Learners of English

programme, so on and so forth. In addition to regular extra-curricular studies, in order to broaden the horizons of children, parents will arrange for their children to join various kinds of activities, such as study tours which are very popular in recent years. The expenses for a two-week study tour are around \$20,000 to \$30,000.

It is estimated that in order to bring up a child, a middle-class family will have to spend \$4 million. If a family is to bring up three children as encouraged by Chief Secretary Donald TSANG, it has to spend \$12 million. How many families can afford this large sum of money? For the sake of providing the best education to the children, most families will concentrate their resources on nurturing one or two children at the most. They would aim at quality rather than quantity.

The cost of bringing up a child, apart from money, also includes time, and time is the most important objective condition in nurturing a child. Although the economic environment has turned better, employers are not allowing employees to have more time to rest, but rather, give them additional work. Hong Kong people nowadays have to work for at least 50 to 60 hours per week. Every night when they arrive home, it is already very late. They do not even have time to chat with their children or check their homework. When they do not have time to communicate with their children, how are they going to build up their relations? Some Hong Kong people cannot even take leave during public holidays or summer holidays to spend with their children. Some people will think that it is an irresponsible move if they give birth to children in full knowledge that they would not have sufficient time to accompany them in future.

The Hong Kong Federation of Trade Unions (FTU) urges the Government to prescribe standard working hours through legislation, with a view to providing employees with sufficient time after work to arrange their own lives, to take care of their family and children. Many family problems originate from insufficient time for family members to stay together and to communicate. The reason for employers to refuse setting standard working hours is increase in cost. In fact, the employers are only transferring the cost to the employees' families and society. In order to encourage giving birth, many countries will provide more annual leave to parent employees so that they can have more time to spend with their children. However, I think that it is a very difficult task to persuade employers in Hong Kong to give additional holidays to employees.

Madam Deputy, as a developing country, China has long been practising five-day working week. Although Hong Kong boasts about being the forerunner in economic development, the Government of the Hong Kong Special Administrative Region (SAR) has never considered in implementing five-day working week. If some day in the future, the Chief Executive of Hong Kong implements five-day working week, I think Hong Kong people will consider giving birth to three children without any appeal from Chief Secretary Donald TSANG.

To the grassroots, they basically cannot afford to spend millions of dollars on nurturing children. Among the existing full-time employees, more than 140 000 are earning less than \$5,000 monthly. Even when both husband and wife have employment, the total monthly income is still less than \$10,000, and there is not much left after paying for the basic living expenses like rental, water, electricity and gas tariffs and transportation fees. It is not possible to nurture one more child, not to speak as ambitious as nurturing three children. If a couple really has to give birth to three children, then the living standard of each child will be lowered drastically. As parents, how would they be hardhearted enough to see their children grow up in abject poverty? In fact, this problem is exactly what the women in grass-roots families and the parents have been sighing over.

Frankly speaking, for the Hong Kong people to give birth to children with their hearts at ease, first of all, there should be basic protection of living. The FTU has long been insisting on setting a minimum wage by legislation, so that when both husband and wife go out to work, they can at least earn \$10,000 monthly. Otherwise, how can they earn enough to meet the most basic expenses of nurturing their children?

In many countries where the birth rate is low, the authorities would implement drastic measures to raise the birth rate. In Singapore, for example, the maternity leave has been extended from eight weeks to 12 weeks. After giving birth, there will be tax rebate, reward, child care subsidies and additional annual family holidays. However, every concession carries a cost. Are the SAR Government and employers in Hong Kong willing to bear these costs?

Madam Deputy, I so submit.

MS LI FUNG-YING (in Cantonese): Madam Deputy, while attending a radio programme in February this year, the Acting Chief Executive, Mr Donald TSANG, encouraged the public to give birth to children and hoped that every family could at best have three children, so that the aging population problem in Hong Kong could be alleviated. When Mr TSANG made the above comment, he was still the Chief Secretary for Administration. I hope he will not forget that aspiration of his. I further hope that "creating a social environment favourable for raising three children in each family" will form part of his election platform in his contest for the future Chief Executive post, and that the change in birth rate in Hong Kong will be one of the indicators for assessing the performance of the Chief Executive.

According to the statistics in the book *World in Figures 2005* by the *Economist*, Hong Kong ranks first in the world in a number of figures, one of which is its lowest childbirth rate, for the childbirth rate for every woman of child-bearing age is less than one. This world record is in no way glorious. To boost the birth rate in Hong Kong, the first thing is to identify the reasons why Hong Kong has the lowest birth rate in the world. Only if we can truly understand the cause of the low birth rate in Hong Kong society and is willing to make improvement policy-wise can we be able to raise our birth rate.

During the programme on that day, the Acting Chief Executive also mentioned tax concessions, stating that the Government would increase child allowance as a measure to promote childbirth. If this is the right remedy, the situation should be: first, the Government considers that the prevailing low birth rate is mainly attributed to the unwillingness of members of the upper and middle classes, who are paying relatively more tax, to give birth to children, and it thus considers the provision of tax concession will offer them the incentive to have children. If this is true, I hope the Government can produce the relevant evidence and data. The other scenario is that the Government only wants families from the upper and middle classes to give birth to more children, but the low birth rate of families from the grassroots is not a concern to it and thus it will implement no policy to alleviate the problem. If the increase of child allowance is only one of the measures to encourage the people to have children, it will be largely fine. However, if the increase of child allowance is the only measure introduced to encourage childbirth, I will consider such a measure discriminatory, for people from the grassroots who pay less or no tax have been completely neglected in the childbirth promotion policy of the Government.

At that time, the Acting Chief Executive also said that when the economy recovered, people's pressure of living would be alleviated and the birth rate would rise. However, this analysis is only one of the many possibilities, and many different combinations are still possible. For example, people's pressure of living may not be alleviated despite the recovery of the economy, and the birth rate may remain low. I think this scenario can reflect the reality of Hong Kong more appropriately.

It is said that the Individual Visit Scheme has promoted sales in the retail sector of Hong Kong, in particular the sales of electronic products. I would like to cite the terms of work of a salesperson of mobile phones as an example to illustrate that people's pressure of living has not been alleviated despite the recovery of the economy. The post which only requires the applicants to have completed secondary education offers a monthly salary of \$9,000. This is quite a good choice to a member from the grassroots. However, the details of the conditions are: \$3,000 out of the \$9,000 monthly salary is attendance bonus which will be deducted for late arrival or early leave during work, casual leave or sick leave. The working hours are 11 am to 9 pm, six days a week and no rest or leave during major festivals. The salesperson should also help closing the store after 9 pm, that is, the actual working hours are 11 am to 11 pm. Does the Government consider the working condition of this mobile phone salesperson favourable to childbirth? Will the increase of child allowance help them remove the worries and obstacles they are facing in childbirth? If we only emphasize the importance of business environment to the neglect of the condition of employees and their interest, on what account can we claim that the pressure of living of the public will be alleviated with the recovery of economy?

Madam Deputy, I support the original motion which urges the Government to formulate measures that are conducive to achieving a balance between work and family life. I think even without the decline in birth rate, this policy is still worthy of our support. I really regret that such a suggestion will be amended, with some of the proposals being deleted. With regard to the opinion of attracting mainlanders to reside in Hong Kong as a measure of alleviating the problem of ageing population, I think this should not be regarded as a priority measure at the current stage in solving the problem of low birth rate in Hong Kong, for the ageing population problem in Hong Kong has not deteriorated to such an extent that external youths have to be brought in to balance the situation. If the problem of low birth rate remains unsolved, the

attempt of attracting more young people to enter Hong Kong will be fruitless, for these young people from outside Hong Kong will one day become old. Madam Deputy, I so submit.

MR JEFFREY LAM (in Cantonese): Madam Deputy, earlier in the debate, some Members discussed in detail the low birth rate in Hong Kong and different presumptions behind it. However, I do not agree to some Members' point that the low birth rate is attributable to the long working hours, thus reducing the couples' desire to make a baby.

(THE PRESIDENT resumed the Chair)

We in the Liberal Party very much support Chief Secretary Donald TSANG's call that we should give birth to one more child. We have supported it with concrete actions. Let us look at what happened in the past few months. The sons and daughters of our Party members have got married and will give birth to children in the next few months. Are these young people working from nine o'clock in the morning to five o'clock in the afternoon? I can tell you that they are not. Instead, they have to work very hard till midnight every day. They have, however, answered Chief Secretary Donald TSANG's call, hoping that the target can be achieved soon.

After taking a look at the birth rates and the working hours of some developed countries in the world, we found that the birth rates of many countries had not increased after the introduction of regulations on working hours. Instead, they kept going down. Take France as an example. The statutory working hours there are 35 hours per week. But let us look at its birth rate in recent years. The birth rate in 2000 was 13.3 babies per 1 000 persons, but it dropped to 12.9 babies per 1 000 persons in 2003.

In Germany, another core member state of the European Union, the average working hours in recent years are 38 hours per week after the implementation of statutory maximum working hours for so many years. But its birth rate in 2003 was only 8.6 babies per 1 000 persons. From this, we can see that there is no correlation between birth rate and working hours.

According to the survey conducted by the Liberal Party, people's desire to have children or not mainly depends on their financial situation and income instead of whether their work is hard.

Furthermore, all wage earners in Hong Kong are protected by the Employment Ordinance, which has provided maternity leave and protection to pregnant employees. These include a total of 10 weeks' paid maternity leave, protection from dismissal and prohibition on employers from assigning tough, dangerous or hazardous work to the employee during the employee's pregnancy. The Ordinance has also provided that, with the mutual agreement between employer and employee, the continuity of the employment contract will not be adversely affected due to abstention from work if the employee has applied for no-pay leave due to family affairs. From this we can see that the Ordinance has provided sufficient protection to employees no matter they are pregnant or not.

We know that Members from the labour sector will certainly say that the protection is not enough. But the Liberal Party would like to point out that the above provisions offer better protection than that in many advanced countries. In the United States, for instance, there is no particular provision in the Federal laws to protect pregnant employees. If a female worker is pregnant, she can only apply for six weeks' unpaid leave as maternity leave. If we want to introduce any new provision, we have to note whether our competitiveness will be jeopardized.

In fact, many employers in Hong Kong have made more efforts in order to provide more and better protection to their employees and meet their needs. For instance, the implementation of flexi-working hours and the avoidance of arranging married employees to be on duty on public holidays as far as possible. Some big corporations which have the financial means, such as the HSBC, will provide additional welfare such as child care service to benefit their employees. We hope the Government can introduce more incentives so that companies can provide more benefits to their married employees, thus indirectly encouraging them to give birth to children.

Besides, we also very much agree with Mr CHAN Kam-lam's proposal in his amendment, that it is necessary to "perfect the existing capital investment entrant scheme". In fact, the Liberal Party has kept advocating the introduction of investment immigration since as early as 2002 in order to attract the rich and the talents from overseas and the Mainland to Hong Kong with their families, so

that Hong Kong will have sufficient talents and capital for sustained development. So, we hope that the Government will keep discussing the issue with the Central Authorities so that we are allowed to absorb eligible people from the Mainland to be our investment immigrants. Appropriate reviews of investment categories and amount of capital should also be conducted from time to time.

Given the continuous decline in birth rate and the trend of an ageing population, it is all the more necessary for society to amend our policies. For instance, with a soaring demand for elderly welfare and medical needs, early planning in these two aspects is necessary so that an effective health care financing option can be proposed for public discussion and consensus to be reached. This will facilitate its early implementation.

Madam President, I so submit.

MR SIN CHUNG-KAI (in Cantonese): Madam President, the crux of the issue under discussion today is whether the Government should have the responsibility to promote childbirth.

In the amendments of Mr CHAN Kam-lam and Mrs Sophie LEUNG, wordings "to encourage childbirth" or wordings with similar meaning are used. The Chief Secretary for Administration, who may become the Chief Executive in future, has also encouraged childbirth. I do not think that the Government should formulate a policy to encourage childbirth because, in my opinion, it should adopt a neutral attitude towards the issue. It may have the responsibility of eliminating the obstacles to childbirth and adopting measures to prevent emergence of such obstacles. As Mr LEE Cheuk-yan said in his motion and Ms LI Fung-ying said in her speech, we should prevent the obstacles from making people hesitate to give birth to children.

However, it should be the couples' responsibility to decide whether they should give birth to children. In fact, regarding the Chief Secretary for Administration's earlier remark that a family should have three children — he raised his thumb earlier as a sign to show approval of Mr CHAN Kam-lam — frankly speaking, Chief Secretary Donald TSANG's suggestion has become a standing joke among many of my middle-class friends and others in their daily chats. People ask a question which is very much to the point: Will the

Government take care of the child after birth? I cannot help but ask: Should the Government take up the moral responsibility in respect of its suggestion? After promoting childbirth, should the Government be responsible for sustaining what it has promoted? At present, it seems that the child allowance for taxpayers has been increased from \$30,000 to \$40,000. But frankly speaking, this is not enough. Mr WONG Kwok-hing has also pointed out how expensive it is to raise a child. From this we can see that many problems will occur.

Let us make some comparisons here. According to the figures provided by the United Nations, the global population is now 6.5 billion. It is estimated that it will reach 9 billion in 2050. The current population of some advanced countries is about 1.2 billion. In 2050, the interim estimated population is still 1.2 billion. It is estimated that in 45 years from now, the population of developed countries will basically not grow tremendously. It will be more or less at the same level. But the population of some developing countries will increase from the present level of over 5 billion to almost 7.8 billion. In other words, as everybody knows, people of developed countries or people of higher educational level and who are better-off — Hong Kong people are like those people — have much less desire to give birth to children although they may still have the concept of forming a nuclear family or the concept of a family. But on the whole, their population growth rate is not as high as that in developing countries. On such a premise, it is more important for the Government to consider how to deal with Hong Kong's ageing population than to consider what should be done to promote childbirth. Here we are talking about two different policies. Chief Secretary Donald TSANG, we should hold a serious debate on these issues.

Just as Mr Jeffrey LAM has said, Hong Kong will have to face such problems as an ageing population, medical needs and even small-class teaching for school children. These are the problems we have to deal with and resolve. An ageing population is a problem that we have to tackle with. Hong Kong has all along been a city of immigrants. As regards China, its present population is 1.3 billion and it keeps introducing measures to suppress population growth. The population report for 2003, which can be found in the website of the United Nations, forecasts that after adopting relevant measures, China can still control its population at the level of 1.4 billion within the next few decades to 2050. Now China's population is 1.3 billion. So, when I say Hong Kong has all along been a city of immigrants, I mean that we are now facing an ageing population and the Government can promote childbirth. Yes, it can. But after that, we

will ask: What measures can the Government adopt in order to "underwrite" everything? Because the parents will have to face a host of problems such as education and it does not mean that the Government will help resolve these problems although it has promoted childbirth. Does the Government have sufficient means to solve all these problems? So, as the responsibility of solving these problems will be shouldered by the couples concerned, it should be up to them to decide whether they should give birth to children. Nevertheless, should the Government "promote" childbirth? Here I emphasize "promotion".

The Democratic Party and I have made it clear that the Government should adopt measures to eliminate obstacles that may hinder childbirth and solve problems faced by those who are sick or infertile. So, I personally do not encourage the Government to adopt the word "promote" in its childbirth policy and I think there should be no discouragement — while it should not encourage childbirth, it should not discourage it either. What I mean is that in the past the Government encouraged family planning or lower birth rate by the slogan "Two is enough". Now the Government should abolish such a "discouraging" policy. However, the Government should not encourage childbirth either. These are the measures that the Government should adopt. I see the Secretary is shaking his head. It does not matter. We had better debate on the issue.

I personally think that the Government should first consider the question of responsibility. What is the Government's responsibility? Frankly speaking, as regards some specific measures proposed by the Democratic Party, the Government is unable to implement them. For instance, we have proposed the introduction of children education allowance for taxpayers — not to mention our request for implementing small-class teaching — the Government should provide children education allowance to taxpayers. However, the Government fails to honour it although we have spoken ourselves hoarse, not to mention promoting childbirth.

How will the third child be raised after its birth? Who will raise the third child after its birth? For a family which cannot afford hiring a Filipina maid, the wife or the husband has to stay at home to take care of the child. Am I right? As a result, a double-income-double-kid family will become a single-income-three-kid family which will face a tremendous increase in family expenditure. Unless the Government says that it will take care of the child after birth, otherwise, should the Government promote childbirth? I think this is debatable. I personally think that the Government should set up a sound

education system so as to make people understand that our education system is sound and the parents can set their minds at ease after giving birth to children. Nevertheless, it is still up to the couples to decide whether they should have children and the Government should not promote childbirth.

I wish to illustrate this point by a simple example. In the past the Government mentioned time and again that it would not encourage people to buy a flat. By the same token, it should not encourage childbirth. I so submit.

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

MR ALBERT CHAN (in Cantonese): Madam President, Chief Secretary Donald TSANG suggested that Hong Kong people should give birth to three children, yet he himself cannot put it into practice. However, Madam President, before he made the suggestion, I had already done so. It seems that I have greater foresight than he does and maybe I am more suitable to be the Chief Executive. (*Laughter*) Madam President, sometimes it is easier said than done, and sometimes it takes more than your mind to accomplish a deed.

Madam President, on the issue of birth rate, many colleagues have suggested many reasons, including economic ones and others, but basically it is mostly related to one's belief. In terms of belief on childbirth, we can look at it from three perspectives. The first one is personal preference. It may be because I grew up in a big family, I therefore like big families. I feel that if a child does not have any siblings, it will feel very lonely and miserable. Growing up alone in a one-child family is not fair to children. To grow up with several other children will enable them to have a happier childhood. It may be my personal experience and belief.

Another angle is related to religion. I happened to know some Mormon believers when I was in school. They would keep on giving birth to children even if they have already had six or seven kids. They may feel that it is the will of God. The more children they have, there will be more believers. This is also a matter of family concept.

The third angle is related to politics, just like Taiwan and the situation in Quebec many years ago. The ethnic French people living in Quebec

encouraged giving birth to more children. With more French children born, they would be able to control Quebec politically and might thus lead to the independence of Quebec. The French people wanted to have more children in the hope to get enough votes to make Quebec independent. Besides, the specifically high birth rate of the native Taiwanese also reveals their political intention. After they have universal suffrage, the birth rate of native Taiwanese is higher than non-native Taiwanese, revealing that they want to have control on politics by means of a large population.

In Hong Kong, there is no incentive for people to have more children, unless they feel that raising children is something enjoyable. However, I feel that no matter rich or poor, Hong Kong people are living in hardship. For the rich people, they have to keep working hard to maintain their wealth. As a matter of fact, the Government is the main culprit that puts obstacles against people having children. It always makes civil servants work until eight or nine o'clock, leaving them no time to enjoy family life or the mood to think about having children. Just now when we were having meal, Mr Albert CHENG talked a lot about how to foster the right mood for having children — just like me, Mr CHENG has three children.

Working hard to make money runs against the purpose of having children. People ought to have a happy family life or adequate time to stay at home to create the opportunity of having children. Chief Secretary Donald TSANG always encourages civil servants to work harder and face up to challenges of the time, so as to bring Hong Kong to the front of the era, thus making people bury themselves in the hard work and feel life less enjoyable and reducing their desire of having children.

Furthermore, everyone in Hong Kong is living in hardship. Even in studying, parents have to worry about their children since as early as their admission to kindergarten, not to mention going to primary and secondary school. After that, while having to face heavy homework and the problems of growing up, parents would feel annoyed and frustrated for having children. The Government should step up publicity and education, to make people feel that it is a blessing but not a burden or suffering to have children.

I have many friends of similar age. Although they are married, they do not want to have children because they believe children are a kind of burden. For these people, having children is an extension of their own suffering. Why

do they have such a belief? Also, why, when we talk to the people of Quebec and Taiwan, would we find that they have a higher birth rate? Even in the Mainland, our Motherland which is so poor, in some poor villages in the rural areas where people have no money and a limited choice of work, they are still willing to have children. Why are there so many people in this kind of areas? It is because they do not feel painful to have children. Yet, Hong Kong people, especially those educated ones, feel that having children and raising them would make the future generation go on living in hardship and frustration.

I believe that we need an overhaul of the Hong Kong culture, lifestyle and philosophy of life. If the Chief Secretary's objective of having three children per family is to be achieved, we have to change the opinions, attitudes and values of people. Otherwise, it is not going to work to use such incentives as economic policies or taxation policies. This is a revolution in the social concept. We have to see if our Chief Secretary will carry out an overhaul in his political platform or policies. I wish the Chief Secretary's ideal can be achieved. Before he made such an encouragement, Madam President, I had already supported his proposal.

DR KWOK KA-KI (in Cantonese): Madam President, I believe the fertility rate of women in Hong Kong is the lowest in the world. It has dropped from 1.93 in 1981 to 0.8 in 2001. To address the issue of low birth rate, we should adopt two approaches. The first one is to encourage childbirth as proposed by colleagues; the other is to implement suitable immigration policies to deal with social problems arising from low birth rate, including the future problem of social responsibilities brought by the increasing elderly population. I did not intend to speak originally, but as I also have three children, I therefore would like to speak on this subject.

I believe it has become a trend for Hong Kong women to get married very late. In Hong Kong, most women have their first child at the age of about 28. Why is it as late as 28 years? Can we indeed encourage women to have more children? While colleagues have proposed a number of incentives, including tax concessions, education allowance, and so on, I do not think the implementation of these policies and measures can effectively boost the birth rate for two major issues. The first issue is, for most Hong Kong people, the decision of whether or not to have children is a rather important one. The

making of such a decision does not simply depend on how much encouragement is given by the Government or television publicities, or even the Chief Secretary's sincere advice of giving birth to three children. The most important point is, the public must take into consideration their assessment of the future, the circumstances and their capabilities. At present, most women are working. In some families, while both husband and wife have to go out to work, women can hardly stay home to take care of their children. This is exactly why small families cannot have children at their own will. More importantly, they also have to consider their commitment to society as a whole.

In recent years, especially after 1997, we can easily see that a lot of Hong Kong people are facing many frustrations. In the past, before the burst of the property bubble, people were unable to buy their own homes because of the high land premium. Now, we can see that another bubble is emerging. We have all heard that the price of some flats has raised to as high as more than \$30,000 per sq ft. I do not know how many years or generations it will take for an employee to buy his own home. Followed by the problems arising from the high land price policy, we also have political problems, economic problems, unemployment, and so on. Indeed, on the thought of such problems, few people would have the courage to have children. Among us, there are still some courageous people such as Mr Albert CHENG and Mr Albert CHAN. Given so many worries we are facing, they have amazing courage to make a quality next generation. However, many people in Hong Kong may not be able to do so. Basically, confronted by so many problems, they do not have time to think about whether or not to have children.

In my opinion, the second issue is the women problem. Under the present policy, it is impossible for the majority of women to find additional time to care for their children. There is no policy, whether in terms of statutory working hours, employment support or maternity leave, to provide them with incentives or assistance. In fact, the Government needs not provide them with financial subsidy, but only needs to provide care for their children during the first few years after birth. However, what the Government provides is only lip-service. Although the Chief Secretary encouraged people to have more children and pointed out the problems arising from low birth rate, so far, government officials of other bureaux have not formulated any policy or identified any direction to assist women or families in planning to have more children.

Besides, Hong Kong people are now facing the problems of employment and an uncertain future. We have just recovered from the economic blows dealt by the financial crisis in 1997 and SARS, it is difficult to encourage people to have the confidence in having children. The Chief Secretary also mentioned that we have some talents scheme and professionals scheme to attract some strong men to come to Hong Kong. I do not understand why the Chief Secretary said that. Has Hong Kong come to such a pathetic stage where we have to import strong men for our women? Do women have no right to choose their spouses, or are there no more strong men in Hong Kong? Do they really need the Government to admit more talents as their spouses so that they can have children?

I believe that a responsible and far-sighted Government must accomplish two things. The first is to provide a stable environment in society, so that people can put aside their worries in life. It is only through this can the objective be achieved. After reading the amendment proposed by Mrs Sophie LEUNG, I gained some enlightenment. Also, I support one point raised in Mr LEE Cheuk-yan's motion, that is, "to formulate measures that are conducive to achieving a balance between work and family life". I believe this is exactly the focus of our motion today. Therefore, I feel that the Government should move in the direction of balancing work and family life, or even our social environment, so that everyone can have children without being affected by various circumstances.

I so submit. Thank you, Madam President.

MR LEUNG KWOK-HUNG (in Cantonese): Madam President, on the issues of birth rate or the suitable number of children in a family, the Acting Chief Executive cum Chief Secretary for Administration, Mr Donald TSANG, has said in a joking manner that there should be three children per family. When he said this, he might be in a good mood to make such a joke. I wonder if he still thinks this way. He is present right now, was he serious or was he simply joking?

As regards having three children, "two is enough" is in fact a very old slogan. What is the problem? If Members are not so forgetful, when discussing our population policy during the reign of TUNG Chee-hwa, we put the blame on our population structure, claiming that our people were not

hard-working and that middle-age people were not adding value to themselves to cope with society — that was said cold-bloodedly by Antony LEUNG. Some people also said that as our young people were good-for-nothing, Hong Kong was thus in a terrible mess. If we wanted to compete and catch up with others, we need to import all sorts of talents, professionals and whatever good for us, even some Chinese medicine. It was the situation then.

At that time, we were caught in panic. In those people's eyes, except those elites and those earning a lot of money, over 6 million people in Hong Kong were all rubbish, even the middle class. I knew some middle-class people who have been earning several tens of thousand dollars monthly; however, they could not find even a watchman job after retirement. It was because apart from being too old, their wages were not low enough. With these problems remained unresolved, it is in fact heartless to go on talking about our population policy. It is in fact not our problem, but the problem of society.

As to the idea of importing talents and professionals to rescue Hong Kong, I do not want to discuss this issue here. Not far away from Hong Kong, there is a country called Singapore. It is a dictatorial place manipulated by one person. While Singapore is dictated by LEE, we are dictated by TUNG here in Hong Kong. As such is the case in Singapore, why we do not see a rapid boost in their economy? If Hong Kong were to follow the example of Singapore, it would be a bad idea and I feel that the community is in fact being too cold-blooded.

As the subject we are discussing today is so boring, I want to quote a *Bible* story. In the *Bible*, there is a story about King Solomon, he was to decide between two women as to which was the mother of a child. As they all claimed to be the mother of the child and DNA test was not available then, it was a difficult case. King Solomon told them he had to cut the living child into two halves and to give one half to each mother. One woman agreed with the idea and wanted to cut the child into two halves. However, the other woman said she would rather give up her claim than have the child killed. The woman who did not consent to cut was the real mother, while the one consented to the idea was not.

Our Government and our society are schizophrenic. On one hand, it is saying that our population is ageing and the problem needs to be addressed by

raising our birth rate, but on the other, it is also saying that there are too many people and the number of elderly dependants is too large. While the community is over-burdened, we cannot support the health care expenses, and so on. Women spend their whole life taking care of their children, yet it is impossible to cover them by the retirement protection scheme. Is it not a schizophrenic approach? The Government asks people to have more children on the one hand, while neglecting the jobless people on the other. It also goes so far as to accuse them of being lazy. Retired elderly and women who have to care for their children are entirely not covered by any protection scheme.

Our senior officials and elites who claim themselves as creators of our prosperity are just like the woman who consented to cut the child into two halves. We are in fact chopped up into two halves. The right of abode issue is a malignant tumor. The poor population of over 1.3 million, 400 000 of poor workers and all these are our burden. The Government now requires single parents who are recipients of Comprehensive Social Security Assistance to take up employment without providing any child care service. Why make such a fuss? We only need a reasonable Government to provide the corresponding protection and services, so as to unleash the productivity and labour force of society. Nevertheless, it does not provide any nursery service. As to aiding the poor, no conclusion has been drawn after numerous discussions. What has the Government been doing? What is in the mind of the pro-government camp, the future Chief Executive and his team?

I believe Mr TSANG was in fact joking when he said that every family should have three children. I think he was in a very good mood and that was why he whistled. Is he still thinking this way today? Will he withdraw what he has said? Likewise, will Mr TSANG withdraw the four reports on constitutional development when he is in a bad mood? Or will he withdraw the West Kowloon project? Will he explain on the Cyberport project? This is where the problem lies. Our Government is irresponsible. It makes remarks casually. Whatever happens in Singapore, it will try to do something in return as a kind of reaction.

Our population structure and declining birth rate are in fact not problems. In history, someone called Malthus said that there would not be enough food for the fast-growing population. In the end, mankind is bound to be exterminated. However, has mankind perished? Of course it is not the case. It is because human beings have an ingenious mind. They know that people are most

important. Our Government does not treat people as human beings by neglecting their potential of development. It only attaches importance to their capability in making money and to categorize them into talents and professionals. I want to tell you and Chief Secretary Donald TSANG that, Plato was also an advocate of Eugenics and divided people into four classes. He met a shipwreck once and became a slave. On returning home, he changed his opinion. It was because he found that it was very miserable to be a slave. I hope the Government and Mr TSANG would change their course and not to create a slave society. Thank you, Madam President.

MR RONNY TONG (in Cantonese): Madam President, originally, I had no intention of speaking today, however, after listening to the impassioned speeches given by a number of Honourable colleagues concerning the population, I also want to air some views.

I wonder if the Government still remembers that in 1999, the Chief Executive, Mr TUNG Chee-hwa, said that 1.67 million people would flock to Hong Kong and Hong Kong would submerge. Now, seven years later, it is said that the population is not large enough. Today, our Honourable colleague, Mr Jasper TSANG, has also asked a question concerning the fact that a school, which was completed in 2000 at a cost of \$100 million, is now facing the fate of being culled. Why is the Government's population policy so perplexing?

In fact, many children living on the Mainland born of Hong Kong parents can make great contribution to our society. I once handled a case involving a lady in her twenties. She works in a Court, however, because of problems with her right of abode in Hong Kong, she could not settle in Hong Kong. On one occasion, after coming to Hong Kong, she remained in Hong Kong illegally but could not work in society. Her mother had suicidal tendencies and not only did she wound herself a number of times but she also wounded her daughter. However, she dared not seek treatment because she was afraid of being found to have remained illegally and being repatriated if she went to a hospital. In the context of such a policy in Hong Kong and the treatment given to children born of Hong Kong people, there is now an about-turn and people are encouraged to have more children. What sort of attitude is this? After the birth of a child, if one of the parents unfortunately passes away and the family becomes a single-parent family, the surviving parent will not be able to take care of the child either and also has to work in society.

I believe that apart from taking measures to balance work and family life, the Government has to first of all consider assisting children living on the Mainland who were born of Hong Kong parents. This is not only a moral responsibility, a social responsibility, a responsibility on the ground of humanity but also a constitutional responsibility.

Besides, for people living in Hong Kong, everyone wants to have more children. However, our social environment has made it impossible for many wage earners to consider developing their families. We are talking about work conditions which will not be tolerated in many societies, long working hours and wage levels that are even lower than those in many developing regions. If improvements are to be made to the unfair working conditions in society, we have to first of all attach importance to the working environment and working conditions of the working class in Hong Kong. We also have to respect the right of family members to be united and their right of reunion. As I have said, we have to fulfil our social, moral, humane and constitutional responsibilities and maintain the integrity and continuity of families.

This is the fundamental consideration in dealing with the population issue. I hope the Government will think twice about this.

MR TAM YIU-CHUNG (in Cantonese): Madam President, whether to give birth to any children is of course a matter of personal choice, but it is still a good idea for the Government to put in place some policy support, for this will reduce the worries of the people in making a decision. One measure that can assist people in striking a proper balance between work and family life must be the setting of a reasonable number of working hours. At present, employees in Hong Kong have to work 55 hours a week on average, far more than the 38 hours in Britain and the 35 hours in France. Overtime work has caused employees to forego their social and family life and even caused rises in social costs, as reflected, for example, in the physical degeneration of workers, behavioural problems of their children, family problems and the declining fertility rate. If the SAR Government wishes to encourage people to give births as an integral part of its population policy, it must set a reasonable number of working hours and introduce other measures as soon as possible, so as to encourage people to actively "make babies".

The declining fertility rate as a trend will probably continue, thus accelerating the ageing of Hong Kong's population. For this reason, apart from reviewing its labour policy, the Government should also review its existing housing, education, welfare and health care policies, so as to make preparations for the changes in social structure. The social, health care and economic problems brought about by the declining fertility rate and the ageing population are very complex, thorny issues that all governments in the world must tackle. In the context of Hong Kong, the life expectancy of people is getting longer, but the number of children having the means to support their parents is getting increasingly small. One must therefore ask whether the existing retirement protection scheme is able to meet the livelihood needs of the elderly. Another example is health care financing. There is currently no territory-wide medical insurance system in Hong Kong, and people do not need to contribute to any health care insurance schemes. On the other hand, however, the demand for health care service will increase drastically due to population ageing, and the size of the workforce is continuously diminishing. That being the case, can the health care system continue to derive sufficient resources from the Government's tax revenue? What is more, at the social level, there is also an urgent need for changes and adjustments in respect of family structure, housing and community facilities.

Another aspect to the declining fertility rate is population ageing. If the Government is unable to make Hong Kong people have more children, it must make active preparations for the ageing population. The most important tasks are to foster a positive attitude towards old age and put in place a whole series of reforms to enable the elderly to give full play to their abilities.

The current attitude of society towards old age is still rather backward. The prevalent concept is that the elderly are non-productive, and the definition of "dependency ratio", a common concept used to assess the burden on society, is precisely based on the assumption that those aged 65 or above must necessarily be dependent on others in society. Owing to the failure of our social environment and institutions to keep pace with the drastic changes in population structure and the consequent inability of the elderly to bring their abilities into play, population ageing has come to be regarded unilaterally as a problem or social burden.

But the point is that if the Government can create a suitable environment in which the elderly can put their abilities to good use, they will be perfectly able to provide society with fresh impetus. According to some academic analyses, there is on average an upgrading of Hong Kong's elderly population every five years, with remarkable changes in old people's educational attainment, savings, income, consumption patterns, leisurely pursuits, health conditions and housing. At present, 90% of the elderly in Hong Kong are in good health, and most of them are independent and active, possessing rich experience and various skills. They are both able and willing to continue to make contribution to society.

The Government has undertaken to announce its population policy this year, so once again I hope that the SAR Government can attach importance to the needs and opinions of the elderly when formulating measures under its population policy. It must take the long view, eradicate the barriers imposed by age and enable the elderly to continue to bring their abilities into play as individuals and also in social and economic spheres. The Government can start by taking the following six measures. First, it should review the retirement age and explore the possibility of formulating a "policy on elderly employees". Flexibility should be applied in setting the retirement age, and public institutions and private-sector organizations should be encouraged to adopt progressive retirement arrangements or a system of flexible retirement age. Second, it should actively foster a proper attitude towards old age and give a positive portrayal of old-age living, so as to avoid labelling of the elderly by society. Third, it should promote lifelong learning among the elderly, so that they can keep abreast of the times and lead a rich life. Fourth, it should improve town planning and the designs of public and housing facilities, so as to create a "barrier-free environment", a community conducive to the integration of people from different age brackets and with different physical conditions. That way, the elderly can be helped to remain physically active. Fifth, it should perfect primary health care services and promote an active and healthy lifestyle, so as to reduce the incidence of elderly diseases and in turn the health care burden. Sixth, it should promote a culture of "Elderly as Friends" in the commercial sector, so as to enhance the participation of the elderly in society and improve their quality of living.

Given the declining fertility rate, the focuses of Hong Kong's housing, education, welfare and health care policies must no longer remain unchanged. Apart from encouraging people to give births and admitting immigrants, an

effective population policy must also attach importance to the sustainable development of society. For this reason, the Government should seek to create better conditions of development for the ever-increasing elderly population.

Madam President, I so submit.

MR ANDREW CHENG (in Cantonese): Madam President, I have never imagined having a debate in the Legislative Council Chamber on childbirth. Maybe, the Chief Secretary for Administration's advice that young people should preferably give birth to three children has really aroused Members' concern about the declining fertility rate. When I came in just now, "Long Hair" was delivering a very emotive speech, but the Chief Secretary for Administration was simply having a rest, eyes closed. But he was later aroused by the emotions of "Long Hair", and he opened his eyes again. Since the motion topic today touches on the relationship between work and giving births, I may perhaps share a story with the Chief Secretary for Administration. I hope that he can note what this story is all about.

One year in the 1950s, an outstanding rowing athlete in the United States who had a high chance of winning a gold medal was selected to represent his country in the Olympic Games. The delighted athlete hurried home to tell his wife the good news, only to find that she also had good news for him. She said, "I am pregnant, sweetheart." But then, he reckoned that 10 months later, his baby would be born, and this would precisely be the time when he had to compete in the Olympics. He was therefore indecisive, not knowing whether he should choose to be a good father or an outstanding athlete vying to win a gold medal for his country.

Different people will answer this question differently. I have told this story to many Hong Kong people of different age and from different social strata. Many of them say that they will choose to vie for national glory. However, the protagonist, Madam President, of this true story attached very great importance to his family, so he chose to stay home to look after his wife and watch the birth of his baby, just like what we often see in those old Cantonese films. Like other fathers, this father also got impatient every now and then when looking after his baby. Since his child was sometimes rather mischievous, he would occasionally regret having given birth to him. But then, one day 24 years later, he received a parcel that completely changed how he had felt about his son.

There was a letter in the parcel, written by his baby, then already a grown-up. In this letter, he wrote, "Dear Father, 24 years have passed. You gave up your quest for a gold medal for my sake, but you taught me rowing. Today, I must return to you a gold medal, the gold medal of rowing which I won for the United States of America this year." I have told this story in the motion debate today with a special intention, because Mr LEE Cheuk-yan's original motion talks about the formulation of measures which can ensure that "Hong Kong people's childbirth plans will not be affected by their work".

Why will our work affect our family relationship? Why will various kinds of heavy pressure, especially the pressure of work, affect our family relationship and attitudes towards having children? The answers all point to a social problem. I have risen to speak in support of Mr LEE Cheuk-yan's original motion basically because of the increasingly alienated family relationship in our society. Our present generation of people only have half-baked knowledge about having children. We often think that since we are better educated than our parents, we must plan everything carefully beforehand if we want to take better care our children. Our parents simply did not bother about all these considerations, thinking that children would always survive somehow. In contrast, we are always worried that even by working very hard, we can just earn a very meagre income, and that, therefore, even if we have children, we will be unable to give them a good living. Such a mentality has created another social problem.

There are roughly 20 000 marriages in Hong Kong every year, but the number of divorces every year is also close to 20 000. Given such a social environment, such a family institution and such alienated family relationship, if we continue to have more children, a greater number of social problems more serious than we can ever imagine may result. This is a problem we must squarely address.

To address the problem squarely, all will have to depend on the Chief Secretary for Administration. The Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill will be passed next week. Following this, if the Chief Secretary for Administration really considers running in the election of a new Chief Executive, then (as I mentioned in the Chief Executive Question and Answer Session a couple of weeks ago) I hope that the Chief Secretary for Administration can permit me draft a private Members' bill on restricting the maximum number of working hours. I hope that the Chief

Secretary for Administration can include this task in his political platform as a candidate in the election of a new Chief Executive, so as to rectify the problem of long working hours. Although this is not the only solution to the problem I have mentioned, I still hope that the Chief Secretary for Administration can understand that when the grassroots and even the middle classes have to work such long hours, they will not have any interest in having any children. My demand is very simple. I only hope that the Chief Secretary for Administration can squarely address the problem of some 800 000 employees having to work more than 60 hours a week. This figure is both alarming and inglorious. I hope that the Chief Secretary for Administration can give approval for restricting the maximum number of working hours, or at least permit the Legislative Council to start discussions on the issue, so that the people of Hong Kong can have more children without any worries.

Madam President, I so submit.

MISS CHOY SO-YUK (in Cantonese): Madam President, to anyone not living in Hong Kong, the deal offered to the people of Ahtubinsk in southern Russia is indeed inconceivable — if any woman in this town can prove that she is fertile, then her husband will not drink any liquor, and the local council will buy her a house of her own after both of them have agreed to give birth to three children in five years.

The policy adopted by this small town to encourage births may well be too radical. But the fact is that many advanced countries and places have already been driven by a falling fertility rate to offer various concessions as a means of encouraging births, in the hope of reversing or at least arresting the falling trend. They all know that if they fail to do so, there will be dire consequences. For instance, a diminishing youngster population will adversely affect the normal development of the education system; with no replenishment from young people, there will be an imbalance of labour supply; and, as the population continues to age, the ability of families to support their elderly members will drop drastically, thus increasing the demand for elderly welfare and in turn the burden on society.

Madam President, the situation in Hong Kong is by no means optimistic. I can still remember the time when I was young. My elder brother had five children and I had none, meaning that statistically, each of us had two and a half children, which was still acceptable because the slogan at the time was "Two is

Enough". Nowadays, however, the situation is different, and all my nephews only have one child each. For this reason, it is really high time to respond to the changed situation and encourage people to have more children.

To encourage births, it will take much more than simply chanting a few slogans, or providing some tax concessions, or handing out some money. The Government must conduct in-depth studies to ascertain the underlying reasons for the declining fertility rate before it can administer the right remedy and solve the problem. Nowadays, with rising standards of education and living, young people's quality of thinking is much higher, and their attitude towards having children is completely different from the traditional concepts. They are no longer concerned so much about continuing the family line or rearing children against old age. Rather, their consideration is based more on the well-being of their children. They hope that their children can grow up healthily, receive good education and live in a favourable social environment. More importantly, they all want to ensure that as parents, they will have sufficient time and energy to give their children the kind of attention and nurturing they need.

In order to encourage more births among these people, who regard the happiness and healthy growth of their children as their most important responsibility, the Government must direct its efforts specifically at their difficulties. These people are generally well-educated actually, and in most cases, both the husband and the wife are working. As a result, once they decided to have any children, the wife will often be forced to give up her career. This, together with the heavy expenses of rearing children, will impose a heavy financial burden on them.

According to the findings of a relevant study conducted by the DAB last month, half of the mothers interviewed had to cease working in order to rear their children. Besides, 35% of the respondents were of the view that "parents' financial ability" is the most important factor determining whether one should have any children. What is more, 40% of the respondents thought that "having time for looking after children" is the most important factor determining whether one should have any children. All this shows that financial ability and attention to children are after all the most important considerations of married couples when they determine whether or not to have any children. The DAB therefore urges the Government to take account of these findings and promptly explore specific measures to encourage births in the following three directions.

First, the conflicts between women's work and family responsibilities should be reduced by, for example, adopting flexitime, lengthening maternity leave and introducing family leave to ease the burden of giving birth to children. Family-friendly measures should also be adopted, including permission for parents to bring their children to work during school holidays and the adoption of flexitime and flexible workplaces. Parental leave should also be provided to encourage the working father and mother of a family to take leave and look after their children whenever necessary. And, the adoption of flexitime and flexible workplaces will make it easier for the working father and mother of a family to look after their children.

Second, a satisfactory network of childminding services should be established, one example being a wide range of nursery and kindergarten services. In particular, special childminding services should be provided to families with working parents during school hours, after-school periods and public holidays. Nurseries should be established in business districts such as the Central. And, employers should be encouraged to provide appropriate nursery facilities.

Third, financial assistance for infants should be provided. Since the traditional educational role of the family has diminished, the costs of rearing children have increased very significantly. And, owing to the absence of any allowances for children in Hong Kong, parents have to bear most of the costs of rearing their children. In order to reduce the burden of families having to bring up their children, consideration should be given to childbirth rewards, infant allowances and increases in the tax concessions for dependent children.

Madam President, problems must be tackled at source. Apart from introducing the abovementioned measures, the SAR Government must also conduct education and publicity, so as to re-establish Hong Kong people's concepts of marriage, the family and rearing children. At the same time, both sexes must be encouraged to share household chores. All these will not only be conducive to the development of families but will also relieve their burden of rearing children. Since these measures can increase young people's desire to get married and have children, they are also an important part in the policy on encouraging childbirth.

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

MR FREDERICK FUNG (in Cantonese): Madam President, since many years ago, some academics have been pointing out that the fertility rate in Hong Kong is too low. But after such a long time, the Government has still failed to take any concrete actions and formulate any effective policies to tackle the problem of population ageing. It was not until just several months ago that the then Chief Secretary for Administration finally spoke on the radio, calling upon people to have three children. Following this, "Having Three Children" has become the talk of the town. But a mere slogan cannot possibly produce any substantial effects, and it can at best be a topic of people's leisurely conversations.

The Government has repeatedly highlighted the gravity of the problem of population ageing, quoting the statistic that some time later, there will be one elderly person in every four people, and claiming that the expenditure on health care and social welfare will thus be enormous. Chief Secretary Donald TSANG also remarked that there would be more women than men in the future, so we must induce a greater number of young and single mainland males to come and work in Hong Kong. But has the Government ever sought to find out why young people in Hong Kong nowadays are so unwilling to have any children?

There is admittedly one government measure on encouraging births — an increase in the child allowance the year before last. But I must point out that giving birth to children is a lifelong commitment. Does the Government really think that it can induce young couples to bear more children for society simply by permitting them to pay several thousand dollars less in tax every year? To encourage births, there must be policy support in many different areas, coupled with education and publicity.

Seeing that prices and rents have both risen, people immediately say, and the Government also emphasizes, that the economy has turned around. Chief Secretary Donald TSANG once remarked that the fertility rate would rise again once the economy picks up and people's living improves. This remark seems to suggest that the alleviation of poverty, the wealth gap and even bearing children are all related to the economy. But it must be noted that since government policies are heavily biased towards the business sector, the so-called economic recovery has only benefited a handful of employers at the top of the economic pyramid. And, instead of experiencing any relief, the ordinary people have to face in fact increasing pressure in their life and work. Is Chief Secretary Donald TSANG aware of this?

A survey conducted by Caritas Hong Kong shows that grass-roots workers in Hong Kong have to work more than 11 hours a day. The Government's General Household Survey for the first quarter of 2004 also indicates that as many as 740 000 workers in Hong Kong have to work more than 10 hours a day. And, according to a report released by the Hudson Global Resources last month, the working hours of employees in Hong Kong are the longest in Asia. The increase in the working hours of executives and retail employees has been the most drastic. The situation in the information technology and telecommunications industries is most acute, with nearly 40% of their employees having to work more than 60 hours a week, far higher than the 40 hours recommended by the International Labour Organization.

All this shows that the working hours of both the middle classes and the grassroots are much too long. Working hours are no longer from nine to five or nine to six. Instead, people cannot be off until 10 pm or even 11 pm. That being the case, are they supposed to meet their dates under the moonlight? When lovers can only date after 10 pm or even 11 pm, how can they have any time to consider getting married and having children?

Besides, even in the case of some occupations with relatively stable incomes, such as social workers and teachers, there has been a trend in recent years to change from permanent employment to contract terms. And, for women belonging to the middle and lower strata of society, the trend is even from permanent to part-time employment, or even to self-employment. According to the information of the Census and Statistics Department, the number of self-employed women in 2004 already exceeded 50 000, representing an increase of 100% when compared with the corresponding figure of 1999. There is thus no job security, nor any prospects. They must worry about their own prospects, and if they have any children, they are even more worried.

For many young graduates from university or matriculation classes, the salaries they earn can only enable them to support their parents and repay their student loans. They simply do not have any spare money to support any children of their own. According to the information of the Labour Department, last year, as many as 140 000 people in Hong Kong worked more than 35 hours a week but just earned less than \$5,000 a month. And, many of these people — if I disclose this figure, Members will certainly be shocked — as many as 7 300 of these people actually possessed tertiary qualifications. But they earned less than \$5,000 a month and must work 35 hours a week. This not only reflects the serious extent of exploitation but also reveals that the problem of low income

also exists among well-educated people with high academic qualifications. With such low salaries, how can young people dare to get married and have any children?

Nowadays, rearing children is no longer as simple as giving them food. Sometime ago, an economics professor of The Chinese University of Hong Kong estimated that a middle-class family would have to spend \$4 million on bringing up a child from birth to graduation from university, and in the case of a grass-roots family, the cost would also be as large as \$400,000. The lack of time and money has thus led many young people to marry late. But the problem of over-aged pregnancy will easily arise. All these are answers to Chief Secretary Donald TSANG's appeal. He called upon each family to bear three children. But the realities and the lack of time and money all show him that it is difficult to do so.

Whether to have any children is admittedly a matter of personal choice. But when Hong Kong records the lowest fertility rate in the whole world, when its average fertility rate is just 0.9, far below the standard of 1.2, the Government must try to tackle the resultant problem of population imbalance. I hope that during the 10 years in the interim, the Government can actively encourage women of the right age to bear children. It may learn from the success experience of foreign countries and offer a comprehensive range of incentives, such as longer maternity leave, paternity leave, allowances and housing loan concessions, higher tax allowances, more nursery places and higher subsidies for them. In addition, comprehensive labour protection, including a minimum wage and a reasonable number of working hours, should also be put in place.

The Government must review the effectiveness of these measures on a regular basis and make appropriate adjustments. It must formulate effective measures before it can restore the confidence of young couples in the future and in having children. This is the only way to give them the confidence to have three children and thus pre-empt the various problems brought about by population imbalance.

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

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

MISS CHAN YUEN-HAN (in Cantonese): Madam President, today's debate is on a heated issue, the birth rate in Hong Kong. So far as Hong Kong is concerned today, I think this issue is worth discussing, particularly when the Acting Chief Executive urges the people of Hong Kong to give birth to at least three children per family. I think people in general do like to have children, but how can we create a favourite environment for having children? I am an exception, but still I have the right to give birth to children.

Why did I say so? I think many people do like to have children after marriage. It is everyone's dream to have a three-generation family, the best picture of a family. Therefore, I do agree with the remarks of the Acting Chief Executive.

However, when we talk about promoting childbirth, we will find that the birth rate of Hong Kong is nearly the lowest in the world. That is to say, the number of newborns in Hong Kong has decreased drastically, and we should give deep thoughts to such a level of birth rate. In the '50s and the '60s, the Hong Kong Family Planning Association advocated the "cease vain attempt" concept, advocating among Hong Kong people that having two children in a family would be enough. The situation then was just the opposite of the present case. Obviously, we may ask why we have different reactions to the same issue at different times.

With the development of the world and Hong Kong society, the education level of women in Hong Kong has been upgraded, and when they want to have children, they have to consider more factors. In the past, say in my mother's generation, when a woman gave birth to a child, lots of people around her would render assistance. On the other hand, many casual workers who could help those women to take care of their families and children were available at that time. However, nowadays, in an average core family, only the married couple will live together, so they will encounter great difficulties if they have to seek help from others to look after their family members. All of us may well appreciate this problem.

Then, some people may say, many back-up services for women are now available in the community, but in reality, it does not seem to be the case. I have been engaged in the women movement for more than 30 years, sometimes I do feel sad. At the time when Mrs FAN was a Member of the former Legislative Council, while I was a member of some civil organizations, I had once gone to the former Legislative Council and told Mrs FAN of the demand of

the Hong Kong Federation of Trade Unions (FTU) for the provision of child care services. I still remember the scene at that time; it was in the '80s and Mrs Peggy LAM, Mrs FAN and Ms Rosanna WONG were also in attendance. I believe, Madam President, you certainly know that the quality of child care services provided today is just slightly better than that in the past. Moreover, after parents have dropped their children at the day nursery early in the morning, they may not be able to pick them up after work in the evening, for they cannot return from their work on time to pick up their children.

In other words, we can see that on the one hand women can no longer get assistance as readily available from people around them as in the past in taking care of their families. On the other hand, assistance provided by small-scale economic entities, which might be available in the past, has now changed. Moreover, though child care services nowadays have been improved, the improvement is not marked. I then discover that it is out of the concern of taking care of their family that modern women cannot possibly consider having more children. Why do I say so? Nowadays, many young couples may think about having babies after they have got married. But they soon reckon that no one can help them to look after their children, and that some employers may deny their female employees opportunities of promotion because they have children — giving birth to children is no evil in itself, but the responses of some employers do make those women feel guilty. Basically, these women cannot get a promotion or pay rise. And, more often than not, just because they have children and a family, they may be mocked like this: "Do you really want a promotion? You should better save it for your husband."

This does not happen only among the grassroots, and I believe this is also common at the middle stratum of society. In view of this, I think if the Government does not take actions against issues like long working hours, difficulty in seeking employment, low income, as well as some traditional concepts that still prevail; I believe the new generation of young people will inevitably have more worries when they consider whether or not to have children.

Madam President, in fact, these problems do not arise only today, nor are they caused by the economic downturn in recent years. In the last couple of decades, the birth rate of Hong Kong has already been declining, only that it has dropped to a new low now. However, all along, the Government has done nothing about it, nor has it introduced any incentive policies to assist the families I have just mentioned to address the problems they have to face in having

children. Has the Government implemented any measures? Strictly speaking, it has not.

Therefore, when the Government encourages the people to give birth to children, we have to ask whether the Government will follow the approach adopted by Singapore. In order to boost its birth rate and solve the problem of ageing population, the Singaporean Government has introduced the caring policy, which includes requesting both the employers and the Government to make greater commitment in this respect. Singapore has adopted various measures to promote childbirth, which include the granting of rewards, rebates on maid tax, and so on, and almost S\$800 million, equalling to HK\$3.8 billion, have been spent.

I think, if the Government just encourages the people to have children but turns a blind eye to the loads of problems faced by them, the public will continue to resist having children. To arouse the desire of the people in having children, the Government should focus on solving the existing problems. For example, when a family does not have an elderly to help to look after their children, will the Government extend the maternity leave period from the existing 10 weeks (four weeks antenatal leave and six weeks postnatal leave) to 12 weeks? This suggestion is not excessive, for doctors say that caring for newborns in the first six months is very crucial. Will the Government consider this suggestion? The Mainland has already adopted this approach now. This is called the "panda pampering holiday", so to speak. Such a period of leave should be granted to provide assistance to women during the postnatal period. For example, when employers see that some of their employees do have difficulty in arranging for someone to take care of their children, will the employers allow their employees to take their children to work with them so that they can keep their minds on their work. In this respect, the Government has to formulate a policy that encourages employers to employ mothers with young children. I think the Government may draw on the experience of overseas countries, such as Singapore, and other European countries which have a low birth rate. I hope the Government can provide more back-up or support services to these women, so the loads of problems now faced by Hong Kong, including ageing population and the declining birth rate may be resolved one by one.

Therefore, when the SAR Government encourages the people to have more children, I hope that it can give second thoughts to the reason why they are not willing to have children. Just think about it. There will be a solution to

today's problem if it can think about it. Again, I have to relay the remarks of a group of women from the grassroots who talked to me after they had learnt of the subject of today's motion, "Miss CHAN Yuen-han, no matter how busy you are, you have to go back to the Chamber to state our situation. Though many of us do want to have children after we have got married, in view of the reality and the possible difficulties we may have to face in future (including the lack of a retirement protection system for women), many will be deterred."

Madam President, the FTU supports the original motion and Mr CHAN Kam-lam's amendment, but opposes the amendment of Mrs Sophie LEUNG. Thank you.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I will now call upon Mr LEE Cheuk-yan to speak on the two amendments.

MR LEE CHEUK-YAN (in Cantonese): Madam President, concerning the two amendments, Members can see that Mr CHAN Kam-lam has retained some of the words in my original motion. He has only added proposals such as encouraging people on the Mainland to settle in Hong Kong, reviewing the existing policies on housing, education, manpower, welfare and health care, and so on, in order to cater for the ageing of the population and conducting publicity to encourage people to have children. Mr CHAN Kam-lam has not sought to delete the point that I want to make most of all, which is to achieve a balance between work and family life. However, Mrs Sophie LEUNG has deleted this point in her amendment. I do not understand why she has to do this. Maybe she does not consider the imbalance between work and family life a problem. She also added "stepping up publicity and education, in order to raise Hong Kong people's birth rate" for no apparent reason. I wish to make it clear that my original motion is not about encouraging people to have babies, rather, I want to eliminate all social factors that pose obstacles to having children. However, these two amendments are both keen to encourage people to give birth to children, but they refuse to confront the social factors that pose obstacles to having children. This makes me feel very disappointed.

Madam President, my original motion is in fact an accusation — the most poignant accusation of present-day society. Why has Hong Kong come to such a pass? Why do Hong Kong people nowadays refrain from being involved in intimate relationships or making babies? Members may think that I am putting this in the most extreme terms, however, in the end, this will become the reality. It is a fact that many people dare not have children because of work pressure, excessively long working hours and unstable income. I find it regrettable that the Liberal Party has gone so far as to delete the point concerning the obstacles posed by work to having children. Furthermore, I find it even more disappointing that the Liberal Party has asked Mrs Sophie LEUNG to propose the amendment. I find it unjustifiable for Mrs Sophie LEUNG to propose the amendment, since she is the Chairman of the Women's Commission. All the proposals in my original motion are actually meant to help women. However, Mrs LEUNG, who is the Chairman of the Women's Commission, deleted all the proposals. I believe that if an executioner is needed, a man instead of Mrs LEUNG should be chosen.

Mrs Sophie LEUNG cited a reason for deleting the point concerning a balance between work and family life. I caught it very clearly. She said that they had conducted a survey and found that the greatest problem laid in unstable income. We all agree with this. The next one is uncertain employment prospects, and we all agree with this too. However, surprisingly, the entire survey fails to point out that working hours is also one of the factors. In the survey, they only asked the respondents whether their jobs were exhausting, but nothing was asked about the working hours. How can they ask the respondents if their exhausting jobs have made them refrain from having children? They should have asked more specifically if excessively long working hours have made them refrain from having children. Had it been asked this way, the outcome would have been very different. A survey conducted by the Hong Kong Confederation of Trade Unions and the Women's Commission found that 70% of the respondents did not have children because of unstable income, whereas 50% attributed this to long working hours. I find it very disappointing that the Liberal Party is so bent on evading the issue of working hours.

In fact, I believe that in Mrs Sophie LEUNG's amendment, the most important part of my original motion was totally ignored, that is, the need to strike a balance between work and family life. I believe the culture in Hong Kong is very bad in this regard. If we visit Google's website and use its search

engine to conduct a search on the term "work-life balance" and click to look at the search results, we will find that all the information has to do with overseas countries. After adding the two words "Hong Kong" and clicking to look again, I found that the only entry was about a survey conducted by the University of Hong Kong. Recently, the University of Hong Kong has conducted a survey on work-life balance and it is pointed out very clearly in the survey that the working hours of Hong Kong people are very long. In particular, workers in the financial sector work 59.6 hours per week and the average working hours are 55.2 hours. Of course, it is the civil servants who fare the best. On the other hand, the majority of employees have to work overtime erratically and well into the night on a long-term basis. Moreover, the survey also points out that most of the respondents felt that their family life and work was out of balance and they were dissatisfied with their lives.

Another survey found that, compared with other countries worldwide, Hong Kong ranks the second lowest in the world in terms of the balance between work and life. The country faring the worst is South Korea and Hong Kong and Turkey come next. The countries in which people are having a good time are the Philippines, Thailand, Brazil, Argentina and Canada. In view of this, Madam President, I hope Members will oppose Mrs Sophie LEUNG's amendment.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, I am very grateful to Mr LEE Cheuk-yan for proposing the motion today on the continuing decline in birth rate. I have also listened very carefully to the amendments proposed by Mr CHAN Kam-lam and Mrs Sophie LEUNG, as well as the opinions expressed by Honourable Members, and would like to once again thank Honourable Members for their views.

The Task Force on Population Policy (the Task Force) published a report in February 2003. The policy recommendations therein aim to achieve the goal of improving the overall quality of our population to equip Hong Kong with the conditions to become a knowledge-based economy and world-class city. Meanwhile, we have to address the problems of a constantly low birth rate and ageing population, foster the concept of active and healthy ageing, and promote social integration of new arrivals in order to steadily improve the standard of living of our people. Since the publication of the report, the relevant Policy

Bureaux and departments have put in concerted efforts to follow up the recommendations of the report. Let me explain some of the progress of work made.

In addition to babies born locally, mainlanders coming to Hong Kong for settlement under the One-way Permit (OWP) Scheme have been our major source of population growth. The current daily OWP quota is 150, under which a sub-quota of 60 is allocated to Certificate of Entitlement (CoE) children only. The Government of the Special Administrative Region (SAR) has no power to influence or limit the age of OWP holders. Notwithstanding this, the arrivals on average are younger than the overall Hong Kong population: In 2002 to 2004, the median age of the OWP holders was between 29 and 30, and that of our overall population was between 37 and 39.

As regards bringing in investors, the Government introduced the "capital investment entrant policy" in October 2003 to allow the entry of quality immigrants into Hong Kong with their capital. As of end April 2005, 501 applications have been granted formal approval or approval in principle. Of these applications, 375 have been granted formal approval and the overall investment was around \$2.7 billion.

As regards bringing in talents, the "Admission Scheme for Mainland Talents" was launched in July 2003 to replace the previous "Admission of Talents Scheme". The former has aligned the conditions of admission for mainland talents with those coming from elsewhere, and has been well-received. As of end April this year, we have received 7 592 applications, of which 82% (6 232 applications) have been approved. Apart from this, during the period from January last year to April this year, a total of 25 528 people from other regions were given approval to come to Hong Kong to take up employment under the General Employment Policy (GEP).

Furthermore, we believe bringing in mainland and overseas students to further their studies in Hong Kong would benefit Hong Kong in such areas as education, culture and economy, and even in tackling our long-term population problem. We have therefore lifted the restriction on the number of non-local students allowed to pursue postgraduate programmes. We are now studying the possibility of further relaxing the current policy to admit more mainland and overseas students to come to Hong Kong to pursue different programmes.

I fully agree with Mr CHAN Kam-lam that, as Asia's world city, Hong Kong must continue to improve the value and quality of our population before our long-term competitiveness can be maintained. In last year's policy address, Mr TUNG stated that, in order to complement our development strategies, Hong Kong must adopt more proactive and aggressive initiatives to attract top talents from around the world. We will continue to review the existing policies from time to time and follow up this recommendation.

In the face of demographic changes, policies on housing, education, manpower, social welfare and health care services have to be constantly reviewed so that they can be revised to cope with social needs.

The Housing, Planning and Lands Bureau has regularly reviewed the people's need for public rental housing to ensure an adequate supply of public housing units to provide public rental housing to families unable to afford private housing. Furthermore, the Bureau has, in the light of the anticipated demographic change, adjusted the size mix of public housing by, for instance, building more small units to cope with the growing trend of small families. Furthermore, "universal design" is now applied to all newly-built public housing to suit the needs of elderly persons and families of different composition.

It is known to all that the SAR Government has injected substantial amounts of resources into education and training. Only in doing so can we enhance the quality of our manpower resources and meet the economy's manpower needs. In enhancing the general education level of the entire community, we have set the target of providing 60% of our senior secondary school leavers the opportunity to receive tertiary education by 2010-11. The rate has increased from 30% in 2000 to 57% today. Furthermore, we also encourage the existing workforce to upgrade their skills and pursue continuing education. From the commencement of the Skills Upgrading Scheme (SUS) in September 2001 until March this year, more than 5 300 programmes have been organized, with the number of participants reaching 115 000. Since the establishment of the Continuing Education Fund in June 2002 up to March this year, more than 170 400 applications have been approved.

The Education and Manpower Bureau has also reviewed the Government's school building programme in the context of the latest population projection and

the declining student population trend thus reflected. We will report to the Legislative Council on the outcome of our review shortly.

As regards the ageing population problem, the Health, Welfare and Food Bureau is watching closely the challenges brought by the ageing population to the needs for social security, health care and elderly services. Old age does not necessarily imply poor health and reliance. Actually, most of the elderly people in Hong Kong are in good health and can take care of themselves. Only about one tenth of them require special care. We will co-operate with the Elderly Commission in promoting active and healthy ageing to enable the elderly to continue contributing to their families and society.

On old age retirement protection, the Government has formulated a Sustainable Financial Support System with reference to the three-pillar approach recommended by the World Bank. This approach is geared mainly towards the following areas:

- (1) public programmes for alleviating elderly poverty. To this end, assistance is provided to elderly people with financial hardship under the Comprehensive Social Security Assistance Scheme. Furthermore, Old Age Allowance is provided under the Social Security Allowance Scheme (SSA Scheme);
- (2) on the provision of mandatory retirement protection, the Mandatory Provident Fund (MPF) scheme was launched in December 2000 to provide the working population with full retirement protection; and
- (3) the advocacy of the concept of private savings and providing against the future.

I very much agree with Mr Jeffrey LAM, Mr TAM Yiu-chung and Mr SIN Chung-kai that the low birth rate problem in Hong Kong is closely related to our ageing population problem. We have started reviewing the various social needs probably arising from the ageing population. We have also begun a study to explore such topics as the current and future financial situation of the elderly, retirement schemes, and so on. A comprehensive assessment will also be conducted to determine how the three-pillar approach mentioned by me earlier can achieve long-term sustainable effects. It is hoped that preliminary reports will come out of these studies early next year.

Population problems, particularly childbirth, involve a number of levels. The more apparent causes have been explored in detail in the report published by the Task Force in 2003. At present, we have to examine ways to effectively deal with the problem of low birth rate. First of all, I have to make clear the position of the Government: Having children is entirely a personal decision. However, given our low birth rate, we have reviewed whether the existing policies would result in reluctance among Hong Kong people to give birth to children. In some ways, we have accepted the recommendations of the Task Force by introducing a flat rate for child allowance.

Given the declining birth rate in Hong Kong, the Family Planning Association (FPA) ceased publicizing the slogan of "Two is enough" in the mid-eighties. Since then, the FPA and the maternal and child health centres set up under the Department of Health (DH) concentrate their efforts on assisting women in deciding in a responsible manner the number of children they wish to have according to their own preference. The FPA has even provided the public with pre-marital and pre-pregnancy counselling to educate the public on the importance of making early preparations for planning to be parents. Examination, treatment and counselling would also be provided to infertile couples. In March this year, the FPA organized a slogan competition with the goal of arousing public concern for such topics as childbirth options, population quality, the demographic development of the territory, and so on. I am very pleased to learn that the FPA will continue to improve its promotion and publicity strategies to cope with the changing social needs.

Hong Kong has an excellent public health care system providing strong support to childbirth. Maternal mortality rate has been extremely low. The Hospital Authority (HA) and the DH provide, at very low costs, a comprehensive range of antenatal, childbirth and postnatal services to take care of pregnant women throughout their pregnancy and delivery, and to cater for their needs at different stages, including postnatal care, child rearing, parenting, and so on. These services include family planning services, maternal health education programme and Integrated Child Health and Development Programme for children.

In order to minimize the impact of work on childbirth plans, and to enable both parents to continue working after the birth of their babies, the Social Welfare Department (SWD) has set up, through non-governmental organizations (NGOs), subvented day creches and day nurseries to help take care of children

under the age of six. The SWD also provides ancillary services, including extended-hour service and occasional child care service, to cope with the special needs of parents. Low-income families may receive financial assistance through the Fee Assistance Scheme for Child Care Centres if they need to send their children to child care centres for whole-day care.

After-school care programmes are also run by a number of NGOs to provide supportive half-day care for students between the age of six and 12. What is more, the SWD will provide financial assistance to families with an income below 70% of the median household income by waiving service charges equivalent to the full amount or half of their family income. In order to strengthen support for needy families, the Government raised in April this year the provision for after-school care fee waiver places from \$10 million to \$15 million per annum. The SWD will also encourage NGOs to expand services in this area as far as possible to meet regional needs.

On the labour policy, the Employment Ordinance (the Ordinance) has provided pregnant employees with maternity protection, including maternity leave and pay, employment protection against termination of employment and prohibition of assignment of heavy, hazardous or harmful work. The Ordinance also provides that if an employee is absent from work upon mutual agreement with the employer such as taking unpaid leave to attend to family matters, the continuity of the employment contract would not be affected by the absence. Such protection would facilitate employees in balancing their work and family needs. In addition, the Labour Department encourages employers to adopt "employee-oriented" good personnel management practices and implement such practices through understanding and caring employees' needs so as to balance employees' work and their family needs.

Mr LEE Cheuk-yan holds that there is a close correlation between our relatively low birth rate, long working hours and inadequate income. Yet, it appears that the experience and data of Hong Kong and elsewhere do not support this view. Nevertheless, the Government has submitted the subject of standard working hours to the Labour Advisory Board, comprising representatives of employers, employees and the Government, to explore. As this subject would have far-reaching impact on society and the economy, the concerted efforts of the three parties, namely employees, employers and the Government, are called for before standard working hours could be implemented. But is it true that income would affect childbirth? Let me cite my father as an example. My

parents have brought up six children. Before my brother and I went out to work to help out with family finances, their total monthly income had never exceeded \$600. So, is income directly related to childbirth? I wonder if this argument is really tenable. Moreover, the situation of my family is similar to that of many other families in Hong Kong. I fully agree with Mrs Sophie LEUNG's proposal that we really have to find an effective solution to this complicated population problem. Conducting an in-depth study into the merits and demerits of the existing related government policies and the feasibility of the new policy is therefore a prerequisite.

The Census and Statistics Department has, in the Hong Kong Population Projections 2004-2033 published in June 2004, confirmed that ageing, low fertility, longer life expectancy and imbalanced proportion of the two sexes will persist. The Government has commissioned a number of consultants to study a number of topics, including eligibility for public welfare, continuous receipt of welfare across the boundary, importation of professionals, talents and investors, encouraging childbirth, retirement age, and so on. The issue of whether overseas initiatives are applicable to Hong Kong has also been explored. In other words, these studies have covered almost all the issues mentioned by Honourable Members that require examination. In the event that anything has been left out, I would be pleased to listen to Members' views and conduct in-depth studies into those issues. The consultants will also examine the views of Hong Kong people on childbirth and their worries thus arisen. Upon completion of the studies, the Task Force will put forward feasible recommendations and consult the public and the Legislative Council. It will also publish another report during this fiscal year to provide the Legislative Council and the public with detailed information to discuss the recommendations. I implore Honourable Members to provide valuable and constructive views by then.

Thank you.

PRESIDENT (in Cantonese): I now call upon Mr CHAN Kam-lam to move his amendment to the motion.

MR CHAN KAM-LAM (in Cantonese): Madam President, I move that Mr LEE Cheuk-yan's motion be amended, as printed on the Agenda.

Mr CHAN Kam-lam moved the following amendment: (Translation)

"To add "formulate a package of comprehensive population policies, including: (a) perfecting the existing Capital Investment Entrant Scheme and the current policies regarding admission of Mainland people to Hong Kong for settlement, etc, so as to prevent the ageing of Hong Kong's population from further worsening as a result of the continuing decline in our birth rate; (b) reviewing the existing policies on housing, education, manpower, welfare and health care, etc, in Hong Kong, in order to cater for the changes brought about by the continuing decline in our birth rate and the ageing of the population; (c) reviewing afresh the present publicity and promotional strategies on family planning in Hong Kong, and formulating measures to encourage childbirth; and (d)" after "this Council urges the Government to"; to delete "look" before "into the anxieties and obstacles" and substitute with "looking"; and to delete "formulate" after "giving birth to children, and" and substitute with "formulating". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Kam-lam to Mr LEE Cheuk-yan'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 James TO rose to claim a division.

PRESIDENT (in Cantonese): Mr James TO has claimed a division. The division bell will ring for three minutes after which division will start.

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 LUI Ming-wah, Ms Margaret NG, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung and Miss TAM Heung-man voted for the amendment.

Mr CHEUNG Man-kwong and Mr SIN Chung-kai abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Mr LAU Chin-shek, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr LI Kwok-ying, Mr MA Lik, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the amendment.

Mr Albert CHENG voted against the amendment.

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG, Mr Albert CHAN and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 25 were present, 23 were in favour of the amendment and two abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the amendment, one against it and eight abstained. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): Members have been informed by circular on 17 May that Mrs Sophie LEUNG will withdraw her amendment if Mr CHAN Kam-lam's amendment is passed. Since Mr CHAN Kam-lam's amendment has been passed, Mrs Sophie LEUNG will not move her amendment.

PRESIDENT (in Cantonese): I now call upon Mr LEE Cheuk-yan to speak in reply. Mr LEE Cheuk-yan, you have two minutes two seconds.

MR LEE CHEUK-YAN (in Cantonese): Madam President, just now I have listened very carefully to the speech made by the Chief Secretary for Administration to see what measures he has in mind to encourage people to raise three children.

After listening to his speech I find that he does not have any such measures, not even one. I do not know if he was only making a very casual remark when he encouraged the people to have three children. If he was not making a casual remark but really wanted the people to have three children, then the Government should devise some measures to that end. The measures mentioned by the Chief Secretary have all been mentioned before and they are child care services of the SWD, the maternity leave in the labour policy, and so on. There is one point which I have to correct the Chief Secretary. He said that the continuity of employment would not be affected by any leave taken due to family reasons. That is true. But would it be easy to ask one's boss to grant a leave of absence due to family reasons? As there is no statutory leave on

grounds of family matters, so if a request is made to one's boss to take leave for one year to take care of one's children, I am afraid the person making the request would be fired at once. The boss would say, "Fine, you may as well go home and mind your kids for the rest of your life." In other words, it is useless even if the continuity of employment is not affected. I am so disappointed to hear this. Chief Secretary, you really have no measures to remove these obstacles.

One thing which disappoints me yet again is that the Chief Secretary cited the example of his father who had raised six children in his family on a salary of less than \$600 a month. Now in the poor countries like Nigeria, Somalia, Angola, Uganda, and so on, they have the highest birth rates in the world. Mr LAU Chin-shek told me that his father had raised 16 children during the war. This shows that people give birth to children even in times of war. I would like to remind the Chief Secretary that the times are different now and this era is different from the past. The discussion now is on how to achieve a balance between work and family.

What disappoints me all the more is that the Chief Secretary said that births and working hours do not bear any relationship and there is no proof showing that any relationship exists between the two. I would like to ask the Chief Secretary to listen to the wage earners and ask them why they do not want to give birth to any children. They would tell the Chief Secretary that they simply do not have any time for it. So when people say they have no time for love and kids, this means that they have no time to make love and raise any offsprings. This really bears a close relation to working hours and pressure at work.

I hope that when after these problems are addressed by the Government then the Chief Secretary can talk about asking the people to raise three kids. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEE Cheuk-yan as amended by Mr CHAN Kam-lam be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr SIN Chung-kai rose to claim a division.

PRESIDENT (in Cantonese): Mr SIN Chung-kai 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:

Dr LUI Ming-wah, Ms Margaret NG, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr WONG Ting-kwong and Miss TAM Heung-man voted for the motion as amended.

Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Mr CHIM Pui-chung abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Mr LAU Chin-shek, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung,

Mr Albert CHAN, Mr Frederick FUNG, Mr LI Kwok-ying, Mr MA Lik, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the motion as amended.

Mr Albert CHENG voted against the motion as amended.

Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 21 were in favour of the motion as amended and three abstained; while among the Members returned by geographical constituencies through direct elections, 28 were present, 19 were in favour of the motion as amended, one against it and seven abstained. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion as amended was carried.

PRESIDENT (in Cantonese): Second motion: Display of the National Flag.

DISPLAY OF THE NATIONAL FLAG

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

German poet Heinrich HEINE once said to the effect that a passionate love for one's motherland was a most natural thing. Likewise we think that it is a most natural thing to promote patriotic education, enhance civic awareness and attach greater importance to the display of the national flag. Certainly, it is not necessary to do anything contrived and artificial or anything which is excessively lofty. Also, it is not necessary to be shy or timid about it as patriotic education and displaying our national flag are only natural expressions of a civic society.

I believe Members will know that in the United States, schools practise patriotic education and it is considered a perfectly normal act to swear allegiance to the national flag.

In Hong Kong, the display of our national flag is a fulfillment of our responsibility under the Basic Law. Article 18 of the Basic Law stipulates that national laws listed in Annex III to the Basic Law shall be applied locally by way of promulgation or legislation by the SAR. On 1 July 1997, the Standing Committee of the National People's Congress passed a resolution to add the Law of the People's Republic of China on the National Flag (the National Flag Law) into the list of laws in Annex III of the Basic Law. It therefore follows that the National Flag Law, including the stipulations on the display of the national flag as found in the National Flag Law, shall be applied in the Hong Kong SAR.

The National Flag and National Emblem Ordinance was formulated by the Government of the Hong Kong Special Administrative Region (SAR) as a piece of local legislation and it was deliberated and subsequently passed by the Provisional Legislative Council before 1 July 1997. In other words, when the law was deliberated by the Provisional Legislative Council, the Basic Law had not put into practice the requirements stipulated in the National Flag Law. That is why the Provisional Legislative Council Brief on the National Flag and National Emblem Bill provided by the SAR Government at that time to the Provisional Council stated that the National Flag Law was not included in Annex III to the Basic Law.

At that time, the SAR Government took the initiative to find out some principles and provisions from the National Flag Law for the purpose of legislating locally. In my opinion, legislation made under such circumstances would be somewhat different in terms of the legal requirements considered from the express provision made in the Basic Law to implement the National Flag Law after 1 July 1997.

Let me cite an example. Article 13 of the National Flag Law provides that a full-time middle school or primary school shall hold a flag-raising ceremony once a week, except during vacations. At that time, the Legal Adviser to the Provisional Legislative Council asked the Government why annex III to the National Flag and National Emblem Bill did not make similar provisions. Reply from the Government at that time was that there was no need to import all the provisions of the National Flag Law and it would be more

appropriate to deal with the matter flexibly, taking into account the circumstances of the SAR. The Government also said that uneasiness might be caused when all full-time primary and secondary schools in the SAR were compelled to hold a flag-raising ceremony once every week at a time when the SAR had just been founded.

I would not dispute this view held by the Government here. This is because at that time the Basic Law did not require the implementation of the National Flag Law in Hong Kong. The legislative attempt made by the Government on this was only a move made at its own initiative. But had the Basic Law at that time already specified that the National Flag Law was to be implemented in Hong Kong, would the Government have said the same thing?

Now it has been almost eight years since then, and that means the responsibility of implementing the National Flag Law has fallen on the SAR for eight years. The view previously held by the Government that uneasiness might be caused is made out of political consideration. But would the same political consideration apply today? A more important thing is to examine if the Government has fulfilled its obligations to implement the Basic Law to the fullest sense. This would be more than just an issue of political consideration but also a question of respect for and compliance with the law. Even if there may be concern for or discontent with the display of the national flag, consideration should be made to determine whether the obligations specified in the Basic Law are strictly fulfilled.

We all know that the national laws found in Annex III to the Basic Law can be put into force either by way of promulgation, an example of which is the Nationality Law of China; or by way of local legislation, an example of which is the National Flag Law. It must be admitted, however, that if the National Flag Law is to be applied in Hong Kong by way of local legislation, there may be problems arising from some special conditions in the SAR, such as organs required to display the national flag under the National Flag Law may be called differently in the SAR and their operations may not be quite similar to their namesakes on the Mainland. Therefore, there should be a process of adaptation before the National Flag Law is applied in Hong Kong. And I would not oppose that. However, since the ultimate requirement of Article 18 of the Basic Law is to apply the national laws specified, so regardless of whether this is done by way of promulgation or legislation by the SAR, the end result should be the manifestation of both the spirit and stipulations of these national laws to the

greatest possible extent. In other words, even if there is a localization process, the stipulations of these laws should be applied as much as possible instead of being avoided as much as possible. The applicability of these stipulations should be put under constant review to keep abreast with the times and in line with changes in society. I therefore hope that the SAR Government should recognize this need to implement national laws by way of legislation in the SAR as this is a principle to which we should all adhere.

Madam President, now I would like to talk about the current situation of the implementation of the National Flag Law in Hong Kong.

To the best of my knowledge, the SAR Government has not required all government buildings to display the national flag on working days, the National Day, the Hong Kong SAR Establishment Day and the New Year's Day. Apart from locations specified in the law, there are many offices of government departments which have yet to comply with the requirements of the National Flag Law to display the national flag on designated days. Such government offices include district police stations, fire stations, the District Courts, Magistracies and Tribunals, and so on. Obviously, there are vast differences between the requirements of the National Flag Law and how the national flag is actually displayed in various government departments. I think that this is attributed to the fact that the SAR Government has not fully fulfilled its obligations under the Basic Law.

Apart from government departments, the display of the national flag in the public schools is also not satisfactory. Article 6 of the National Flag Law provides that "Full-time schools shall display the National Flag daily, except during winter vacations, summer vacations and Sundays." Article 13 provides that "A full-time middle school or primary school shall hold a flag-raising ceremony once a week, except during vacations." However, currently the SAR Government has not required schools to display the national flag on school days, nor has it made it a special request to the schools to display the national flag on the three important occasions mentioned just now, namely, the Hong Kong SAR Establishment Day, the National Day and the New Year's Day. Not only are the authorities reluctant to care about when the national flag is displayed in the schools, but they have also passed the responsibility to the Education and Manpower Bureau with respect to such arrangements in the schools. What the Bureau can do is merely to mandate government schools to display the national flag on these three important holidays, but as for other schools in the public

sector, they can only be encouraged to hoist the national flag. Such an arrangement made by the SAR Government is obviously a very far cry from the requirements prescribed in the National Flag Law.

We know that before the reunification, all government schools hoisted the Union Jack and currently most schools in the public sector have used public money to erect a flagstaff. Since the schools have their own flagstaff, why should they not be required to hoist the national flag? Obviously, schools in Hong Kong now have the facilities to display the national flag. In 2002, the Secretary for Education and Manpower explained in his reply to a question asked by a Member that the reason why certain schools did not hoist the national flag on the National Day was that some schools had organized National Day celebrations. Some schools also said that as students were not required to attend school on the National Day so a flag-raising ceremony held on that day would do no benefit to the students. So schools chose to hold the flag-raising ceremony on some other occasions as this would leave a greater impression on the students.

I agree that it may not work in all the schools if the flag-raising ceremony is held on the National Day and that teachers and students are asked to return to the schools to attend the ceremony. But we should know that displaying the national flag is not a very difficult task and from the explanation given by the Secretary for Education and Manpower, we know that some schools think that displaying the national flag would mean that a flag-raising ceremony is to be held concurrently. We know that on every working day and on the three important holidays mentioned, the national flag is displayed according to stipulations outside the Government Headquarters. But no flag-raising ceremony is held there every day. Therefore, I think that the Education and Manpower Bureau should explain to the schools clearly that there is a difference between displaying the national flag and holding a hoisting ceremony for it. Schools should also be urged to display the national flag on the National Day and as far as and when practicable, schools should also be required to hold a flag-raising ceremony on a regular basis which all teachers and students should attend as this would make students pay greater attention to the display of the national flag.

In addition, I also think that the authorities have not done enough to foster greater public awareness of the national flag and respect for it. A survey conducted by the DAB last week showed that most interviewees were of the

opinion that there was a need to foster greater awareness of and respect for the national flag. However, there was still a minority of people who thought that there was no need to know more about and respect the national flag. Of these people, many belong to those with a higher educational attainment and who are less advanced in years.

In addition, the Government has not set aside any funds to foster public awareness of the national flag and the flag of the SAR. This is disappointing. This year the Government has a non-recurrent expenditure of \$3.75 million for the purpose of promoting the Basic Law and only part of this sum of money is used to train students in hoisting the national flag. No resources are committed to promoting public awareness of the national flag.

I hope the motion today can serve to make the authorities realize that they have the responsibility to strive to promote public knowledge of the national flag and greater importance of its display. This is not only something that should be done, but also something required by the law. The Government must put into force the spirit behind the National Flag Law and do its best to comply with the provisions in it to the greatest possible extent. It should require all government buildings and schools which have not displayed the national flag to display the national flag at least on the National Day, the Hong Kong SAR Establishment Day and the New Year's Day as a token to show their respect for the country.

I so submit.

Mr MA Lik moved the following motion: (Translation)

"That, to promote patriotic education in Hong Kong and in order that Hong Kong people attach greater importance to the display of the national flag, this Council urges the Government to require the display of the national flag at government buildings, primary and secondary schools as well as the University Grants Committee-funded institutions on National Day, Hong Kong Special Administrative Region Establishment Day and New Year's Day, and to require schools to organize the national flag-raising ceremony on a regular basis with full participation by all teachers and students; furthermore, the Government should strengthen education to enhance public understanding of the national flag and the regional flag."

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

MR CHEUNG MAN-KWONG (in Cantonese): Madam President, the Democratic Party supports the motion on "Display of the National Flag" moved by Mr MA Lik.

The national flag is a symbol of a country and to know more about the national flag and to respect it is an important part of civic education. It is all very sensible for the motion to support the idea that schools and government organs should display the national flag on important festive occasions and celebrations. In the past and during the colonial era, schools did not have the facilities to hoist flags, now it is already seven years since the reunification, schools should display the national flag and there is no cause to shun the issue.

However, there are schools that do have some difficulties in displaying flags. The main reason is the crowded conditions in the schools. As the school campus is small and crammed, there is no suitable place to hoist flags. Some schools have flag poles at the school entrance and for some other schools, the flag poles may be erected on the rooftop or on the water tank on the rooftop. In some schools, even if the national flag is hoisted, a solemn flag-raising ceremony cannot possibly take place there. This is not only regrettable in terms of civic education, but it also shows a problem faced by schools located in the old urban areas. We need to attach greater importance to the national flag and hoisting it, but we should also care about the school environment so that hoisting the national flag would be a meaningful event and the national flag would become a visible embodiment of awe and solemnity.

The national flag is emblematic of a country and the country is made up of its people. It follows that of greater importance behind the national flag are the people and their hearts. For even as the national flag may be there forever, but if the hearts of the people do not look up to it, there would only be superficial flag-raising ceremonies and there would not be any identification with, or the longing for, or the stirring up of emotions and the kind of galvanizing excitement that stems from the heart. As such, a flag-raising ceremony would lose its lustre and it would relegate into a superficial and routine expression of patriotism. There are no solemnity and respect that come from the bottom of

the heart and this is certainly not the aim we have in mind when we hoist our national flag.

Prof Arthur LI, Secretary for Education and Manpower, once said that when students watched a flag-raising ceremony in the Golden Bauhinia Square or in their schools, what their ears heard might only be the melody of the national anthem and what their eyes saw might only be the superficialities of the ceremony, and there might be a lack of a fine strumming of the heart strings.

Prof Arthur LI was right. No matter how moving a national anthem may be and no matter how charming a national flag may look, but if the heart is not touched, no emotions are swelled when history is presented and no pride for the nation is evoked and no commitment to the country is made, and if the pursuit is simply the number of schools that hoist the national flag and if what the centre of our concern is just the flag-raising ceremony on festive occasions, these may well be politically correct, but the people's hearts will never be touched.

It follows therefore that flag-raising ceremonies and patriotic education are complementary. Some time ago there were heated debates in society on patriotism. Seen from an educational perspective, patriotism cannot be forced into someone's brain. People should be taught to think independently and what they love should be the country and not the political party. What they love should be the land and its people, the history and the culture. Patriotism is no excuse for rivalries and contentions for power and gains. It is a sentimental attachment to the people which is deep-rooted and profound. It gives no cause to exclude people with different opinions. It respects divergence. It is only when the schools and pupils of Hong Kong can think independently and freely choose the way and means to show their love for the country and when there is an identification with the meaning of the national flag that emanates naturally from the heart that hoisting the national flag will touch people's hearts and become a patriotic force that will build the nation and the country from strength to strength.

The national flag is emblematic of the country. Our country should advance with the times and it should unite all the people under a democratic system, regardless of class and ethnic differences. Love for the country is never in conflict with democracy. Unfurled beneath the national flag is boundless tolerance and infinite accommodation. The young people of Hong Kong are erratic in their feelings towards their country — sometimes these may

be very intimate while at other times quite detached. The young people would get embittered when they read about how China was invaded by foreign powers. They would get enraged to learn about how Japan wants to seize the Diaoyutai Islands. They would get elated when they know that China has won the right to host the Olympic Games. Their ego would inflate when the Chinese rocket soars into the space. They would gladly give to help education in the remote corners of China. Such stimuli from history and education and from both live and personal experience would incite patriotic feelings in the young people and this would foster a close attachment to the national flag.

It is unfortunate that on the other hand the young people of Hong Kong are terrorized by the incessant political struggles and dictatorial rule since the founding of new China; their hearts broke when the Chinese Government suppressed the pro-democracy movement in 1989; they are disillusioned to see the demise of "one country, two systems" and "a high degree of autonomy" in the SAR and they are resentful of the clamp down on democracy in Hong Kong by the Central Authorities. Such sad and painful facts and memories felt by the people have served to dilute the national feeling in the young people and they are made more detached from the national flag.

The people of Hong Kong and the students are often caught in the identification with and detachment from their country and the national flag. Tossed in the vicissitudes of life and the upheavals of history, they are sometimes moved but sometimes detached, sometimes proud of themselves while sometimes forlorn and dejected. This is the truth about the human heart. We therefore support hoisting the national flag in the schools and we urge the SAR Government to create the favourable conditions for this. However, my profound longing is that our country can progress towards greater democracy and prosperity, thus winning the hearts of the people. In this way our national flag will not only stand as a sign of our country, but it is also an emblem of its people. It is where the hearts of the people will all look up to and it will be a symbol of the power, ideals, beliefs and pride of the Chinese people marching into the future.

MR TIMOTHY FOK (in Cantonese): Madam President, the national flag is both a sign and a symbol of the country. The five-star flag symbolizes the status and the dignity of China. It is a sign showing the pride of the Chinese people. What the first Chinese astronaut YANG Liwei displayed in space was

precisely a national flag. In the Olympic Games and in other important venues of sporting contest, the moment which every Chinese longs for and one which they are most thrilled is to see the national flag rising slowly amid the lingering notes of the national anthem played in the arena.

In the Olympic Games which promote fraternity and equality, the first thing which athletes do after they have passed the finishing line ahead of their competitors is to hold their national flag and wave to the cheering crowd. And the greatest show of support which the spectators can give to the winning athletes is to wave national flags in return. Seeing the national flag hoisted is the greatest honour for athletes and it is unsurpassed glory for a country and its people.

It has been eight years since Hong Kong is reunited with the Motherland, but patriotic education in the territory is still at a most rudimentary stage. There is simply the form but a lack of substance. Take the example of hoisting the national flag which has the greatest symbolic meaning and an activity which can complete in just a matter of minutes, it has long become a part of the important occasions and celebrations in Hong Kong. And on the television screen we see images of the national flag every day. It is unfortunate that a recent survey done by the DAB shows that while more than 90% of the interviewees in Hong Kong said that the national flag should be respected, they did not have any basic knowledge of it. This is a very disappointing finding, and what we should do is to instil fresh contents into our civic education, especially in the area of patriotic education.

As part of civic education, although often we see images of our national flag unfurled in the wind, there is no publicity effort aiming at informing the people of the design and meaning of the national flag, the national anthem and the national emblem, as well as the etiquette and manner to observe when the national flag is being hoisted and the national anthem being played. Things are known but not the reason why. This is precisely the greatest shortcoming with the present-day civic education. As a matter of fact, just by looking at the classification of the regulations governing the display of the national flag into a "miscellaneous circular" by the Education Department and that schools are left freely to choose to display the national flag and the flag of the SAR and the occasion for such display, it can be seen clearly that the education authorities do not attach great importance to the display of the national flag in schools and the

inclusion of such matters as an integral part of civic education, and patriotic education, in particular.

Besides, of the 900 government and subsidized schools in Hong Kong, as many as one fifteenth of the schools do not have any flagstaff for the display of the national flag. This shows that something is wrong not just with the mentality, but the enforcement of the policy as well. The authorities concerned must start to do some soul-searching and allocate funds to amend and enrich the contents of education related to the national flag. They should also look seriously into how education related to the national flag and patriotic education can be effected in schools and as part of civic education.

Madam President, it is only against the backdrop of our national flag that there can be any solid substance in patriotic education to enable its gradual and orderly implementation. For the schools, they should hold the flag-raising ceremony on a regular basis with full participation from teachers and students. Schools should also make patriotic education and education related to the national flag an integral part of the moral upbringing of students. There can be no other alternative to patriotic education.

With these remarks, I support the motion.

MR WONG KWOK-HING (in Cantonese): Madam President, in the special meeting held last month on scrutinizing the Budget, in the session on constitutional affairs I asked Stephen LAM, Secretary for Constitutional Affairs, of the details regarding flag-raising ceremonies in the schools. I also asked the authorities to provide information on the number of schools with two flagpoles. Unfortunately, the reply given by Secretary Stephen LAM at that time was not addressing the question and no figure was given at all. Actually, it would not be surprising for Secretary Stephen LAM to fail to give any such figures. In such matters of enormous import as hoisting the national flag and the flag of the SAR, not only are the schools but also the Government of the Hong Kong SAR is treating them very lightly. At present, on acts of government related to the hoisting of the national flag and the flag of the SAR in government buildings, the Government is just doing what it pleases. There are no uniform standards and requirements and the Government is not playing a role model and spearheading such a move. This is strictly speaking a serious dereliction of duty. Now as

this motion has been moved today, officials in the SAR Government should reflect on this and they should feel ashamed.

Under the existing National Flag and National Emblem Ordinance, the SAR Government shall display the national flag or the national emblem in all major government buildings. However, as the Ordinance does not define what major government buildings are and specify the relevant details, many government departments have resorted to turning a blind eye on or just paying lip-service to this act of government to display the national flag which is meant to be a proclamation of sovereignty. What these departments are doing is they are making their own interpretations, minding their own business and doing what they think to be right.

Some time ago the Social Policy Committee of the FTU sent some of its people to visit some government buildings. They found that there were three oddities about these government buildings. First, some of those buildings which used to display the Union Jack before the reunification do not hoist the Chinese national flag now. Such buildings include the police stations. In addition, some government buildings have only one flagpole and the national flag and the flag of the SAR cannot be hoisted at the same time. The most obvious example is the Government House which to our amazement has got only one flagpole and the flag hoisted there is the flag of the SAR. The second oddity is that while some government buildings have two or more flagpoles, what is hoisted is only the flag of the SAR and not the national flag. Buildings of this category include the City Hall and also the General Post Office. The latter has three flagpoles but the national flag is not hoisted. The third oddity and the most outrageous one is that some government buildings have flagpoles but no flag of any kind is hoisted. One such example is the Hong Kong Central Library which is considered a landmark in the territory. The Government has made repeated vows to enhance civic education and national feelings in the public, but why is it that in an act of government like hoisting the national flag and the flag of the SAR, it is paying lip-service and displaying complacency and does not set any clear and uniform requirements in this respect? Can we say that the Government House which is used in awarding honours and decorations every year and receiving heads of state is not important enough and hence does not deserve to have a national flag displayed there? As for the Hong Kong Central Library, can we say that despite its landmark status, it belongs to a lower plane and hence does not warrant a flag even though it has flagpoles?

What is most shocking is that government departments are lying openly and blatantly breaking the law. Last night, I received a letter of reply from the Director of Administration. The letter shows that the authorities are slapping their own face and not following the law. This letter from the Director of Administration said that the national flag and the SAR flag would be displayed in the Government House every day. I thought the Government was doing things at such an amazing speed that another flagpole had been erected there overnight. So I made a trip to the Government House especially before I spoke here today to see whether two flagpoles were placed there and whether the national flag had been hoisted. I found out that no national flag was flying there. This shows that the Government is not complying with the law. Moreover, the most outrageous thing is that despite the fact that no national flag has been hoisted, the written reply says that this has been done. This is outright lying. This is a Hong Kong version of the Emperor's New Clothes. Does the Government think that all the people in Hong Kong are blind?

In contrast, the commercial buildings attach greater importance to the national flag and they hold a far more serious attitude to this than the SAR Government. Discounting buildings which are situated in faraway places, the two office buildings owned by foreign companies next to the Legislative Council Building have not only a sufficient number of flagpoles but every day they would hoist the national flag and the SAR flag to show their respect for China and the Hong Kong SAR. Since foreign investors know that the national flag and the flag of the SAR should be hoisted, I think that the SAR Government has to review such matters with a view to making improvements. I hope very much that the Government can provide the resources to carry out improvement works in those government buildings which do not have two flagpoles. The Government should also compile a list of government buildings which are required to hoist the national flag and the SAR flag so that uniform standards can be applied.

When the Government responds later, I hope that an explanation can be given as to why the national flag is not hoisted at the Government House and why the Administration Department has not complied with the law and why it has lied and so produced a Hong Kong version of the Emperor's New Clothes?

Madam President, entrenching patriotic feelings in the people cannot be achieved by playing the national anthem a few times or producing a couple of commercials. Efforts must be made to use civic education activities to foster a

greater sense of belonging in the public to the Chinese nation and the Chinese people. As China becomes more powerful, the present generation and the next would be proud of being Chinese. In view of this, the Government should allocate more resources to enable all primary and secondary schools as well as tertiary institutions to install enough flagpoles for the purpose of hoisting the national flag and the SAR flag. This will provide a platform of civic education to the students so that they can know more about the national flag and their country and people.

Thank you, Madam President.

MR CHEUNG HOK-MING (in Cantonese): Madam President, Hong Kong has a history of more than a century under colonial rule. In those days when Hong Kong was governed by a colonial government, patriotic education did not seem to exist. Conceptually, many people in Hong Kong would call themselves Hong Kongers and they would think that they were better than those who called themselves Chinese. As a result, many people come under the impression that the people of Hong Kong do not have any concept or awareness of a nation. They think that the people of Hong Kong do not know what is being patriotic. But is this true?

I think the answer is certainly no! We can look back and see whenever there are major international sporting events, Hong Kong people would be the greatest fans for the Chinese national team. This applies to the Olympic Games which are held once every four years. In all the events ranging from women's volleyball, swimming, gymnastics to table tennis, and so on, the people of Hong Kong would be staunch supporters of the Chinese national team. Whenever Chinese athletes are awarded the gold medal on the podium and when the national anthem of China is played, I am sure that most Hong Kong people watching the television would sense the warmth and jubilation swelling in their hearts. Is this not the best sign of patriotic sentiments?

Apart from international sports events, the people of Hong Kong also take an active part in matters concerning national sentiments. Examples are the disputes between China and Japan over the Diaoyutai Islands, the distorting of history in the Japanese textbooks, historical facts concerning the invasion of the Asian countries during the Second World War, and so on. In these the people of Hong Kong have been using peaceful and rational means such as holding

marches and presenting petitions to express their strong discontent to the Japanese Government. This is also a good example of patriotism among Hong Kong people.

All through these seven years since Hong Kong's reunification with the Mainland, though it can be seen that the passion for China in Hong Kong people has been growing fervently, it is unfortunate that the SAR Government has been very passive in fostering national consciousness and patriotic sentiments among Hong Kong people. For the Government, these seem to be hot potatoes that must not be touched. Even when the Committee on the Promotion of Civic Education has produced promotional films on the country and the national anthem, when these were broadcast at first, no lyrics of the national anthem were displayed on the screen. For Hong Kong people who have been under the British colonial rule for more than a century and who are not familiar with the lyrics of the national anthem, what is the use of this kind of promotional clips on fostering their patriotic feelings? In the end and after many people had said that they were unhappy about it, the authorities put in the lyrics.

Madam President, I do not think we will deny that the best place after the family to mould a person's character and temperament is the school. It therefore follows that a very good starting point to foster the national consciousness and patriotic sentiments in Hong Kong people is in the schools. As the national flag is a symbol of the country, it is only natural for the people of a country to learn more about their national flag and national emblem. Under "one country, two systems", Hong Kong people should have a good understanding of the flag and emblem of the SAR as well. I support the motion today in the hope that the Government will require all government buildings, primary and secondary schools and post-secondary institutions funded by the University Grants Committee to hold flag-raising ceremonies on important national occasions like the National Day, the Hong Kong SAR Establishment Day, and so on, to display the national flag and the flag of the SAR.

Last July, the DAB conducted an opinion poll on the identification of the Hong Kong people with their Motherland. A total of 982 qualified people were interviewed. It was found that 58% of the interviewees agreed that mandatory requirement should be imposed on government departments and public-sector organizations to hoist the national flag on the National Day and other important occasions. Those who held a contrary view made up 14% of the interviewees and 27% said that they had no preferences.

As to the question of whether or not all primary and secondary schools should be required to hoist the national flag, more than 50% of the interviewees supported the idea, 23% opposed and 26% had no preferences. Results of this survey show clearly that more than 50% of the people interviewed supported the idea that the SAR Government should take actions to facilitate the public to attach greater importance to the national flag. A similar survey was conducted by the DAB at the beginning of this month and it was found that there had been a marked increase in the number of interviewees who agreed that government departments should display the national flag on the National Day and other important occasions. The percentage was as high as 83%. Those who thought that the national flag should be hoisted in all primary and secondary schools on the said occasions took up 75% of the interviewees. These two surveys clearly demonstrate that Hong Kong people agree that there is a certain significance of displaying the national flag on important occasions. I think the SAR Government should plan seriously to promote national education and cease from being over-cautious on the issue.

In my opinion, if a sense of belonging to the country is to be fostered in the younger generation, the students should be taught to respect the national flag and the national anthem. Some consequential changes should be made to the curriculum in this respect. I think Members would agree that owing to reasons like the deliberately insufficient attention paid to contemporary Chinese history by the British Hong Kong Government during the colonial times, many young people have no more than a vague idea of the developments in contemporary Chinese history. It is high time that such contents should be reinforced in the school curriculum. This would enable the students to know more about what is going on in China and also enhance their national consciousness. Another means to promote national consciousness in the Hong Kong students is to organize more exchange activities between Hong Kong and mainland students so that students from the two places can engage in heart-to-heart dialogues.

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

MR WONG YUNG-KAN (in Cantonese): Madam President, our national flag came into being after the Preparatory Committee of the New Political Consultative Conference solicited designs from the people prior to the founding of the nation in 1949. At that time, a young worker in Shanghai, ZENG Liansong, conceived and designed the present five-star red flag pattern and sent

it to Beijing. In the end, his design was chosen by the Preparatory Committee of the New Political Consultative Conference as the national flag from among nearly 3 000 entries. On 1 October, in the Grand ceremony marking birth of the People's Republic of China in Tiananmen Square, Chairman MAO Zedong personally pressed the button to raise the flag above the square. Since then, the dignity and honour of our nation has been closely associated with this national flag.

This is because billions of compatriots have devoted their lifelong efforts and shed the last drop of their blood for this flag. This is also the flag on which the ideals, convictions and pursuits of numerous Chinese converged and this is also the flag that is impregnated with the deep and sincere love of descendants of China.

In the course of more than 50 years, the valourous People's Liberation Army of our nation has for many times planted this flag in the positions of its enemies in the Korean War and subsequent battles to repulse invaders at such places as the Himalayas, Zhenbao Island, the Xisha Islands and Lao Shan, as a sign of victory. Be it the mountaineering athletes who conquered the rooftop of the world, the astronauts who flew into space, the experts who established a research station in the snow-capped Antarctic, the Chinese athletes who clinched championships in international sports events, they all raised or sported this national flag to symbolize the honour and achievements of our nationals. Whenever our national leaders make visits overseas or our national sports teams compete in sports venues, our compatriots living overseas also wave this national flag to show their welcome and encouragement.

One may say, since the national flag symbolizes the nation, and since the national flag of each country epitomizes the beliefs and ideals of the people of a country, whenever the nationals of a country see their national flag, they will feel a powerful swell of emotions and their hearts will relate to their motherland. To inculcate in our nationals a love for their nation, I believe there is nothing better than enhancing the understanding of the national flag, the love of the national flag and the respect for the national flag among our nationals from a young age. Therefore, I believe primary and secondary schools have the responsibility to cultivate in students an identification with their nation and its people from a young age through the daily flying of the national flag, perhaps together with the playing and singing of the national anthem. The Government

should also take the lead in flying the national flag on its buildings and the buildings of subvented organizations at the appointed hour.

Madam President, in the Law of the People's Republic of China on the National Flag (the National Flag Law) which came into effect on 1 October 1990, Article 1 makes it clear from the outset that the Law is enacted "with a view to defending the dignity of the National Flag, enhancing citizens' consciousness of the State and promoting the spirit of patriotism". It is also stated clearly in Articles 6 and 13 of the Law that full-time primary and secondary schools should display the national flag daily, except during winter vacations, summer vacations and Sundays and a flag-raising ceremony should held every week. Articles 6 and 7 of the National Flag Law also stipulate the display of the national flag by state organs at all levels and mass organizations as well as enterprises and institutions.

Since the Standing Committee of the National People's Congress included this piece of legislation in Annex III to the Basic Law of Hong Kong as an additional national law to be applied to the Hong Kong Special Administrative Region (SAR) on 1 July 1997, according to Article 18 of the Basic Law, the SAR should apply the National Flag Law locally by promulgation or legislation, so that the duty concerning the national flag under the National Flag Law will be fulfilled in schools, government buildings or other organizations.

At that time, the SAR Government chose to implement the National Flag Law by means of legislation. However, in the National Flag and National Emblem Ordinance that it enacted, it has taken upon itself to delete the provision concerning the flying of the national flag in primary and secondary schools and other organizations in the National Flag Law. This is obviously at variance with the stipulations of Article 18 of the Basic Law. According to the Article, all national laws listed in Annex III "shall be applied locally by way of promulgation or legislation by the Region". According to this article, the SAR, be it the executive or the legislature, does not have the power to take upon itself to change the way national laws are implemented and it only has the power to oversee their implementation in accordance with the law.

Since the National Flag and National Emblem Ordinance has failed to bind primary and secondary schools in flying the national flag, schools can only decide on their own whether to fly the national flag or not. Consequently, individual schools have cited the absence of flagstaffs as the reason for not flying

the national flag. I do not know how much it costs to install a flagstaff, however, surely the figure is not astronomical! If the people-in-charge in these schools really care about the national flag, I believe it will not be difficult to obtain funds for installation.

Madam President, the inadequacy of the National Flag and National Emblem Ordinance has been identified. It is now time to rectify the problem at root. I hope that by amending the Ordinance, as well as enhancing and cultivating the public's understanding of the national flag, national emblem and national anthem and the regional flag and emblem, the Government will make it possible to implement the provision concerning the flying of the national flag in primary and secondary schools, government buildings and other organizations and institutions in the SAR, as well as enhancing and cultivating the public's understanding of the national flag, national emblem and national anthem and the regional flag and emblem, so as to reinforce Hong Kong people's sense of identity with their country and people.

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

DR RAYMOND HO (in Cantonese): Madam President, it has been almost eight years since the reunification of Hong Kong with the Motherland. During this period of time, there were reports in the press about surveys on Hong Kong people's awareness of their national identity from time to time. While we are glad to learn about an increase in the number of Hong Kong people who identify themselves as Chinese, we cannot help but sigh after thinking about it carefully. Hong Kong has reunified with the Motherland. So, in terms of nationality, we are Chinese by origin, and we are more so from the angle of ethnic race. This is an unquestionable fact. Such being the case, why is it still necessary to conduct surveys on the people's awareness of their national identity? This is so regrettable. The reason is that Hong Kong people's awareness of their nationality and national consciousness is weak.

Before its reunification with China, Hong Kong had been a British colony under the British rule for more than 150 years. During this very long period of time in the historical past, Hong Kong was like a child who had been separated from his mother since birth. When Hong Kong returned to the Motherland in 1997, "the mother" seemed to be familiar and yet a bit of a stranger to Hong Kong. This is understandable, and this also explains why Hong Kong people

compare less favourably than our comrades in the Mainland in terms of our awareness of national identity and national consciousness.

Since the reunification, the Hong Kong Government has endeavoured to develop the economy and neglected the work to enhance the people's sense of national identity. Despite government efforts in recent years to play the national anthem before the evening news on television and hold the national flag-raising ceremony at the Gold Bauhinia Square on a regular basis, I personally consider such measures inadequate. To enhance Hong Kong people's sense of national identity and consciousness, we must start with education of the youth, in order to strengthen their national awareness by exerting a subtle influence on them. Therefore, it is necessary to extend to schools the arrangement of playing the national anthem and displaying the national flag as the first step of patriotic education.

In fact, being members of the Hong Kong community and future pillars of society, students in Hong Kong should have certain knowledge of the national flag and the national anthem. This is the very basic knowledge of the country that every national should have. However, I believe many people in Hong Kong, including students, do not understand what the five stars on the national flag stand for and what the national anthem is all about. In this connection, the Government should put in more efforts.

Patriotic education does not simply mean singing the national anthem and displaying the national flag. Rather, it is a long way to go. In order for students to become truly patriotic, we must enhance their understanding of and identification with the country. Therefore, comprehensive patriotic education should also cover such other subjects as Chinese History and Chinese Geography. If this cannot be achieved in the current curriculum of primary and secondary schools and even that of the tertiary institutions, the Government should make adjustments as soon as possible. Besides, more exchanges with students from tertiary institutions in the Mainland and more visits between these institutions and ours in Hong Kong can also enhance local students' understanding of the Motherland. In this connection, I propose that the Government should take this into consideration when formulating education policies.

I have continuously urged the Government to allow tertiary institutions in Hong Kong to increase the intake of overseas students, particularly students from

the Mainland. This can not only facilitate the development of the universities and improve their financial conditions, but also encourage contacts between students in Hong Kong and those in the Mainland.

I remember that it rained heavily in Hong Kong on the day when Hong Kong's sovereignty was returned to China in 1997. As the handover ceremony went on, the torrential downpour washed away a century-long national disgrace. Now, the economic development of our country is robust, and as Hong Kong is part of China, we certainly hope that our country can scale new heights on the international stage. I believe that if we do hold our country dear to us, we will definitely make greater efforts to contribute to the country, and displaying the national flag and patriotic education can help achieve the objective to some extent.

Madam President, I so submit.

MR HOWARD YOUNG (in Cantonese): Madam President, recently, there has been a television commercial featuring LIU Xiang, our country's first gold-medallist in the Olympic Men's 110m Hurdles and also the latest Newcomer of the Year in the "Oscar of Athletics" — the Laureus World Sports Awards. Whenever we see on television how this athlete negotiates one hurdle after another in a race, we will immediately recall the moment when he received the congratulations of the spectators after dashing past the finishing line in the Olympics, the national flag draped over his shoulders. This scene can show us that the Five-Star Red Flag alone is already able to rouse the patriotic feelings of millions. The symbolic significance of the national flag indeed beggars description.

Currently, although there is already a need for main government buildings such as the Legislative Council and the Government Secretariat to hoist and fly the national flag on important occasions, or even every day in some cases, the Liberal Party will still support the idea of requiring all government buildings to set an example by flying the national flag every day.

But then, very few realize that before a government building can fly the national flag, it must first apply to the Administration Wing for approval. The Liberal Party understands that the Administration Wing may just want to act as

the last safeguard in manifesting our respect for the State and the national flag. We therefore think that it is only reasonable to impose some kind of regulation. However, the authorities should in fact adopt the opposite approach, meaning that no applications should be required for flying the national flag, and applications should be submitted only when some particular buildings need to apply for exemption due to the constraints imposed by physical factors, such as the lack of a suitable place for installing a flagpole.

What is the situation in schools? At present, the policy of the Education and Manpower Bureau is just to encourage aided and private schools to hoist and fly the national flag on important occasions, instead of making the flying of the national flag mandatory on such occasions. Some schools are even not equipped with any flagpoles.

The Liberal Party is of the view that by making students participate in flag hoisting starting from an early age, we can promote patriotic education more effectively. However, if the national flag is hoisted only on important occasions and students are not involved, there will not be too much use. We therefore support the idea of hoisting the national flag in schools on a regular basis, so that students can develop a greater sense of intimacy with their country. On the other hand, we do agree that further consideration must be given to whether or not international schools should also be required to hoist the national flag.

Besides, since some schools are not yet equipped with a flagpole due to various reasons, the Liberal Party thinks that the problem of hardware support must first be solved if all schools are to be required to hoist and fly the national flag on important occasions. As for software support, the Education and Manpower Bureau should step up its efforts of providing flag-hoisting training to teachers and students. Without sufficient training for flag guards, nothing much can be achieved even if schools want to raise the national flag. Worse still, improper flag-raising rituals may even achieve the opposite results. As a matter of fact, since its inception in 2002, the Hong Kong Association of Flag-guards, an organization dedicated to promoting a culture of hoisting the national flag in Hong Kong, has assisted only 20% of our primary and secondary schools in setting up their teams of flag guards. From this we can see that if we are to require all schools to hoist and fly the national flag, there is really a need to expedite the progress of training up flag guards.

Madam President, our national flag symbolizes a red ground with five stars, but as revealed by a survey conducted by the DAB, not everyone can tell what the national flag symbolizes as accurately as Secretary Stephen LAM does. We therefore agree that the Government should seek to enhance people knowledge about the national flag and our regional flag, so as to increase their awareness of being a Chinese national and a member of the SAR.

At the Golden Bauhinia Square in Wan Chai, there is a flag-raising ceremony every day, and there will also be additional flag-raising ceremonies on specific days every month. And, on such important occasions as the National Day and the Reunification Day, the flag-raising ceremony will be much grander in scale, frequently attracting many local people and visitors. We believe that such flag-raising ceremonies are useful in enhancing people's awareness of their national identity.

We of course understand that we cannot possibly raise the overall awareness of national identity and patriotism in society simply by relying on these flag-raising ceremonies. But this does not mean that we do not need to step up the publicity and education efforts in this respect. Earlier on, right after the video "Our Home Our Country" had been first broadcast, many critics immediately hastened to find fault with it, saying that any attempts to step up patriotic education would be tantamount to brainwashing. But to be fair, it should be only reasonable for any country to promote such education, and I suppose every country will just do the same. A survey conducted by the authorities later on in fact confirmed that most people supported the broadcasting of this video.

Even in the United States, often hailed as the model of democracy, there is also patriotic education aimed at its citizens. The Stars and Stripes is hoisted in most American schools, and there is also the inculcation of nationalism. After all, we have been reunited with the Motherland for eight years already, and Hong Kong is no longer a colony. I hope that the motion today can induce everybody to foster and cultivate a sense of national identity in society and increase our understanding of the Motherland.

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

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

MR JAMES TO (in Cantonese): Madam President, originally, I had no intention of speaking, however, after listening to the speech given by Mr Howard YOUNG, I believe there are some technical details which the Government has to take note of.

First of all, the Democratic Party supports this motion. I hope that no one will say we are picking bones in an egg all the time. Nevertheless, it struck me that Mr Howard YOUNG was talking about international schools and this motion is about making it mandatory for schools to fly the national flag. Of course, an argument has been put forward, saying that since these schools are located on Chinese soil, as a gesture of respect, the schools concerned should also be required to fly the national flag of China. However, I think it is really necessary to be more cautious in implementing this, particularly with regard to the feelings of expatriates. The students in these so-called international schools come from all sorts of countries and they are like the United Nations. This type of schools can perhaps already be considered better off. However, there are several international schools in Hong Kong in which there is a particularly high concentration or a greater number of nationals of a certain country, or perhaps the students enrolled are all nationals of a certain country. If we make it mandatory for these schools to fly the national flag of China, particularly if we make it known that the meaning of this move is to promote patriotic education, then this will be very strange because the students only love their own countries. It may be possible to ask them to love this place, however, we cannot ask them to love our country with lofty patriotic sentiments. Therefore, there are some technical problems that we have to take note of.

Meanwhile, I also remember that an Honourable colleague has pointed out that the existing legislation (I have also looked at the relevant legislation just now) specifies that the national flag has to be displayed on major buildings. Some Members have also cited some examples of such buildings, for example, the Government House. I believe that the Government House should be considered a major building. If the national flag is not displayed there, then this is really questionable.

However, as regards the buildings mentioned in the motion, we must take care not go too far. Otherwise, since the legislation has already imposed such a

requirement on major buildings and whereas the present motion also proposes that the Government should require all government buildings to display the national flag, that means each and every government building will be required to do so. This is really a big deal. I wonder how many tens of thousands of government buildings there are. It is possible that even some very small premises will also be required to fly the national flag. As far as I understand it, I believe it was not the original intention. Since the law has only referred to major buildings, if we impose such a requirement on all government buildings, as the motion calls for, will there not be too many major buildings? I hope Mr MA Lik can clarify this point and I believe it necessary to take note of this point.

Thirdly, I notice that one of the compulsory measures proposed in the motion is to require schools to organize the national flag-raising ceremony on a regular basis, with full participation by all teachers and students. There is no definition of "regular" in the motion. I believe that the education sector should put the proposal into practice to enable students to appreciate the significance of flag-raising. If by schools we mean primary and secondary schools, I believe that it is feasible to implement the proposal, however, if the schools referred include those in the previous sentence, that is, the funded institutions mentioned in the foregoing part, then I believe it will really be rather difficult to implement the proposal. For example, when I was studying in university, there were tens of thousands of students in the University of Hong Kong. It is virtually impossible to find a place in the campus of the University to accommodate several thousand people attending the national flag-raising ceremony.

Moreover, frankly speaking, even if attendance is made compulsory, how can we compel people to attend? Students in primary and secondary schools are probably already used to this, for example, it is of course possible to compel students to attend the weekly assemblies, however, if students in tertiary institutions are compelled to attend, I believe there will be a strong backlash. Therefore, it is necessary to proceed cautiously. On this, I believe further consideration is called for. Setting the question of whether it is technically possible to assemble several thousand people aside (although it is possible for an institution to assemble several thousand students in a stadium to take part in a flag-raising ceremony), universities and tertiary institutions are obviously liberal places. Furthermore, if we make this compulsory for several thousand students, leaving the University of Hong Kong, The Chinese University of Hong Kong or other tertiary institutions aside, how can we make it compulsory for the students of The Open University of Hong Kong? All the students of The Open

University of Hong Kong are studying in part-time programmes. It is impossible to compel over 10 000 students to come back at the same time to take part in a ceremony.

Moreover, what does compulsory mean? Is the consequence of non-compliance failed graduation, that is, if students do not attend the ceremony, then they cannot graduate? I believe this is surely not what is intended. Therefore, the original intention is probably to set a day on which students will be required to come back and take part. However, if the number of students is too small and there are only a few souls, this will not be desirable either. Of course, what I have noticed is of course only problems relating to the technical details, however, if we really make things compulsory, these details cannot be overlooked. I only want to point out these problems.

Just now, an Honourable colleague also pointed out that some commercial organizations also fly the national flag on certain days out of respect, therefore, Madam President, I believe that if some government buildings are considered major buildings, the Government must comply by flying the national flag on them, since the law has required it to do so.

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

(No Member indicated a wish to speak)

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, first of all, I am grateful to Mr MA Lik for moving today's motion. I am also grateful to all Members for their concern about promoting national education and expressing a lot of valuable views on this subject.

Hong Kong has been reunited with the Motherland for nearly eight years. In such areas as the economy and the public's livelihood, the tie between Hong Kong and the Mainland is getting closer. Various sectors in society are also increasingly concerned about how national education among the Hong Kong public can be strengthened. In fact, at present, national education is an important component of the ethical and civic education in schools as well as civic education outside schools. I wish to take this opportunity to give an account of

the relevant requirements laid down by the Government on the display of the national flag and the policies and measures for promoting national education.

National flag and national emblem are the symbols of a country and they symbolize a country and its sovereignty. The national flag is an officially designated flag representing a country. Through its unique design, colour and pattern, the unity and security of a country, as well as the independence, solidarity and the dignity of its people are conveyed. In September 1949, the First Chinese People's Political Consultative Conference Plenary Session passed the first resolution concerning the national flag and formally confirmed the five-star red flag as the national flag of the People's Republic of China. The red colour of the five-star red flag symbolizes revolution and the five five-pointed stars on the flag and their relationships with one another symbolize the unity of the Chinese people under the leadership of the Communist Party of China.

As regards the regional flag and emblem of the Hong Kong Special Administrative Region (SAR), they are the symbols and hallmarks of the SAR. The red colour of the regional flag represents our Motherland and the Bauhinia with its five-star pistil represents Hong Kong, signifying that Hong Kong is an inalienable part of China, whereas the red and white colours of the regional flag symbolize "one country, two systems".

The importance of the national flag and national emblem is beyond question. During the final handover ceremony on 1 July 1997, the national and regional flags were raised as the prelude to the ceremony, bearing testimony to the resumption of sovereignty over Hong Kong by the People's Republic of China. On major festive days, in commemorative activities and in international ceremonies, the national flag is also displayed.

There are basically two significances in flying the national flag. The first is to proclaim national sovereignty, and the second is to promote patriotic education among nationals. The practice of proclaiming national sovereignty through the display of the national flag has to be regulated and implemented by legislation and through administrative measures to ensure that due respect is given to the national flag. However, the display of the national flag for the purpose of promoting patriotic education should not be made compulsory, nor should it be implemented by means of legislation and administrative orders.

Sentiments such as love and respect for one's country should be spontaneous and patriotic education is a process of subtle persuasion and transformation and gradual change. To make it compulsory to fly the national flag as a sign of patriotism by means of administrative order is inappropriate and may even bring about directly opposite results.

I will now give an account of the requirements laid down by the Government concerning the display of the national flag for the purpose of proclaiming national sovereignty and the present situation in this regard. I will then recount the measures taken by the Government to encourage various sectors to display the national flag so as to promote national education, as well as the situation regarding the implementation of other educational measures.

I am grateful to Mr MA Lik for raising the point on whether there are inconsistencies between the National Flag and National Emblem Ordinance of the SAR and the Law of the People's Republic of China on the National Flag (the National Flag Law) and whether the principle that a subordinate law should not override the parent law has been violated. Concerning the National Flag Law of the People's Republic of China and the National Emblem Law of the People's Republic of China, when the SAR implements these two laws by way of legislation, it is possible for the SAR to make adaptations to the provisions that are not applicable to Hong Kong. For example, some of the organs specified in Article 6 of the National Flag Law do not exist in Hong Kong. In view of the differences in the systems and actual circumstances between the Mainland and Hong Kong, this approach will enable the smooth implementation of the relevant national laws in Hong Kong and put into practice the spirit of "one country, two systems".

According to section 3(1) of the National Flag and National Emblem Ordinance, the main buildings of the SAR Government shall display the national flag or the national emblem or both. According to section 3(2) of the National Flag and National Emblem Ordinance and section 3(2) of the Regional Flag and Regional Emblem Ordinance, the Chief Executive may stipulate the organizations which must display the national flag and the occasions, manner and conditions of the display. The stipulations made by the Chief Executive require those government offices or organizations specified in the circular issued by the Director of Administration to display the national flag on National Day (1 October), the Hong Kong Special Administrative Region Establishment Day (1 July) and the New Year's Day (1 January).

At present, the national and regional flags are displayed every day at the official residence of the Chief Executive, the Government House, the Hong Kong International Airport and all border control or check points of the SAR, the Legislative Council and the Hong Kong Economic and Trade Offices overseas. The flags are also displayed on every working day at major government offices and buildings, such as the Chief Executive's Office, the Executive Council, the Court of Final Appeal and the High Court.

Insofar as the New Year's Day, 1 July and 1 October are concerned, the locations that are required to display the national flag include major government office buildings in the districts, the Housing Authority, the Airport Authority and the building of the Hospital Authority Head Office. At present, the national and regional flags are displayed on these three days at about 50 locations according to this requirement.

The national flag is the symbol of national sovereignty. The Government's decision on when and where the national flag should be displayed must comply with the law and has to take into full consideration various factors, including whether the buildings concerned are major government buildings or the head office of departments and whether the location at which the flag is displayed is a solemn and appropriate setting. We believe that in view of the two foregoing requirements, the locations at which the display of the national and regional flags is required can already project our country's sovereignty appropriately.

I am grateful to Mr WONG Kwok-hing for reminding us that there may still be many inadequacies as far as implementation is concerned. The government departments concerned will definitely step up inspection to meet the stipulations. However, I wish to point out that insofar as the Government House is concerned, the national flag is displayed there, however, it may be the case that the regional flag and national flag cannot be seen together from the same perspective. On Upper Albert Road, only the regional flag can be seen, whereas on Lower Albert Road, only the national flag can be seen.

On education, the Home Affairs Bureau has all along been working closely with the Commission on the Promotion of Civic Education (CPCE) to promote education on the national and regional flags among the general public. A number of promotional and educational materials have been produced since the return of sovereignty to the Mainland, including the leaflet entitled

"Understanding the National Flag and National Anthem", the brochure "Understanding the Motherland", the brochure "Basic Law Package for Youth (Q&A)", the comic version of "Basic Law Package for Youth" and "I am Chinese" for parents and their children. In addition, to further the public's understanding of the national flag, national emblem, regional flag and regional emblem, the Government has prepared several webpages setting out various types of information for public browsing.

At the community level, various types of activities on national education are held from time to time, and the coverage of these activities include introduction to the national flag, national emblem and national anthem. For example, the Home Affairs Department staged a large-scale roving exhibition "National Flag, Emblem and Anthem" from 1 April to 4 August 2004 at 18 major shopping centres and government buildings to further the public's understanding of the public on the origins and meaning of the national flag, national emblem and national anthem and the regional flag and emblem. Each year, on National Day and the Hong Kong Special Administrative Region Establishment Day, individual districts also conduct flag-raising ceremonies to enable the public to observe the flag-raising process in close proximity. We will carry out public education and publicity on the national and regional flags and emblems on a continued basis.

On school education, flying the national and regional flags in schools will serve to deepen students' understanding of their country and their sense of national identity. Each year, the Education and Manpower Bureau issues circular memorandums to schools to remind them of the correct procedure in raising and lowering the national and regional flags, together with information on flying the national and regional flags, raising and lowering the flags, the condition of the flags and arrangements in bad weather. Through these school circulars, the Education and Manpower Bureau also requires all government schools to fly the national flag on the specified important days. These important days include the New Year's Day, 1 July, 1 October, the beginning of the academic year, school open day, graduation ceremony and other important days for a school, such as anniversaries and sports day. The Education and Manpower Bureau also encourages all other schools in Hong Kong to fly the national and regional flags on these important days by means of such circulars.

Although the Government has not put in place any compulsory requirement, at present, all tertiary institutions have made their own

arrangements for flying the national and regional flags. The eight universities funded by the University Grants Committee all fly the national flag on important days such as the National Day, the Hong Kong Special Administrative Region Establishment Day, New Year's Day and during graduation ceremonies. Some of them also fly the national and regional flags on ordinary days.

In order to assist schools in conducting flag-raising activities, the Education and Manpower Bureau has produced various types of learning and teaching materials, including laser discs containing the national anthem, video tapes on steps for raising and lowering the flags; educational television programmes introducing the designs of the national flag, emblem and anthem and those of the regional flag and emblem and their meaning; teaching posters introducing how the national flag, national emblem and national anthem and the regional flag and emblem came into being, their meaning and relationships with the Basic Law; a Civic Education Trail designed according to the theme of a sense of the national identity; and a webpage entitled "Special Topic on Raising the National Flag in Schools". All these learning and teaching materials are aimed at familiarizing schools with hoisting the national flag. Among them, the contents of "Special Topic on Raising the National Flag in Schools" webpage include points to note when conducting flag-raising in school, a brief introduction to the ceremony, examples of schools and other reference information. The Education and Manpower Bureau also organizes seminars, workshops and exhibitions with other government departments to enhance teachers' and students' understanding of the symbols of their country and the SAR.

In fact, since 1998, the former Education Department already organized seminars and workshops jointly with the Hong Kong Police Force to provide flag-raising training to teachers and students in primary and secondary schools and assist schools in conducting flag-raising activities. Meanwhile, the Education and Manpower Bureau also organizes educational activities on displaying the national flag and regional flag at the Golden Bauhinia Square in Wan Chai.

In order to encourage schools to conduct the national and regional flag-raising ceremony, the Education and Manpower Bureau issued a circular memorandum in April 2005 urging all aided schools without flagpoles to apply for such installation in the annual school repairs or alteration projects. In order to encourage schools to install flagpoles, applications made by aided schools to install flagpoles will be accorded priority. According to information, among

the 1 061 government and aided schools, only 60 aided schools have not yet installed any flagpole. The reasons include ongoing improvement works in these schools, dilapidated school premises or the lack of suitable places for installing ground-level flagpoles to enable these schools to conduct flag-raising ceremonies.

To designate locations where the display of the national and regional flags is required by means of legislation or administrative order and to enhance the Hong Kong public's understanding of the national flag and national emblem only constitute part of national education. In order to promote national education effectively, it is necessary to put in place a comprehensive policy on education and other measures on education as a complementary approach. By adopting various measures, the Government is promoting national education and enhancing and furthering the public's understanding of our country, including its culture, history, present situation and latest developments, so as to reinforce the public's sense of national identity.

The younger generation is the future of Hong Kong and also our country's future. Therefore, fostering a sense of national identity among students has been listed as a curricular goal in school education and is also an established policy of the Education and Manpower Bureau. At present, national education has already been incorporated into such subjects as General Studies, Chinese Language, Civic Education and Liberal Studies in primary or secondary schools. The subjects involved are extensive and include the geography, history, politics, economy, cultural mores and the relationship between the People's Republic of China and the SAR. When carrying out national education, schools will also make use of such opportunities as raising the national flag and flag-raising ceremonies to reinforce students' identification with their nation.

In addition, the Education and Manpower Bureau has organized many study trips and exchanges to the Mainland in recent years to enable students to gain a better understanding of China, including educational programmes for Hong Kong students to understand China, a seminar on China with mainland experts and academics as guest speakers, study trips to understand China, military summer camps, and so on. The aim of these activities is to enable students to come into contact with various facets of life in mainland China, gain first-hand experience of life in mainland China and engage in exchanges with people on the Mainland, so as to further their understanding and care of the country.

The Education and Manpower Bureau is the advisor of the Association of Hong Kong Flag-guards (the Association). At present, the Association provides training on flag-raising to schools and organizes flag-raising teams in schools. The number of participant schools in the training programmes of the Association has increased from 130 in 2002-03 to 213 in 2004-05. In addition, the Education and Manpower Bureau also subsidizes non-government civic organizations in organizing activities on national education and education on raising the national flag is often an indispensable and important component of these activities.

Promoting national education among the general public outside schools has been one of the major objectives of the Home Affairs Bureau and the CPCE. Through the annual Community Participation Scheme, the CPCE provide funds to community organizations to launch promotional activities on national education and the Basic Law. These activities include seminars, exhibitions, speech contests and quiz competitions, webpage design competition and publicity and educational programmes to promote the national flag and regional flag are also included. The objective is to enhance public understanding of the Motherland and the Basic Law. From 1996-97 to 2004-05, we have funded about 200 projects on national education and the total subsidy amounted to about \$5.6 million.

To further enhance the promotion of national education among the public, the CPCE and the Commission on Youth jointly set up a Working Group on National Education (WGNE) in 2004, for the purpose of drawing up strategies and plans to promote national education outside schools. The WGNE launched the first Television Announcement of Public Interests (TV API) "Our Home Our Country" on National Day in 2004 for broadcast in various major Chinese television channels daily before the broadcast of the main news report. This is the first time that a TV API was produced using the Chinese National Anthem, "the March of the Volunteers", as the theme music. A scene of a fluttering national flag was also included in it. To deepen the public's understanding of the national anthem, the WGNE will enhance the contents of the TV API "Our Home Our Country" from next week, that is, 23 May. Guests have been invited to speak on the history of the national anthem, the background against which the anthem was composed, the spirit of the lyrics, and so on. In addition, a new TV API, which is entitled "Faces of China" and includes the national anthem, is under production and has been scheduled for broadcast in the latter half of 2005.

To enhance local youths' understanding of the developments in the Motherland, the WGNE has launched its Community Participation Scheme for Organizing Study Tours to the Mainland this year. The Scheme aims at facilitating our young people in understanding more about the Chinese history, culture, arts, people's livelihood, and political, social and economic systems; and fostering friendships and linkages between youths from both Hong Kong and the Mainland by providing financial sponsorship to non-governmental organizations, schools and community groups to organize study tours for young people to visit the Mainland as well as providing volunteer service while they are on the Mainland. In the programme this year, we will encourage organizations to arrange two-way exchange programmes between youths in Hong Kong and people on the Mainland and to require participants to share their experiences with members of the Hong Kong community, in particular, youths, to promote the Scheme upon completion of the tours. At present, the response to the Scheme is encouraging and over 500 applications have been received.

In order to tap collective wisdom, an International Symposium on National Education (the Symposium) jointly organized by the WGNE, the Home Affairs Bureau and Radio Television Hong Kong will be held on 7 and 8 June 2005. This Symposium will be the first of its kind on the subject of national education in Hong Kong. Ten experts and academics from various parts of the world, including Europe, America, Asia and even the former Soviet Union will attend to share their experiences on national education through topical presentations and group discussions in the Symposium. We will invite around 500 participants in Hong Kong, including representatives from the education and academic circles, organizations concerned with national education and members of the public to attend the Symposium. The event will also be webcast live to all parts of the world. We hope that the discussions in the Symposium will provide stimulating thoughts and inspiring insights to organizations and workers promoting national education in Hong Kong.

The CPCE has recently completed an extensive opinion survey on civic education. The initial results of the survey concerning the community's sense of national identity and national pride reveal that the majority of the Hong Kong public identified themselves as Chinese. They are proud of being Chinese, concerned about affairs in mainland China, and are confident about the future development of China in a number of areas. However, Hong Kong people have divergent views on the ways and means of expressing concern and showing

support for the country. For example, only 38% of the respondents were of the view that public schools in Hong Kong should conduct the ceremony of raising the national flag daily. The detailed results of this survey will be published shortly.

In Hong Kong, which is a pluralistic, liberal and open society that has been subject to about 150 years of colonial rule, promoting national education, and patriotic education for that matter, is a long-term and continuous undertaking. In the process of taking this undertaking forward, it is necessary for the education sector and members in various sectors of society to reflect and discuss on an ongoing basis, in order to explore and put in place education and promotional measures that dovetail with public opinion in Hong Kong society as a whole. The public response to the broadcast of the TV API, "Our Home Our Country", about our national anthem indicates that Hong Kong people are generally more receptive to national education and promotion in the form of "soft sell" rather than "hard sell". In other words, national education is a process of subtle persuasion and gradual inculcation. To love our nation and to take pride in it is a spontaneous sentiment that cannot be created in a leap. In view of this, although making it compulsory for more organizations to fly the national flag on specified days will in the short term make more people participate in flag-raising ceremonies, it is only through continually implementing appropriate national education measures, so that different schools, institutions and organizations will fly the national flag voluntarily and willingly out of respect and support for the nation, that it will be possible to truly attain the goals of national education.

Finally, I wish to point out that just like Mr MA Lik and other Members who have spoken, my stand that the Government should promote patriotic education in Hong Kong is the same as theirs. We all hope that Hong Kong people can know, understand, care for, respect and support their country more, that they can understand the national flag, understand the nation, be proud of being descendants of the Chinese nation and are willing to make commitments to their country. Time, thoughtfulness and skills are required in inculcating patriotic sentiments. Here, I wish to quote a line by Mencius, "Virtue alone is not sufficient for the exercise of government; laws alone cannot carry themselves into practice." Mencius believed that law and education have to complement each other. Finally, I wish to thank Mr MA Lik and other Members who have spoken for expressing their valuable views on the subject of flying the national

flag and national education. I will be happy to continue to discuss and exchange views with Members on national education and other relevant subjects in future.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr MA Lik, you may now reply. You have four minutes 10 seconds.

MR MA LIK (in Cantonese): Madam President, first of all, I have to thank the eight Members who have spoken in support of this motion. And in his speech earlier on, Secretary Dr Patrick HO also recognized the direction of our motion. What I would like to say is that we now agree that the hoisting of the national flag is an organic part of patriotic education and national education. I find that the community has already been doing quite well in this respect. What we now expect is the Government doing better than before.

Mr WONG Yung-kan mentioned that we had to identify the inadequacies and to conclude the experience. Since we have already identified the inadequacies of the Government in this aspect, particularly when it is not very common that the national flag is displayed on government buildings, while the stipulations of the National Flag Law of the People's Republic of China (the National Flag Law) have not been fully implemented, I hope the Government can do a little more.

Mr Howard YOUNG has made a very good suggestion. That is, when government buildings or departments wish to hoist the national flag, application is not necessary, and it will be required only when the national flag is not hoisted. This principle merits consideration by the Government.

In regard to the three scenarios mentioned by Mr James TO, the abovementioned principle can be applied and applications can be made for not hoisting the national flag. International schools, of course, have sufficient reasons not to hoist the flag. As to the question whether certain government buildings, including toilets, should hoist the national flag, on which he just showed his worry, I think according to the provisions of the National Flag Law, government buildings refer to government offices and this is clear to all. In regard to whether tertiary institutions should organize the national flag-raising

ceremony with full participation of all teachers and students, I think the National Flag Law does not require tertiary institutions to do so.

Through this motion, I hope that the Government can review the existing practice and implement some provisions of the National Flag Law in Hong Kong as far as possible. Since Hong Kong has already been reunited with the Motherland for eight years, both the Government and the community attach importance to promoting national education and patriotic education. And in this respect, we feel that hoisting the national flag is an important symbol of recognizing the country. It is very worthwhile that we do that together, and the Government should take the lead and put in efforts to do it well. I so submit. Thank you.

PRESIDENT (in Cantonese): Mr James TO, do you wish to clarify the part of your speech that has been misunderstood?

MR JAMES TO (in Cantonese): Yes, Madam President. I have not said that national flags should be hoisted in the toilets. I only said that if government buildings that should display the national flag would mean all government buildings, that would be a very large number and it might include some places which Members may think not proper.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by

functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 25 May 2005.

Adjourned accordingly at seven minutes to Six o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Security to Mr LAU Kong-wah's supplementary question to Question 4

As regards the detailed breakdown of the "other" category in the table annexed to the main reply of the Secretary for Security, the "other" category in the table in question includes a number of offences. Each of these offences however accounts for only less than 3% of the total number of offences. A more detailed list of those offences accounting for more than 1% of the total is now set out below for Members' reference.

Crimes Involving Mainlanders Arrested in Hong Kong

<i>Crimes</i>	<i>Year</i>					
	<i>2002</i>		<i>2003</i>		<i>2004</i>	
Miscellaneous thefts	302	(16.2%)	399	(18.8%)	420	(18.6%)
Shop theft	210	(11.3%)	254	(12.0%)	290	(12.8%)
Forgery and coinage	214	(11.5%)	274	(12.9%)	288	(12.7%)
Serious immigration offences	373	(20.1%)	269	(12.7%)	228	(10.1%)
Deception	205	(11.0%)	138	(6.5%)	110	(4.9%)
Pickpocketing	52	(2.8%)	70	(3.3%)	106	(4.7%)
Theft from construction site	60	(3.2%)	130	(6.1%)	89	(3.9%)
Burglary	52	(2.8%)	69	(3.3%)	79	(3.5%)
Wounding and serious assault	65	(3.5%)	90	(4.2%)	78	(3.4%)
Disorder/Fighting in public place	42	(2.3%)	44	(2.1%)	57	(2.5%)
Keeping vice establishments	19	(1.0%)	19	(0.9%)	56	(2.5%)
Going equipped for stealing	13	(0.7%)	20	(0.9%)	43	(1.9%)
Robbery	34	(1.8%)	38	(1.8%)	34	(1.5%)
Possession of offensive weapon	14	(0.8%)	31	(1.5%)	32	(1.4%)
Resisting arrest	10	(0.5%)	15	(0.7%)	30	(1.3%)
Conspiracy	3	(0.2%)	21	(1.0%)	27	(1.2%)
Handling stolen goods	7	(0.4%)	7	(0.3%)	27	(1.2%)
Loitering	10	(0.5%)	17	(0.8%)	26	(1.1%)
Procuration, abduction of female	5	(0.3%)	10	(0.5%)	26	(1.1%)
Criminal damage	20	(1.1%)	16	(0.8%)	25	(1.1%)
Other	150	(8.1%)	192	(9.0%)	192	(8.5%)
Total	1 860	(100.0%)	2 123	(100.0%)	2 263	(100.0%)

Appendix II

WRITTEN ANSWER

Written answer by the Secretary for Security to Mr Martin LEE's supplementary question to Question 5

As regards cases in which goods were suspected to be carried to and from the Mainland in contravention of the Import and Export Ordinance, the relevant numbers are as follows:

<i>Year</i>	<i>Cases involving truck drivers carrying contraband goods</i>	<i>Cases in which truck drivers were prosecuted</i>		<i>Cases in which truck drivers were not prosecuted but only consignors/consignees were prosecuted</i>
		<i>Only truck drivers were prosecuted</i>	<i>Both truck drivers and consignors/consignees were prosecuted</i>	
2003	474	224		218
		173	51	
2004	468	201		210
		158	43	
2005 (as at 31 March)	88	44		16
		34	10	

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Security to Ms Miriam LAU's supplementary question to Question 5**

As regards whether the Government would review the booklet "Guidance for the Vehicle Drivers of Cross-border Transport Industry" to take into account whether truck drivers should inspect the goods they carried, the current version of the booklet was newly printed in 2005 following a review conducted at the end of 2004. The Customs and Excise Department plans to conduct another review of the booklet this year in consultation with the trade through the Cross Boundary Trucking Industry Customs Liaison Group. Member's view will be taken into account during the process.

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Housing, Planning and Lands to Mr CHEUNG Hok-ming's supplementary question to Question 6**

As regards the 115 repair projects quoted in the main reply, 20 are located in the public housing estates in Tin Shui Wai.