

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 17 November 2004**

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

## **MEMBERS PRESENT:**

THE PRESIDENT

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

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

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 ALBERT CHAN WAI-YIP

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

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

DR THE HONOURABLE YORK CHOW YAT-NGOK, S.B.S., J.P.  
SECRETARY FOR HEALTH, WELFARE AND FOOD

**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>
Prisons (Amendment) (No. 2) Order 2004 .....	174/2004
Addiction Treatment Centre (Consolidation) (Amendment) Order 2004.....	175/2004
Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre) (Amendment) Order 2004 .....	176/2004
Drug Addiction Treatment Centre (Chi Ma Wan Drug Addiction Treatment Centre) (Repeal) Order .....	177/2004
Rehabilitation Centres (Appointment) (Amendment) Order 2004 .....	178/2004
Training Centre (Consolidation) (Amendment) Declaration 2004.....	179/2004
Securities and Futures (Price Stabilizing) (Amendment) Rules 2004.....	180/2004
Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2004.....	181/2004

**Other Papers**

- No. 21 — Report of the Board of Trustees for Sir Edward Youde Memorial Fund for the period from 1 April 2003 to 31 March 2004

- No. 22 — Secretary for Home Affairs Incorporated  
Audited Statement of Accounts and Auditor's Report for  
the year ended 31 March 2004
- No. 23 — Hong Kong Science and Technology Parks Corporation  
Annual Report 2003/2004
- No. 24 — Hong Kong Productivity Council  
Annual Report 2003/2004

## ORAL ANSWERS TO QUESTIONS

**PRESIDENT** (in Cantonese): Questions. According to House Rules, question time normally does not exceed one and a half hours, that is, each question is allocated about 15 minutes on average. After a Member has asked a main question and the relevant official has given reply, the Member who asks a question has priority to ask the first supplementary. Other Members who wish to ask supplementary questions will please indicate their wish by pressing the "Request-to-speak" button and wait for his/her turn.

A supplementary question should only contain one question and should be as concise as possible so that more supplementaries may be asked by Members. Members should not make statements when asking supplementaries, as this contravenes Rule 26(5) of the Rules of Procedure.

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

### Unlicensed Upstairs Cafes

1. **MR TOMMY CHEUNG** (in Cantonese): *Madam President, as the Secretary is not here, should I continue to raise the question?*

(The Secretary entered the Chamber and took his seat)

*Madam President, it has been reported that upstairs cafes have become increasingly popular in recent years. Quite a number of upstairs cafes are found in Mong Kok and Causeway Bay, most of which do not meet the fire*

*installation requirements and safety standards stipulated by law. People in the trade have estimated that up to 80% of these upstairs cafes are unlicensed. In this connection, will the Government inform this Council:*

- (a) of the estimated approximate number of upstairs cafes currently operating in Hong Kong and, among them, the approximate number of unlicensed ones as well as their geographical distribution; and*
- (b) whether any inspections have been conducted on unlicensed upstairs cafes and prosecutions instituted against them over the past three years; if so, of the number of inspections conducted and their frequency, as well as the number of prosecutions instituted and the penalties imposed on the persons convicted; if not, the reasons for that?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese):  
Madam President, I would like to thank Mr CHEUNG for his question.

- (a) Under the Food Business Regulation (Cap. 132 sub. leg.), there is no specific type of licence for the operation of cafe on the upper floor of a building. Hence, the Food and Environmental Hygiene Department (FEHD) does not have information on the number of such cafes. According to the Regulation, any person who sells food for consumption on the premises is required to obtain a restaurant licence from the FEHD. Depending on the types of food being offered for sale in the premises, the operator may either apply for a general restaurant (GR) licence or a light refreshment restaurant (LRR) licence from the FEHD. As at the end of September 2004, the FEHD issued a total of 7 844 GR licences and 2 875 LRR licences. Some of the licensed restaurants operate on the upper floors of buildings.

Based on information obtained from the FEHD's regular surveillance and complaints received from the public in the past few months, there are about 60 premises operating cafes at the upper floors of buildings that have not obtained restaurant licence from the FEHD. They are located in Causeway Bay, Yau Ma Tei, Tsim Sha Tsui and Mong Kok districts. A few of them which operate as



a club serving on members and their guests have obtained a certificate of compliance under the Clubs (Safety of Premises) Ordinance (Cap. 376) from the Home Affairs Department. The rest which provide service to the public are not licensed as restaurants and are not under the purview of the Clubs (Safety of Premises) Ordinance.

- (b) The FEHD takes enforcement action against unlicensed restaurants in its daily operation. If operation of an unlicensed restaurant is found when the FEHD staff conduct regular surveillance, handle complaints or perform on-site inspections for licence applications, prosecution will be taken against the operator concerned. Offenders are subject to a maximum fine of \$50,000, imprisonment of six months and a daily fine of \$900 upon conviction.

Since 2002, the FEHD has instituted over 2 200 prosecutions against the operators of unlicensed restaurants. Detailed information on the mode of operation of these premises is not available. The average and highest penalty imposed by Court on unlicensed restaurants in the last three years are about \$6,500 and \$50,000 respectively. The FEHD will continue to take stringent enforcement action against all types of unlicensed restaurants.

**MR TOMMY CHEUNG** (in Cantonese): *Madam President, I would like to ask the Secretary, actually, the Secretary has not addressed my question in his main reply, and I would not argue with him about whether or not the figure of 60 such cafes is correct or not, though I do not think the number is that small. However, the Secretary also said that of these 60 cafes, only a few is operating as clubs. It seems that the remaining 50 or so are operating without a licence. As a matter of fact, my question is precisely about these 50-plus unlicensed cafes: Has any prosecution ever been pressed over these few years against these cafes? If prosecutions have been made, how many times are there altogether? The Secretary has only said that over 2 000 prosecutions have been instituted, but there is no breakdown of such prosecutions. May I ask have prosecutions been instituted against these 60 or so cafes, if so, the number of times and if not, why not?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): In reply to Mr CHEUNG's questions, I would like to say that of these 60 cafes, we have made as many as 90 investigations and 20 of those cafes have been prosecuted.

**MR SIN CHUNG-KAI** (in Cantonese): *I would like to know if consideration has been made to adopt some special measures to deal with these unlicensed operators. The Secretary in his main reply said that such a state of affairs had been going on for a number of years and Mr Tommy CHEUNG had mentioned the same thing in his question. Does the Government have any policies or measures to curb unlicensed operations by these people on the upper floors of buildings or prohibit their operations?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Generally speaking, our inspectors will conduct inspections everywhere and if any unlicensed restaurant is discovered, they will make an investigation. Prosecutions will be instituted if our suspicions are confirmed. Some of these cases came to our attention as a result of members of the public lodging complaints. Our inspectors will go to these places to make on-site investigations. Normally after a few days upon receipt of a complaint, we would go to the place to investigate. But I would like to emphasize that we have only some 200 inspectors and they have to make routine inspections of restaurants on such matters as food hygiene and other safety issues. So if no complaint is received or if no signboards are displayed such that it can be seen that the restaurants are on the upper floors of a building, it would be hard for us to locate such upstairs cafes one by one, especially if they are located in residential areas.

**MR SIN CHUNG-KAI** (in Cantonese): *I am aware of the difficulties involved, but my question is whether or not there are any prohibitory measures in place. Are there such measures or are there not? In some cases a cafe may have been prosecuted many times or they may have been refused a licence on account of their repeated violations or they may not be able to operate because of the above reasons.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): My opinion is that if they contravene any laws, they will be prosecuted. I do not think we will not prosecute them. At times we may not find sufficient evidence to institute a prosecution and so no successful prosecution can be instituted.

**PRESIDENT** (in Cantonese): A total of nine Members are waiting their turn to ask questions. So would Members please be as concise as possible when asking supplementary questions.

**MRS SELINA CHOW** (in Cantonese): *I think the Secretary will agree that a lawful operator is one who has obtained a licence and complied with all the statutory requirements. But for those restaurants which do not apply for a licence, especially those upstairs cafes, they are being unfair to those law-abiding operators. I have this question for the Secretary. With respect to the last sentence of his main reply, that is, "The FEHD will continue to take stringent enforcement action against all types of unlicensed restaurants", such enforcement action has not been very effective. The fines imposed are just \$6,500 and \$50,000. The Secretary seemed to consider these current actions very stringent and said they would be continued. But these actions have only led to the imposition of a fine of just a few thousand dollars, I think that the operators will just factor the fines into their costs. Will the Secretary consider imposing stiffer penalties so as to achieve deterrent effect?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We will certainly consider Members' views. We will examine if there is really a need to make the penalties heavier. For repeated offenders, I think we will impose stiffer penalties to achieve deterrent effect.

**MR WONG YUNG-KAN** (in Cantonese): *Madam President, from the main reply given by the Secretary to the question raised by Mr Tommy CHEUNG, it is learned that there are 60 unlicensed cafes and they have been inspected. May I ask the Secretary of the reasons why they have not been issued a licence to date? Is it because they do not want to apply for one? I think that of all the problems the most important one is on safety, though other things have to be done well too. Could the Secretary tell us why these cafes have not obtained licences?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I do not have very detailed information on this. However, of these cafes, some are located in residential buildings and no restaurant licence can be issued to restaurants operating in residential buildings. The related buildings and fire protection regulations all stipulate that no restaurant licence can be issued to these restaurants.

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, apart from hygiene and fire safety problems, another problem caused by these upstairs cafes is that some of them have converted residential premises into commercial premises, hence contravening terms of the deed, the occupancy permit and the deed of mutual covenant. May I ask whether or not the Government would take more stringent enforcement action along these lines and prosecute the owners of the premises and consider imposing heavier penalties on changing the use of the premises?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We would first prosecute these restaurants for matters which fall into our purview, and then we will consider if these restaurants have also contravened other laws related to residential buildings. If so, the cases will be referred to the relevant departments for action.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, I am aware of that fact that as a result of the economic downturn in recent years, many young people have started operations of this kind of upstairs cafes, in much the same way as those "private kitchens". May I ask the Government, conversely when these cafes have developed into another mode of business operation and as the operators are just trying to make a living, if it would consider giving them some kind of assistance in public safety, in the same way as the legislation on "private kitchens" which is being contemplated will give? Will the Government consider this?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I am grateful to Miss CHAN for her suggestion. Our enforcement is based on the principle that enforcement will be taken on actions in breach of the law. If

these cafes operate in premises non-compliant with the law, we are left with no other choice but to take enforcement action. But we also consider the point that, like "private kitchens" for example, we wish to formulate some laws to allow them to survive, subject to certain conditions. However, if they operate in residential buildings, then there will be enormous difficulties. For they are barred by legislation on residential buildings to undertake commercial activities inside residential buildings and operate a restaurant. I think we need to make it clear to the public that if these operators want to find a place to do business, they had better find a commercial building or a mixed commercial and residential building.

**MR FRED LI** (in Cantonese): *Madam President, the issue of "private kitchens" has remained unresolved for a long time and in my opinion, upstairs cafes would become another problem. Do these establishments have to apply for a licence if only drinks, not food, are served?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I think that falls within the scope of a light refreshment restaurant.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, as the Cantonese saying goes, who wants to show off a skin head if he has got hair? Now this question is about upstairs cafes. As far as I know, many of these operators are unemployed people and they choose to operate these cafes because they have no other way out. In view of the current economic conditions, the Government has said that it wants to remove the unnecessary restrictions .....*

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, please come to your supplementary direct.

**MR WONG KWOK-HING** (in Cantonese): *Yes. It was the preamble to my question. What methods does the Secretary have to help the operators of these upstairs cafes to break away the restrictions, so that they could do their business lawfully and they could be given a way out?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I think the simplest way out is that they should find some premises where they are allowed to do business and apply for a licence.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, Mr Tommy CHEUNG said in his question that upstairs cafes had become increasingly popular in recent years. But about 60 of these cafes have come to the Secretary's knowledge. I was very surprised earlier when I heard the Secretary say that only 20 of these 60 cafes had been prosecuted. Why were the others not prosecuted? Is it due to insufficient evidence or because the authorities do not care so much about it and it was only after a few inspections that prosecutions were instituted?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): As far as I know, most of these cases are not backed up by sufficient evidence and for some cases, prosecution is being undertaken.

**DR RAYMOND HO** (in Cantonese): *Madam President, I would like to ask the Secretary this question. According to the answer given by the Secretary to the question raised by Mr Tommy CHEUNG, most of these upstairs restaurants do not meet fire protection requirements. If upon investigation the Government finds that this is really the case, will these restaurants be required to suspend their operation immediately or will they be given time to comply with the requirements as stipulated in the Fire Services Ordinance before they can be allowed to continue with their business?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We will require the restaurants concerned to suspend their operation immediately once prosecution is instituted.

**MR ALBERT CHENG** (in Cantonese): *Madam President, I hope the Secretary will not be affected by Members representing the interests of their respective sectors. All along the Government has been encouraging creative industries and local community economy. I do not know why the IT and catering sectors*

*will combine together, for Mr SIN Chung-kai and Mr Tommy CHEUNG are displaying such an attitude.*

**PRESIDENT** (in Cantonese): Mr CHENG, please ask your question direct.

**MR ALBERT CHENG** (in Cantonese): *May I ask the Secretary if licensing conditions in the legislations can be relaxed to tune in with the call made in the policy address for encouragement be given to creative industries and local community economy, so that these creative industries can be given room for survival?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): As far as I know, for small premises in the urban areas, the licensing fee will just be \$2,500. So if suitable premises are found, the cost implications for applying a licence should not be very great. I hope Members will appreciate that helping the people start a business had better be done in a lawful manner.

**DR LUI MING-WAH** (in Cantonese): *Madam President, some restaurants in Hong Kong are very large in size while some operate on the upper floors of buildings with only a few workers. May I ask the Government whether the same legislation is used to regulate various kinds of restaurants? If yes, can the small restaurants, like those operating on the upper floors of buildings, be regulated under laws different from those applied to large restaurants? Why am I saying this? It is because those operating upstairs are small undertakings like cafes. They can be required not to use naked flame to cook or they may be required to use electric stoves instead. That will make things easier as it will not pose any problems in fire protection. This will help them get a licence.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): As far as I know, currently there are two kinds of restaurant licences. One is for light refreshment restaurants and it is stipulated that no cooking by naked flame is permitted, that is, there will be no large kitchens. As to whether regulation

can be made for different kinds of restaurants, I think we can study into that. But I think we cannot have too many regulations for different types of restaurants.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *I often patronize these cafes for coffee. The operators told me the reason why they were having such a difficult time was actually a lack of statutory regulation and they might be driven out of business. After visiting these cafes many times, I find that what warrants attention is the Fire Services Ordinance, for human life is at stake. So I would like to ask Secretary Dr York CHOW this question: If these cafes can comply with the Fire Services Ordinance requirements, will they be given a licence for operation?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): In my opinion, no matter where they want to do business, they must apply for a licence first. When an application for a licence is made, our inspectors will make an on-site visit to determine whether or not the place is suitable for business operation. If the restaurant is located in a non-residential building, especially in a commercial building, there should be ways to meet requirements in this regard. But it would be much more difficult if the restaurant is intended to operate in a purely residential building.

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

### **New Measures to Reduce Greenhouse Gas Emission**

2. **MISS CHOY SO-YUK** (in Cantonese): *Madam President, at present, 60% of greenhouse gas (GHG) emission in Hong Kong comes from power plants. The Secretary for the Environment, Transport and Works informed this Council in October last year that her Bureau would conduct studies with other bureaux and departments on new measures to reduce GHG emission, which include "the role of renewable energy in the electricity market after 2008", "waste-to-energy*



*technology" and "improving the burning efficiency of coal-fired units". In this connection, will the Government inform this Council:*

- (a) of the latest progress of the studies on the above three measures; and*
- (b) whether it has other proposals to reduce GHG emission by power plants?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**  
(in Cantonese): Madam President, I would like to answer the two parts of the questions at one time.

Although Hong Kong's GHG emission level per capita is 6 tonnes, which is far lower than other developed economies like Singapore, Taiwan and Tokyo, Hong Kong still has the responsibility to do its best to control local GHG emissions and play a part in slowing down the global climate change.

GHG emissions from power generation account for nearly 60% of the total emissions in Hong Kong. As our population and economic activities continue to increase, the quantities of GHG emitted from power plants and the percentage of these emissions in relation to the total emissions are both on a rising trend. As such, controlling GHG emissions from power generation is one of our major tasks. More need to be done. Some may yield immediate result, while others may take a longer time to plan and require co-operation.

Among those measures that may yield immediate result is conservation of energy. Saving electricity can reduce GHG emissions from power generation. As I have pointed out in the Legislative Council and on many other public occasions, many air-conditioned offices and shopping arcades set the air-conditioning temperature too low, resulting in wastage. If a place is stuffy, what we need to do is to increase the fresh air intake, instead of lowering the temperature further. By turning up the thermostat of the air-conditioning system by 3 degree Celsius on average, more than a billion units of electricity can be saved every year. The Government has issued administrative guidelines requiring all Government offices to adjust the air-conditioning temperature to 25.5 degree Celsius or above. Technical assistance is also provided. Apart from adjusting upward the temperature of air-condition systems, if all households and offices can use electrical appliances with Energy Efficiency

Labels Grade 1 or 2, another 400 million units of electricity can be saved every year. These measures can readily lead to about 5% reduction in electricity consumption and, in turn, a 5% reduction in emissions of GHG and other air pollutants from power generation without costing us anything extra, compromising the comforts of our lives or calling for huge investments.

Meanwhile, we are studying with the power companies, academics and professional engineers the development of safety specifications for connection to the electrical grids so that users who have installed small-scale renewable energy systems can have concurrent power supply from both their own renewable energy systems and the power companies. This will encourage more users to make use of renewable energy. We hope that we can make some progress in this area shortly.

Those GHG emission control measures that may take a longer time to plan include the following:

Firstly, increasing natural gas supply — We have requested the two power companies to actively explore natural gas sources in order to avoid increases in generation from coal in case of a shortage of natural gas.

Secondly, adopting waste-to-energy technology — Waste-to-energy technology can reduce our dependence on fossil fuels in power generation. Out of numerous technical options, our consultant has identified eight that are more feasible for further study. We plan to consult the public on the technical options early next year.

Thirdly, raising the burning efficiency of coal-fired units — The efficiency of the existing coal-fired units of the two power companies are on a par with those in other developed economies built during the same period. Thanks to technological advance, the new generation of coal-fired units are more efficient than the existing ones by about 20%. We will advise the power companies to study the feasibility of replacing their existing coal-fired units at suitable moments.

Fourthly, use of renewable energy — The Government is studying the development of the post-2008 electricity market. The Economic Development and Labour Bureau plans to carry out the first phase of public consultation early next year. At the same time, the Council for Sustainable Development is

collecting views from the public on the development of renewable energy in Hong Kong, with a view to making recommendations to the Government. In the light of the recommendations, we will further consider the role of renewable energy in the post-2008 electricity market. We have secured the co-operation of the two power companies in exploring the possibility of setting up two production-scale wind turbines so that the public can gain a first-hand understanding of the benefits and limitations of wind power generation and decide for themselves whether it is feasible to develop a large-scale wind farm in Hong Kong and how large such a wind farm should be. Meanwhile, we are also actively collecting technical data and other information on solar energy and wind energy to facilitate the formulation of relevant policies.

These measures involve very complicated planning, environmental and regulatory issues and require substantial investments. The Government needs to carefully consider their pros and cons, their planning and technical feasibility and the overall affordability of the community. We will fully consult the Legislative Council and the public before making a final decision.

I would like to stress that addressing global climate change is a responsibility shared by Hong Kong and the rest of the world. Whether Hong Kong can play its part successfully depends on the joint efforts of the Government, the power companies and all members of the public.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the three measures proposed by the Secretary last year appeared to be some solid measures, but when we talk about their progress today, we found the so-called initiative to increase natural gas supply was nothing more than requesting the two power companies to explore natural gas sources, while the so-called improvement of the burning efficiency of coal-fired units was nothing more than advising the power companies to study the feasibility of replacing their existing coal-fired units at suitable moments. The so-called three measures proposed by the Secretary were no special measures at all. May I ask the Secretary if those three measures were just some casual remarks? If not, can the Secretary give us some solid information such as the timetable and schedule of implementation?*

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

(in Cantonese): Madam President, first of all, I wish to speak on the supply of natural gas. The two power companies have explored natural gas sources as a backup supply. According to the report made by the CLP Power Hong Kong Limited (CLP), the minable reserves of natural gas in gas fields for its Black Point Power Station were less than originally estimated. Accordingly, the ratio of natural gas consumption of the CLP was in fact smaller in 2003, that was a fact, but as to the efforts we are making, it is a different story. In fact, natural gas is a form of fuel in great demand in the world market. The CLP has started looking for other supply sources and considering whether it should stop using the pipeline from offshore Hainan Island and setting up another depot and ship it here by sea. I can say that these are only plans which have not been put into practice yet, but we have started to do the planning work. They have located a site to set up a depot in Guangdong which can supply them natural gas in future. However, we do not know the exact quantity, we only know that they have chosen a site and that site is not in Hong Kong, thus it is not necessary for them to obtain our approval as far as planning and environmental assessment is concerned. These are ongoing efforts and we have made it clear that when we conduct the joint review exercise with the Economic Development and Labour Bureau in 2008, it would be clearly stated as a mandatory condition.

Moreover, Miss CHOY So-yuk mentioned the formulation of policies and the target and timetable for the development of renewable energy, I am sorry, Madam President, I made a mistake .....

**PRESIDENT** (in Cantonese): We had better let Miss CHOY So-yuk repeat the supplementary. Miss CHOY, please raise your supplementary.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, with regard to the issue of raising the efficiency of coal-fired units, the Secretary said that the authorities would advise the power companies to study the feasibility of replacing their existing coal-fired units at suitable moments. That was utterly not a formal measure at all. Nevertheless, the Secretary seemed to have told us last year that a measure was in place. May I ask whether the Secretary has a specific measure and timetable?*

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

(in Cantonese): Madam President, we have indeed requested the power companies to study the feasibility of improving their generation units for cost-effectiveness. They are making an ongoing effort in that respect, but they have not yet come up with a decision as to whether they could meet this request by improving or by redeploying their existing units. We would request them to do that in the post-2008 electricity market review.

**MR JEFFERY LAM** (in Cantonese): *Madam President, may I ask of the cost of renewable energy and whether it would cause any pressure on the proper use of land and landscape? In other words, will the cost be higher than the existing cost of power generation?*

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

(in Cantonese): Madam President, the costs of different types of renewable energy are different. For example, the cost of waste-to-energy is usually lower, for example, power generation by landfill gas or incineration of waste. However, as to solar energy, given the current technology and feasibility, the cost will be several times higher than the current coal-fired or natural gas power generation. As to wind energy, according to the experience of the Scandinavian countries, the total investment of constructing a wind energy power plant is similar to constructing a fuel-fired power plant, given the same level of electricity output. Of course, as far as operation is concerned, of course it is less expensive than a thermal power station. Nevertheless, there are other considerations, for instance, Hong Kong is a small place, if we set up a wind energy power plant, the noise generated by wind turbines may constitute a huge nuisance to nearby residents in operation. For that reason, we hope the two power companies can conduct a trial run through the setting up of a production-scale wind turbine, so as to allow the public to understand the result of the operation of these wind turbines.

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

**MR JEFFERY LAM** (in Cantonese): *Madam President, the part in respect of cost has been answered, but may I ask whether the cost of land has been included as wind turbines occupy a vast area?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, the land factor is not included. We may consider building the wind turbines on land or at sea, nevertheless, the cost in this respect is not included in our calculation.

**MR PATRICK LAU** (in Cantonese): *Madam President, with regard to renewable energy, we are glad to see that the Government is studying solar power and wind power generation. Hong Kong is surrounded by water, in fact, the most inexpensive form of energy is hydroelectricity. May I ask the Secretary whether she will consider adopting hydro energy such as tidal flow as a source of power generation? May I ask the Secretary whether the authorities have conducted studies in this respect?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I am not sure which form of energy Mr LAU referred to. Is it hydroelectric power? The generation of certain form of power requires certain geographical conditions, such as rivers flowing from a high altitude, that is, certain natural conditions are required. It is just one of the many conditions, but Hong Kong does not have these conditions. Another form of energy which is related to water is tidal energy, the swells and the ebbs carry energy, and such energy could be tapped, but technology in this respect is not mature enough. Certainly, human beings are using every possible means to explore and tap energy resources. Nevertheless, I think it is possible to generate power with such energy in future, but at present, our technology in this respect is not mature enough.

**MR JASPER TSANG** (in Cantonese): *Madam President, I believe it involves enormous research and study efforts with regard to which form of renewable energy is suitable for development in the Hong Kong environment and what role Hong Kong's electricity market should play, while the study itself costs a tremendous amount of resources. The result of the study will determine the viability of the form of renewable energy to be adopted in future. May I ask the Secretary who will carry out the study? Will it be carried out entirely by the two power companies? Has the Government any resource to carry out this study of great importance?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, we have conducted a study on renewable energy, and the first stage has completed. We have looked into which location in the territory can produce the renewable energy, and which form of energy is more feasible than the others. The Government will commit certain resources to conducting the study and we will conduct it in a systematic way. For example, the current anemography scheme and pilot scheme of small-scale roof-top wind power generating system are underway; several commercial buildings have joined the study on the feasibility of solar energy, in which relevant pilot schemes are conducted at the new headquarters of Electrical and Mechanical Services Department and Hong Kong Science Park. Besides conducting studies, the Government will also adopt a proactive approach to invest in their application. Which form of energy is the most practicable? At the present moment, I consider waste-to-energy the most practicable, for instance, if landfill gas could be used to generate power, then the costs it requires would be the lowest.

The role of the power companies would be of the utmost importance, so I explained in my main reply that we were studying with the power companies the development of safety specifications for connection to their electrical grids, because the power generated by the system will not be necessarily consumed instantly. The efficiency will be very low if they are stored in batteries, therefore, they have to be transmitted to the electrical grids so that the demand can be met through the grids, and this is more cost-effective. For that reason, I consider the first step to be taken is the opening up of the electricity market, which would then allow more renewable power to be transmitted through the grids. This is the first step.

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

**DR KWOK KA-KI** (in Cantonese): *Madam President, I wish the Secretary can elucidate one point, that is, in page four of the main reply, the Secretary mentioned the study on adopting the new generation of coal-fired units, while she mentioned the role of natural gas power generation units in the preceding paragraph. The two proposals are entirely different in nature, and they will cause different impacts on the environment and the generation of GHG. I do*

*not know how the Secretary or the Policy Bureau take the two proposals into consideration. Will both of them be implemented simultaneously, or will they be prioritized? How would the proposals affect the generation of GHG and environmental pollution?*

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

(in Cantonese): Madam President, of all the methods of generating power from various sources of energy, we proposed coal-fired and natural gas units and both will be considered. Of course, GHG produced by coal-fired units will be more, thus natural gas is a better option. Nevertheless, we should also consider the demand for power supply, because we should maintain a stable and reliable power supply which is of the utmost importance to the economy as well as development of the entire community. We could not possibly rely on only one form of power generation, such as natural gas. For that reason, we can adopt a diversified form of power generation, for example, we can use one third of power generated by nuclear energy, one third by coal-fired energy and another one third by natural gas. This approach will help us to strike a balance among all forms of energy and we can guarantee a reliable power supply as we are not relying on a single form of fuel. Otherwise, if a certain kind of fuel runs short, then our power supply will be seriously interrupted. For that reason, in order to strike the right balance among demands from all parties concerned, we will adopt various forms of energy.

**DR KWOK KA-KI** (in Cantonese): *Madam President, the Secretary has not answered my supplementary. I wish to ask the question about priority. Will each of these three types of energy account for one third of the total as a share?*

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

(in Cantonese): Madam President, this is the proportion adopted by us for the time being. But what will that be in future? We will also adopt a diversified approach, but the proportion can be adjusted over time.

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



**Medical Consultation Services After Dark in Tung Chung**

3. **MR CHEUNG HOK-MING** (in Cantonese): *Madam President, with the population in Tung Chung New Town growing continuously, its demand for medical services has increased correspondingly. As there is a serious shortage of medical consultation services after dark and late at night in the district, the local residents who fall sick or suffer from acute illnesses late at night need to go to Princess Margaret Hospital in Kwai Chung for consultation and the travelling time is not less than 30 minutes. In this connection, will the Government inform this Council:*

- (a) *how it will follow up and solve the problem of shortage of such services late at night in the district;*
- (b) *whether it will consider providing round-the-clock such services at the Tung Chung Health Centre in the short term, so as to alleviate the demand of Tung Chung residents for such services; and*
- (c) *when the siting of Tung Chung Hospital will be finalized and when the construction of the hospital is expected to commence at the earliest and, before the completion of the hospital, whether the authorities will, in the light of the population changes in Tung Chung, review annually the demand of the local residents for medical services?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I have to thank Mr CHEUNG Hok-ming for raising this question. I would like to reply parts (a) and (b) of the question together.

(a) and (b)

The Government fully understands Tung Chung residents' demand for medical consultation services in Tung Chung during the night. The Health, Welfare and Food Bureau and the Hospital Authority (HA) have exchanged views on this matter with Tung Chung residents on several occasions, and have been trying to identify an option that would meet their needs. We have looked at the utilization rate of the accident and emergency services by Lantau

residents in the hospitals close to North Lantau (that is, Princess Margaret Hospital and Yan Chai Hospital) between midnight and 8 am, and found that the average number of patients from Lantau using this service during this time slot is only less than three per day, 2.2 in fact. The number triaged as critical and emergency cases is less than 0.1, which is 0.06 or 0.07 approximately.

Taking into consideration the likely low utilization rate of any night service, we are planning to extend the evening consultation hours of Tung Chung Health Centre for two hours, from 10 pm now to midnight. We will try out this arrangement for a period of time and then review the evening consultation service and the utilization rate of the accident and emergency department of the nearby hospitals before deciding on the way forward for the long run.

- (c) We fully understand North Lantau residents' demand for the construction of a North Lantau Hospital. According to the general planning standard, an acute hospital will be provided when the population of a district reaches 200 000 people. That said, in view of the unique circumstances of North Lantau, we have given special consideration to the case of North Lantau Hospital and have already embarked on preliminary planning.

Our tentative plan is to construct North Lantau Hospital in Tung Chung Areas 13, 22 and 25. The current statutory land uses of the site include "Residential (Group A)" and "Government, Institution or Community (G/IC)". We have submitted amendment proposals to the Town Planning Board (TPB) to add hospital use to the second column of the "notes" for "Residential (Group A)" zone. The TPB has already gazetted the amendment for public consultation. Subject to the TPB's approval to incorporate hospital use into the "notes", we will formally consult the District Council and the Tung Chung Rural Committee. After that, we will submit a formal application to the TPB for the construction of a hospital in the three Tung Chung areas. Upon approval of the application, the siting of the hospital will be finalized.

Once the site is confirmed, we will proceed to apply for funds to be earmarked for the construction of the hospital and to work on the

detailed design in 2005. If the planning proceeds smoothly, it is expected that we will seek funding approval for the project from the Finance Committee of the Legislative Council in 2006 and commence the works in 2007. According to this schedule, it is anticipated that North Lantau Hospital will be completed by 2010 or 2011 and will commence operation in phases. Notwithstanding that special considerations are given to the North Lantau Hospital project, the Government itself still has to determine the priority of this project very carefully *vis-a-vis* other public works projects. Before the completion of the hospital, we will continue to closely monitor Tung Chung residents' needs for medical services and redeploy resources as appropriate to meet their needs as far as practicable.

**MR CHEUNG HOK-MING** (in Cantonese): *Madam President, in the Secretary's reply to my question just now, he mentioned two figures. One is on Lantau Island, stating that the average number of patients seeking evening consultation service each day is around three; the other is on critical cases, which stands at 0.1. That is to say, the number of patients using such service is around 90 monthly and 1 000 per year. May I ask the Government, in the past two years, how many among these 2 000 patients suffered from delayed treatment and resulted in deaths owing to the half-hour arduous journey they had to make to Princess Margaret Hospital? Will the Secretary give us those figures?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we do not have those figures, in particular figures of cases where delays have put patient lives in danger. However, generally, patients in critical condition may not necessarily be in imminent danger. Certainly, we consider the journey required undesirable, in particular that Tung Chung patients have to travel for about 33 minutes to get to Princess Margaret Hospital, much longer than the 17 minutes to 18 minutes journey in the urban area. However, owing to geographical constraints, we are not able to shorten the route on land. If helicopter services are employed, the waiting time may sometimes be even longer. Therefore, we cannot but accept this arrangement at the moment. It is hoped that the situation may improve upon the completion of North Lantau Hospital.

**MR DANIEL LAM** (in Cantonese): *Madam President, the Heung Yee Kuk and the Islands District Council both know that a hospital can be constructed in a new district only when its population reaches 200 000. The Islands District Council also knows that only a limited number of patients may seek evening consultation service. However, as the new airport is located on Lantau and the Disney theme park will be completed soon, will the authorities consider expediting the construction of the hospital to cater for the needs of tourists and the entire district?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We project that by 2010, the population of Lantau will only be around 110 000, far below 200 000. Therefore, in considering the construction of North Lantau Hospital, we have already taken into account the needs of airport staff and tourists, as well as the future development of the district. For example, our decision has taken into account the number of customers of hotels and visitors of the Disney theme park. Special consideration has been given to the issue. More so, this is a medical facility in the rural or suburb areas, which I think a decision should not be drawn solely on the planning standards applicable to urban areas. Therefore, we have allowed some flexibility in handling this issue.

**MR TAM YIU-CHUNG** (in Cantonese): *Madam President, the Secretary's reply given today is, in fact, quite similar to that given by his predecessor on a number of occasions when he met with residents led by us. However, may I ask the Secretary whether he knows that Tung Chung residents will feel extremely worried when they fall ill late at night, for they do not know how serious their conditions are? If they call an ambulance, the travelling time may take half an hour. They cannot decide whether or not their condition warrant hospital treatment. If they decide not to go, they may have to endure the illness until the next morning. If they decide to go to a hospital, it may turn out that their illness is not serious. Therefore, the residents there find this quite worrying, .....*

**PRESIDENT** (in Cantonese): Mr TAM, please state your supplementary question.

**MR TAM YIU-CHUNG** (in Cantonese): *It appears that their worries will not be addressed .....*

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

**MR TAM YIU-CHUNG** (in Cantonese): *In what way will the Secretary extend the service hours of accident and emergency departments? Will he give a specific date to the residents?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): We have conducted studies with the HA. The HA will extend the consultation hours to midnight from early next year. A review will be conducted six months after that to examine whether a further extension of service hours is required. However, I have to point out that, if we have to put a doctor, a dispenser and a nurse on duty every night, where only three or fewer patients, or simply no patient, may seek consultation, it is a tremendous waste of resources. If these staff are deployed to other accident and emergency departments, they may help a lot more needy patients. Therefore, we have to strike a balance in this respect before a decision can be made.

**MR LEUNG YIU-CHUNG** (in Cantonese): *The development of Tung Chung has been ongoing for many years. Unfortunately, the medical facilities in the district still fail to meet the demand of residents. In the Secretary's reply to this part of the question, he repeatedly stated that the situation in North Lantau was special, and that special considerations should be accorded. In the last part of the main reply, the Secretary particularly said, "Notwithstanding that special considerations are given to the North Lantau Hospital project, the Government itself still has to determine the priority of this project carefully vis-a-vis other public works project. Before the completion of the hospital, we will continue to closely monitor Tung Chung residents' needs for medical services and redeploy resources as appropriate". May I ask the Secretary, given that it is a special case and that resources should be redeployed as appropriate where necessary, what the specific contents are? Will he give us more specific information rather than a vague reply of this kind?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): As far as I know, at present, on Lantau Island, 24-hour consultation service is provided in Tai O and Mui Wo but not Tung Chung, mainly because Tung Chung has access to other accident and emergency departments. Therefore, though longer travelling time is required, this will not put residents at great inconvenience. Under this circumstance, we have to strike a balance between the demand of residents and the urgency of their demand in deciding how to expand our service. As I said earlier, given that there are less than three patients seeking consultation every night at present, it is not a good option to put in more resources in this respect. However, if population changes, such as ageing or other changes, take place in the future and we see a rising demand of residents for such services, we will make the necessary decision. I have said earlier that we would first extend the existing service hours by two hours, and would review whether further extension is required six months after that.

**MR LEUNG YIU-CHUNG** (in Cantonese): *I expected the Secretary to give us some specific information. He said they would keep track of the future changes in population and respond to the ageing of population. However, will the Secretary draw up an outline for our information? For example, he may state the actions he will take when the number of aged population reaches a certain figure. Will the Secretary draw up some criteria and give us some specific information? This will be much better than just telling us now that a review will be conducted then to examine the actual situation, for it virtually means no criteria indeed. We hope that he will provide specific criteria for specific situations rather than just giving a vague reply as he has done now.*

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

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): May be I can say a few words. At accident and emergency departments in other districts, there are usually several dozens of patients seeking consultation every night. Therefore, in order to set up a 24-hour accident and emergency department in Tung Chung, we believe the population as well as the demand for such service in the area must reach a certain number. Only under this circumstance can we do so.

**MR LEE WING-TAT** (in Cantonese): *First of all, I have to congratulate Secretary Dr York CHOW for confirming the construction of this hospital in less than two months since he took office. However, I hope the hospital will be completed by 2007, if so, I may praise the Secretary several more times. Madam President, my supplementary question is on the Secretary's previous reply on a supplementary question, which states that 24-hour accident and emergency services are available at Mui Wo and Tai O. As we all know, the population in these two areas is much less than that of Tung Chung. According to my estimation, the population in Tai O may only be 4 000 to 5 000 and that in Mui Wo may only be 10 000 to 20 000. Will the Secretary inform this Council of the reason why 24-hour accident and emergency services are provided in these two areas but not in Tung Chung, a district with a population of 100 000?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I said earlier that it is quite difficult to link Tai O and Mui Wo with other accident and emergency departments on land. More often than not, we have to rely on helicopter services to deliver patients to other accident and emergency departments. However, the case in Tung Chung is different, for it is well linked to the accident and emergency department of other hospitals by highways. As I said earlier, in general, residents need only 30 minutes to 33 minutes to arrive at a hospital. Therefore, under this circumstance, I do not consider it necessary to extend the service hour to 24 hours at the moment.

**MR LEE CHEUK-YAN** (in Cantonese): *I did not study geography when I was in secondary school. However, I consider it somehow incorrect to use the term "close to" in the main reply when it referred to Princess Margaret Hospital as a hospital "close to" North Lantau. Secretary, I believe you do admit that more than 30 minutes are actually required for the car journey. May I ask the Secretary, as you stated in your reply to Mr LEE Wing-tat's supplementary question earlier that despite the smaller population in Tai O and Mui Wo, 24-hour consultation service had to be provided to these two places to avoid reliance on helicopter services in case of emergency, whether it means that he considers the 30-odd-minute journey to an accident and emergency department acceptable? If the 30-odd-minute journey required for getting to an accident and emergency department is unacceptable according to our standard, does it mean that evening consultation should be provided in Tung Chung immediately,*

*rather than awaiting the other review to be conducted six months after the extension?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): For the urban area, the acceptable travelling time is 17 minutes to 18 minutes in general. However, for rural areas, the same standard cannot be applied. Owing to the remoteness of such areas, even if helicopter services are called, the patients there may sometimes need to wait for almost an hour for the arrival of the helicopter. This is the reality, we have to accept it. I am not saying that I consider it definitely unacceptable. However, without other alternatives, we cannot but accept it.

**MR LI KWOK-YING** (in Cantonese): *According to the figures provided by the Secretary in the main reply, and as interpreted by Mr CHEUNG Hok-ming, there would be 90 patients seeking such service each month, and six patients would be in critical condition. In the light of this, the Secretary immediately formulated the relevant measure. However, I would like to inform the Secretary that those figures are actually reflecting the situation of the hours between midnight and 8 am, while the Secretary's measure only extends the consultation hours by two hours to midnight. This appears to me that he is not addressing the problem with the right measure. Does the Secretary have better prescriptions?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): According to our experience, for cases which are generally regarded as emergency, such as fever and stomach pain, the patients know when it is more convenient for them to seek consultation. As for really urgent cases, such as heart diseases or traumas, frankly, it does not help even if patients can be sent there, they must be sent to accident and emergency departments. Therefore, I believe, this may be slightly inconvenient to a small number of people, but it will not cause much impact on our general service.

**MR WONG KWOK-HING** (in Cantonese): *May I ask the Secretary, via the President, whether residents of Tung Chung have been consulted regarding the siting of the Lautau hospital? If he has, what are the views of the Tung Chung residents? If he has not, what are the reasons?*



**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as far as I can recall, we have raised this issue at a meeting of the Tung Chung District Council. In general, some support it while some oppose it. Some people consider the present siting of the hospital too close to their homes. We used to think that residents would consider it more convenient if hospitals were located nearer to their homes. I thus found it a bit strange to hear that residents preferred the hospital to be located farther away from their homes. Whenever selection of location is involved, there will be different opinions in most cases. But, after all, we will have to wait for the decision of the TPB. We will then report to the District Council. We hope the arrangement can win more support by that time.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, my supplementary question asked whether the Secretary had consulted the residents. Surely, consulting the District Council is one of the channels. Thus, the crux of my supplementary question is whether the Bureau has directly gauged the preference of Tung Chung residents. Will the Secretary give me a reply in this respect?*

**PRESIDENT** (in Cantonese): Mr WONG, are you asking the Secretary to reply whether other residents of Tung Chung have been consulted? The first supplementary question you raised earlier asked whether Tung Chung residents had been consulted, but now you would like the Secretary to answer whether residents other than the District Council have been consulted. Right?

(Mr WONG Kwok-hing nodded to indicate his agreement)

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we will try to do so. However, as far as I understand it, members of the Tung Chung District Council are elected by residents of Tung Chung.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, it appears he did not answer my follow-up question directly.*

**PRESIDENT** (in Cantonese): Mr WONG, you need not hurry to raise your question. Secretary, as to how you will answer the question, it is your decision.

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, my answer is that we will do our level best to consult the residents of Tung Chung. But we do have to respect the Tung Chung District Council, for members of the District Council are elected by residents.

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

**MRS SELINA CHOW** (in Cantonese): *Recently, we learnt that the Financial Secretary had revealed his ambitious plan to be launched on Lantau Island. However, the Secretary said earlier that the population there was only 110 000, yet to meet the 200 000 specified population set down in the planning standards. In considering the issue, has the Secretary taken into account the number of new residents to be attracted to the Lantau, North Lantau in particular, by the Financial Secretary's ambitious plan? Once this ambitious plan is launched, many different kinds of development will take place and all kinds of resident will be brought to the district, thus giving rise to different types of demand for hospital services. Has the Secretary considered these factors?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): I think I have stated it in my main reply that we will consider the development of the entire district in designing the hospital. At the moment, we will look into the need of the airport and the demand of tourists arising from the completion of the Disney theme park. We will also examine the resident population and active population attracted to the district by other facilities and other business and industrial activities in future. Therefore, when we decide to construct the hospital, we hope that the project can be carried out in phases, so that we can

decide when to add more facilities and when to build extensions depending on the actual situation.

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

### **Planting Trees and Setting up Pedestrian Boulevards in Central Areas**

4. **MR PATRICK LAU** (in Cantonese): *Madam President, will the Government inform this Council whether it has any plans to plant trees and set up pedestrian boulevards in the central areas of the 18 districts of Hong Kong; if so, of the progress made in implementing such plans in these districts, as well as the specific proposals and timetables for fully implementing the relevant plans?*

**PRESIDENT** (in Cantonese): If not, the reasons for that?

**MR PATRICK LAU** (in Cantonese): *If not.....I know the Government does have plans. (Laughter)*

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

(in Cantonese): Madam President, Mr Patrick LAU seemed to know my answer, but he still asked the question. The Environment, Transport and Works Bureau set up in December 2002 a high-level Steering Committee on Greening (SCG) to provide supervision and guidance on overall greening strategy, formulate sustainable urban greening schemes, co-ordinate the greening efforts of various departments, gather expert views on greening and explore private sector collaboration in promoting urban greening schemes. In 2003-04, we planted a total of about 16 million plants along highways and footpaths as well as in gardens, and are planning to plant another 10 million in 2004-05. We are also working with the private sector to implement various greening schemes, one of which is tentatively scheduled to commence later this year in Central.

In order to underscore our priority on enhancing urban greenery, we have formed a Greening Master Plan Committee chaired by the Director of Civil

Engineering and Development in August this year under the SCG to co-ordinate planting and streetscape improvement work in selected urban districts.

We aim to develop greening master plans (GMP) for the key tourist area in Tsim Sha Tsui and the core business area in Central by the end of 2005, whilst exploring the scope for collaboration with private developers and quasi-government bodies, including the Urban Renewal Authority and the Kowloon-Canton Railway Corporation, to beautify cityscape in the vicinity of their developments. We will continue to devise GMPs for other urban districts in the next few years, starting with more densely-populated areas like Sheung Wan, Wan Chai, Causeway Bay, Hung Hom, Mong Kok, and Kwun Tong.

The Government compiles a territory-wide greening programme each year to facilitate planning and monitoring of related progress and outcome. This programme covers the following aspects:

- (i) incorporate planting elements into works projects, increase planting along roadside amenity areas and expressways;
- (ii) carry out planting and beautification works at priority urban sites (for instance key promenades, public housing estates, footbridges and pedestrian zones);
- (iii) providing vegetation on man-made slopes; and
- (iv) planting tree seedlings in the countryside.

The Government has been looking into the establishment of pedestrian zones in districts with high commuter flows since 1999 to improve the pedestrian environment. So far, six full-time and 26 part-time pedestrian zones have been designated in Central, Wan Chai, Causeway Bay, Jordan, Sham Shui Po, Mong Kok, Stanley and Sheung Shui.

Furthermore, we are proposing to convert Kai Chiu Road in Causeway Bay into a full-time pedestrian zone that involves a walkway at grade and the construction of a new subway under Hennessy Road linking the Sogo Department Store and Hennessy Centre. The Planning Department has already consulted the general public on this proposal over the past few months and is analysing the views so gathered. A final decision will be made thereafter.

The Government will also consult the general public on proposed pedestrian zones in Tsim Sha Tsui by the end of this year and solicit the views of District Council on the greening proposals for Tsim Sha Tsui.

**MR PATRICK LAU** (in Cantonese): *Madam President, the Secretary said just now that a lot of trees had been planted. But I do not think I have such an impression. May I ask the Secretary, when greening pedestrian boulevards are set up in various districts, whether the characteristics of various districts will be factored into the design? Will different and special works of art be displayed for public appreciation and more importantly, for promoting the creativity of local artists?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I believe Mr Patrick LAU does not see that many trees have been planted. In fact, I do not have such an impression too because we simply do not have enough of trees. And it will not be easy to have a scene where shades are found even though we have planted a lot of trees. One of the reasons is that there are many limitations in Hong Kong. For instance, due to the small road surface and numerous pipework underground, it is difficult to find a piece of land without any obstruction. Moreover, many species of trees cannot be planted in Hong Kong. So, we hope that common ducts for all pipework can be adopted in our future project planning so that room can be provided for tree planting.

As regards taking the characteristics of various districts into account, we will do so. No matter it is the pedestrian zones or planning according to the existing master plan, we hope that the need and characteristics of each district can be taken into consideration and the local culture can be promoted. We hope Members can participate if they have any views. We will also provide a lot of opportunities to the public for airing their views. Otherwise, if people dislike the project after it has been completed, the desired effect cannot be achieved.

**PRESIDENT** (in Cantonese): Mr LAU, do you wish to raise a follow-up question?

**MR PATRICK LAU** (in Cantonese): *No. The Secretary has not answered the part of my question concerning works of art. Will the Government encourage local artists to display works of art in the pedestrian zones? Madam President, I hope the Secretary can answer this question.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, as I have just said, if places for the display of works of art are available, the Government will do so where possible, circumstances permitting. However, I have also mentioned the difficulties that we may encounter. It depends on the sizes of the works of art and whether they can tie in with the overall master plan.

**MR MARTIN LEE** (in Cantonese): *Madam President, I am happy to note that the Government will formulate greening schemes for the territory every year, including planting and beautification works along footbridges in the urban areas. In fact, many years ago, the Democratic Party proposed the construction of a footbridge network linking Sheung Wan and Causeway Bay and the greening of footbridges. May I ask the Secretary when the greening work of footbridges will be commenced?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I remember that Dr LAW Chi-kwong proposed the same idea and demanded extensive planting of trees in a debate many years ago. At that time, I also said that I wish to see a city in the sky. The work was commenced three years ago. Mr Patrick LAU said just now that he did not notice that trees had been planted. But in fact, more trees have been planted along footbridges or highways in the urban areas. However, the department concerned cannot just plant whatever they like because the plants may wither during the planting process. Members may have seen some withered plants which have to be removed. So, our plan is to find some suitable species of plants for different environment. We want to grow some overhanging plants such as bougainvillea spectabilis along footbridges. This is what we are doing. We hope this can be sufficiently done so that everyone can see it. I do not have examples in hand and cannot cite any. I hope when we have opportunities to discuss this problem later, I can cite some concrete examples.

**MR MARTIN LEE** (in Cantonese): *Can concrete examples be provided in a written reply?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Yes, sure. (Appendix I)

**MS EMILY LAU** (in Cantonese): *Madam President, like the Secretary and Mr Patrick LAU, I do not see those trees either. Not that we consider them too many, trees are too few really, especially in the central areas of the city as mentioned by Mr Patrick LAU in this question. How many of the 16 million plants and another 10 million trees will be planted in the central areas? What programmes in the GMP can solve the problems just mentioned by the Secretary, such as overcrowded underground pipework? Is it necessary to designate more land for tree planting in planning?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, we will consider planting different species of plants at different locations so that everybody can notice them. The greening scheme at the nearest location here is implemented in the vicinity of Landmark. The programme has been commenced and many trees have been planted. Previously there was none. I wonder if Members have noticed that trees near the Prince's Building and at the centre of the Statue Square were planted only recently. Other locations where many trees have been planted include Sai Yee Street near the Flower Market in Mong Kok, a section along Prince Edward Road West, the Clinical Herbalist Garden in Queen Street and Wing Lok Street Square in Central and Western District. We have also planned to set up an Akihabara in Hong Kong near Golden Computer Arcade in Sham Shui Po. These are some of the examples in our plan.

We do encounter problems in the planting of trees in urban areas because of the high density of buildings, high traffic and pedestrian flows and the overcrowded underground which is full of public facilities. So, we have invited other departments such as those responsible for planning and lands to participate in the work of the SCG in order to study whether some space can be provided for greening work during replanning. Besides, in the existing commercial and

residential areas, if local people are willing to carry out greening work, concession can be provided in the calculation of premium, for otherwise, no one will be willing to do it. Besides, we will also consider whether greening work will cause obstruction to other road users. So we will consider the master plan in a holistic manner.

**MS EMILY LAU** (in Cantonese): *Madam President, the Secretary has not answered my supplementary question, and that is: Among the 26 million trees planted during the past two years, how many are planted in the central areas of our city?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Yes. Among the 16 million trees we have planted, most are planted in urban areas and on highways, while those planted in the country parks are not included here because they are counted separately.

**DR RAYMOND HO** (in Cantonese): *Madam President, the Secretary mentioned that vegetation would be provided on man-made slopes. Now Hong Kong has 57 000 man-made slopes, of which about 40 000 are government slopes. In the past, these slopes were mostly sprayed with cement slurry, which is ugly. May I ask the Government whether it will consider implementing greening work on these slopes as soon as possible? Besides, can the Secretary inform this Council whether improvement can be made to some of these slopes by removing the cement slurry first and then provide green plants or artificial turf on them in order to expedite the greening of these slopes?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, many slopes have been sprayed with cement slurry for safety protection. Our present approach is to provide vegetation on these slopes after the spraying work. However, it is not necessary to remove the cement slurry which can protect the soil and should be retained. But what kind of vegetation is suitable to grow on the cement slurry so as to beautify and protect the slopes in the long term? We have already commenced the work in this aspect which, I believe, is most obvious in Stubbs Road. Members can take a look at it. In the past, hydroseeding solution was sprayed there. However,



as grass grows in summer and withers in winter, it has to be sprayed next year. This is very expensive and causes obstruction to traffic because road sections have to be blocked. I believe this will not be welcome. So, we have found various species of vegetation that can grow naturally in such an environment and hold the soil. This is the speciality of the landscape architects who will choose the suitable plants. For instance, during the first four or five years, certain species of plants will be grown on the shallow soil and a few years later, and other species which need to grow in deeper soil in order to get sufficient nutrition will be grown. Otherwise, the former will die due to insufficient nutrition four or five years later. From this we can see that this is quite a complicated process. At any rate, however, we still hope that we can keep the slopes good looking and safe.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, I have been listening carefully to the Secretary's reply, thinking that the Secretary is very thoughtful. I remember the officials did not know what I was talking about when we proposed the greening of footbridges a few years ago. I told them that plants were grown along footbridges in Japan about six or seven years ago. I think what the Secretary has just said is a good idea. However, I have seen our future urban planning and I do not find that any importance is attached to tree planting and the use of footbridges, as the Secretary has just said, in order to ensure smooth flow of pedestrians and enable the large pedestrian flow to connect the new and old urban areas. The Kowloon West is a failure where the Olympian City and the old urban area cannot be connected because pedestrian flow is separated by a section of road .....*

**PRESIDENT** (in Cantonese): Miss CHAN, please ask your supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, sorry, I am coming to it soon. We have observed the same situation from the new plan of the Southeast Kowloon. Of course, the new plan has not been implemented, but the old plan has not facilitated the connection between the new and the old urban areas by means of a pedestrian zone. Can the Secretary consider setting up pedestrian boulevards in the existing streets when formulating policies for the development of new areas? Can pedestrian boulevards between new and old*

*urban areas be set up so as to enable the smooth flow of pedestrians and provide more opportunities to people to make a living?*

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

(in Cantonese): Madam President, we very much agree to what Miss CHAN Yuan-han has just said as we have made a lot of efforts in participating in the planning process. This will be better than making modifications after construction has been completed. So, we have proposed to set up pedestrian boulevards where possible in order to improve pedestrian flow, provide a beautiful environment, attract activities of tourists and local people and reduce the conflict between pedestrians and vehicles. Of course, this will reduce traffic congestion and air pollution. Greening is one of the improvement measures. In fact, funds have been earmarked for greening purposes in various government projects. We need to put resources to better use so as to achieve a better result. We also hope to have more opportunities to communicate with people so as to understand what kind of walkways and greening schemes they need.

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, the Secretary has not answered whether when policy is formulated, it will be stipulated that the border of the new and old urban areas will not be connected by a narrow footbridge but by some access like pedestrian zones in order to enhance pedestrian flow and liven up the areas. Madam President, I refer to the policy.*

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

(in Cantonese): Madam President, unfortunately, planning policy does not fall within the ambit of my Bureau. But as I have just said, I will do my best to promote our concept — an option which aims at beautification and convenience of the pedestrians.

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

**MR SIN CHUNG-KAI** (in Cantonese): *Through you, Madam President, I would like to ask the Secretary a question. Just now, when Mr Martin LEE mentioned in his supplementary question the idea of city in the sky which had been proposed by the Democratic Party, the Secretary said that some work had been carried out in this aspect. On the contrary, however, the Government is now considering the construction of an underground city in some densely populated areas — Mr Patrick LAU has just left the Chamber. Plants need sunlight. If an underground city is built, how about the plants? We are used to seeing many trees everywhere — not everywhere, but always — but these plants are mainly artificial and the flowers are plastic. Now many plants are of such kind and we can see a lot of artificial plants indoors. If an underground city is built, will it run counter to the policy of promoting planting of trees?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I would like to ask Mr SIN Chung-kai where he can see so many plastic flowers. *(Laughter)* Maybe what he saw was another kind of plastic flowers. But I did not see it.

**MR SIN CHUNG-KAI** (in Cantonese): *Madam President, please let me clarify before the Secretary answers my supplementary question. Very often, I will touch these flowers which are found in the airport, many indoor areas and even the lobbies of many commercial buildings. Sometimes, I even see these flowers being clean.*

**PRESIDENT** (in Cantonese): Mr SIN, you have clarified it. *(Laughter)*

**MR SIN CHUNG-KAI** (in Cantonese): *Those are trees, not flowers. Those are trees.*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, I believe what Mr SIN Chung-kai mentioned is indoor plants rather than outdoor. All outdoor plants we have grown are real.

As regards the construction of an underground city, it is based on some other justifications. As we all know, the crowdedness of the pedestrian crossings in Hennessy Road, Causeway Bay, has reached an unacceptable level. It is not easy to alleviate the traffic condition of that area. Due to limited road surface, we have to think of underground solutions. Many big cities will also adopt the option of building an underground city. By making use of the underground of the densely populated commercial area, it can increase the size of the pedestrian flow and provide more space for the setting up of small shops. We will consider the views of various sectors. The greening programmes will be implemented in various aspects and the pedestrian boulevard is one of the options. Regarding the flowers we will plant, I hope all will be real in our future policy.

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai, has your supplementary question not been answered?

**MR SIN CHUNG-KAI** (in Cantonese): *Regarding the Secretary's reply just now, I hope she can clarify whether the Government has used artificial flowers and trees. The Secretary has asked me a question. Now I wish to ask her this question in return: Has the Leisure and Cultural Services Department used plastic or man-made trees in their swimming pools?*

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai, I know this question is very important to you. But we cannot use the question time of this Council to answer this question. I believe you will have the opportunities to follow up through other channels in future.

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

### **Deployment of Police Officers as School Liaison Officers**

5. **MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, it has been reported that the police are planning to gradually reduce or even cease the deployment of police officers to schools as School Liaison Officers (SLOs) in*

*order to save resources. In this respect, will the Government inform this Council:*

- (a) of the respective numbers of primary and secondary school cases dealt with by SLOs each year since 2001, and the current average ratio of SLOs to students;*
- (b) of the annual expenditure on the School Liaison Programme, the estimated amount saved per year after downsizing or cancelling the Programme and the percentage of the estimated savings against the total annual expenditure of the Police Force; and*
- (c) whether the police have assessed the impact of downsizing or cancelling the Programme on the prevention of school violence and juvenile crimes; if it has, of the results; if not, the reasons for that?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the Liaison Officer programme of the police is carried out at two levels — secondary and primary schools. Taking into account the different needs of secondary and primary school students, Liaison Officers undertake appropriate measures to convey anti-crime messages to students and help them understand the consequences of committing crimes, in order to raise their sense of civic responsibilities, moral values and discipline, and to enhance communication between the students and the police.

The Liaison Officers have been providing support to schools through a variety of means, which are mainly oriented towards the students as a whole. Such means include organization of talks and seminars jointly with schools. Although Liaison Officers do handle individual cases involving students, they are not the only police officers who can handle such cases. The police districts allocate appropriate manpower to handle individual cases as necessary. Furthermore, not all cases of student misbehaviour require intervention and follow-up action by the police. In fact, the school authorities, school social workers and other professionals also play an important role in this respect.

Regarding the three parts of the question, the reply is as follows:

- (a) As explained above, the work of SLOs should not be analysed in terms of their caseload or the corresponding number of students. The police do not have the breakdown of statistics in this regard.
- (b) Since 2001, the number of Secondary SLOs and SLOs for primary schools is maintained at 33 and 26 respectively. The total manpower expenditure of these posts in the year 2004-05 is about \$16.6 million.
- (c) The Police Force review the policing work and services from time to time. At present there is no specific plan to reduce or cancel the posts of Liaison Officers.

**MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, we know that although schools and school social workers do serve respective purposes, they cannot resolve the problem of interference by triads and youth gangs in schools or prevent school violence. That is the reason why the Government has allocated \$10 million to fund the SLO programme which has a deterrent effect on school violence and triads. Will the Government inform this Council whether it will bring about a resurgence of school violence and triads once the police cancelled this programme? If the police cancel the programme after they have obtained \$10 million of extra funding and kept the money safely their pocket, can it be said that the police would then have "carried the load of rice crops away in someone else's boat"?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, according to our current information, there is no indication that triads are carrying out organized penetration activities in schools, or recruiting members among students. The police have all along been working with various parties (sectors or groups), for example, schools, parents, teachers union, youth groups, the Social Welfare Department and the Education and Manpower Bureau on publicity and educational activities to fight crime.

The SLOs of the Police Force organize talks and seminars in co-ordination with the District Anti-Triad Squads from time to time to talk on the problem of

triads with teachers and students in schools. As far as schools are concerned, although there is no indication of any organized triad activities, the police have all along been using a lot of manpower and other resources to promote education. I can reassure Mr CHEUNG Man-kwong that we attach great importance to this issue. As I have mentioned in my main reply, there is no plan to cancel the posts of SLOs at this stage.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, Mr CHEUNG Man-kwong mentioned the prevention of school violence and juvenile delinquency in part (c) of his main question. Although the Secretary said in his main reply that such service would be reviewed from time to time, its effectiveness was not known. I would like to ask the Secretary about the effectiveness of the work in those two aspects. If the work has been effective, does it mean that there will not be any reduction in the manpower concerned? Since the suggestion of "one police sergeant for each school" has often been mentioned in the community, is it necessary to increase the resources in this respect?*

**SECRETARY FOR SECURITY** (in Cantonese): *Madam President, we have assessed the programme of SLOs and found the feedback positive. However, we should not forget that since the resources of the Government are tight at present, every department is obligated to utilize its resources optimally. The Police Force will therefore review their work from time to time. As I have mentioned before, after the review, we do not have any plan to cancel the posts of SLOs at the moment.*

**MR ALBERT CHENG** (in Cantonese): *Madam President, I would like to ask the Secretary whether he knows that the posts of SLOs not only serve to prevent school violence and juvenile delinquency, but also help students understand that there is law and order in society. This point has considerable significance in education. Furthermore, the police officer deployed at school will act as a role model for the students. This is both an education initiative and a service, which helps to prevent crime on the one hand, and carries a lot of educational significance on the other. I do not know whether the Secretary understands this or not.*

*Second, I do not know whether the Secretary knows that the programme of "one police sergeant for each school" in the past was implemented with great success. The programme was abolished later on and replaced by SLOs because of the Government's budget deficit and the need to save costs and increase revenue. When we hear of the rumour that even the posts of SLOs may be cancelled, it will certainly raise concern in the community. May I ask the Secretary, actually, whether the Administration will consider restoring the programme of "one police sergeant for each school"?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I have not heard that there has ever been any deployment of one police sergeant to each and every school. There are many schools in Hong Kong and we do not have enough manpower for this. However, I agree entirely with Mr CHENG's point just now, that the deployment of SLOs to schools will certainly have an effect on discipline training and cultivating a sense of civic responsibility and self-discipline in students. As I have mentioned before, our review shows that the programme of SLOs has been very well-received by schools. In part (c) of my main reply, I have also mentioned that although we have completed a review, we do not have any plan to cancel the posts of SLOs at the moment.

**MR CHEUNG MAN-KWONG** (in Cantonese): *Madam President, it was Mr LEE Ming-kwai, Commissioner of Police, who proposed a study on cancellation of the programme in order to achieve the goal of removing the budget deficit in year 2008. May I ask the Secretary how he would prioritize the prevention of school violence and education of adolescents? Can the Secretary promise not to give students and adolescents the "slash"? Can he promise not to use the threat of putting the interests of students and adolescents at risk as a bargaining chip to win more resources?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, as we all know, given the current budgetary constraints of the Government, every policy bureau or department has to be efficient. As I have mentioned earlier, every head of department has the responsibility to conduct regular reviews of the



present operations and examine how to achieve the best results with the limited resources. As I have also mentioned, we understand that the deployment of police officers to schools as Liaison Officers has a positive effect on students and schools, but it does not mean there is no room for improvement of the Liaison Officer programme or that nothing more can be done with the existing resources. Therefore, if the demand is that we cannot change the programme in any way, then I cannot give Mr CHEUNG Man-kwong the undertaking. For instance, if there is a more efficient way of helping the schools in the future, should we try it? As I said in my reply to Mr Albert CHENG's question, we understand that the deployment of police officers to schools serves some purpose and we will take note if it in our reviews in the future.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, although the Secretary did not provide any statistics in part (a) of his reply, he felt very positive about the programme just now. On what criterion or criteria did the Secretary form his opinion that the programme was very positively received and therefore worth retention?*

**SECRETARY FOR SECURITY** (in Cantonese): Since the Liaison Officer programme was introduced, the Police Force had conducted a review and collected feedbacks from schools and teachers. I cannot explain them in detail here, but the Police Force must have sought the feedbacks from its clients in the review and the response from schools was very good.

**DR KWOK KA-KI** (in Cantonese): *Madam President, it is most desirable that this question concerns the Secretary for Security. In the discussion of this question, we can see clearly that if the crime rate of adolescents can be reduced, the Government's expenditure on police manpower and prisons can also be greatly reduced, I believe. However, it seems that the Secretary has not given us a concrete answer in his main reply. I would also like to ask about the assessment — the Legislative Council will certainly make its decision on funding according to the results of the assessment. What assessment has the Security*

*Bureau conducted to ascertain how the Liaison Officers have helped schools and reduced crime incidence?*

**SECRETARY FOR SECURITY** (in Cantonese): We do not have an objective reply for Dr KWOK. After the secondary SLO programme had been implemented for a year, we conducted an overall review of the programme. Various parties including schools and social workers gave very positive comments on the programme. They thought that our Liaison Officers had already established an effective communication channel and a good working relationship with the schools. However, I cannot tell Honourable Members the percentage by which the crime rate has been reduced, for example, whether it is 30% or 20%. I do not have any information in this respect.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, the Secretary has used a number of descriptions regarding the programme, for example, keen response from clients, effective communication and good working relationship. However, with only 26 Liaison Officers for the hundreds of primary schools in Hong Kong, it may not be enough. Will the Secretary consider increasing the resources and manpower in this respect?*

**SECRETARY FOR SECURITY** (in Cantonese): As I have said in the main reply, the deployment of Liaison Officers to schools does not mean they should shoulder all the responsibilities concerning crime and the crackdown on triads. As far as tackling juvenile problems is concerned, whenever a crime is committed, not only will the Anti-Triad Squad of the district concerned provide assistance, the Administration and various non-governmental organizations will also work together on strategies to tackle the problem on an inter-departmental and multi-sector basis. At present, the Police Force are working closely with the Education and Manpower Bureau, the Social Welfare Department, non-governmental organizations and schools to prevent juvenile delinquency. Therefore, not all cases of student misbehaviour will be handled by police Liaison Officers. According to the current police assessment and considering

the nature of juvenile delinquency and the present situation of law enforcement, we feel that the existing resources allocated are appropriate. The Police Force will certainly monitor the situation closely and review the mechanisms regularly to ensure that our resources are utilized appropriately.

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

### **Public Toilets in Remote Areas**

6. **MR DANIEL LAM** (in Cantonese): *Madam President, it is learnt that there are inadequate public toilets in some remote areas and the aqua privies (APs) in rural sightseeing spots are unhygienic. In this connection, will the Government inform this Council:*

- (a) of the implementation timetable for the plan proposed at the end of last year to convert 100 APs into flushing toilets;*
- (b) whether it has any long-term plans to convert all APs into flushing toilets in various districts of the New Territories and outlying islands; and*
- (c) whether it has plans to provide additional public toilets in areas frequented by visitors, such as Yuen Long, Sai Kung, Tung Chung, Lamma Island and South Lantau; if so, of the timetable of the construction programme?*

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

- (a) There are 582 APs in Hong Kong managed by the Food and Environmental Hygiene Department (FEHD) and the Agriculture, Fisheries and Conservation Department (AFCD). To improve

public hygiene, the Government has proposed to convert 100 APs located near sightseeing spots or in areas with high patronage rates into flushing toilets. In consultation with the relevant District Councils, the Government has formulated a conversion programme which will be carried out in two phases. In July 2004, the Finance Committee of the Legislative Council approved funding for Phase 1 of the programme, which covers 30 APs, to proceed. Conversion works will commence by the end of this year for completion in the second half of 2006. For the remaining 70 APs under Phase 2, the Architectural Services Department is now carrying out technical feasibility studies and outline design work. We plan to seek funding approval from the Finance Committee in the first half of 2005 and expect to complete this part of the conversion programme by the end of 2007.

- (b) As regards other APs not covered in the conversion programme including those in Lamma Island and Tai O, we will take into account factors like actual needs, availability of public sewerage and cost-effectiveness in deciding whether to convert more of them into flushing toilets. In the meantime, the Government has been exploring new environmentally-friendly toilet waste treatment systems in order to improve the sanitary conditions of the existing APs and a trial scheme has been launched recently to examine the feasibility of the system. In addition, we will step up the cleansing services for the APs at popular sightseeing spots, in particular during public holidays, in order to improve their hygiene conditions.
- (c) The Government has plans to build 20 flushing public toilets in the New Territories and Islands District. We have already secured funding support to proceed with 13 projects, which are at varying stages of development. Some are now being constructed and some will be constructed in the next few years. The timetable for completion is at Annex A.

Apart from these 13 projects, the Government will also seek funds to build seven more public toilets which are expected to be

completed in the next few years. A list of these projects is at Annex B.

## Annex A

New Public Toilets under Construction or will be Constructed  
(Funding Approved)

<i>Serial No.</i>	<i>Name/Location of Public Toilet</i>	<i>Expected Completion Date (Year)</i>
1.*	Lantau Link View Point Public Toilet, Tsing Yi	2005
2.*	Sunny Bay Public Toilet, Lantau Island	2005
3.*	Public Toilet at Jat's Incline, Ma On Shan Country Park	2005
4.*	Public Toilet at Pak Shek Kok Site I, Sha Tin	2005
5.	Public Toilet at District Open Space and Football Pitch in Area 5, Tai Po	2005
6.	Public Toilet at District Open Space in Area 7, Tung Chung	2005
7.*	Public Toilet at Tai Tong, Tai Lam Country Park	2006
8.	Public Toilet at Hong Kong Management Area at Shekou of the Shenzhen-Hong Kong Western Corridor (I)	2006
9.	Public Toilet at Hong Kong Management Area at Shekou of the Shenzhen-Hong Kong Western Corridor (II)	2006
10.*	Public Toilet at Pak Shek Kok Site IV, Sha Tin	2006
11.*	Public Toilet at Pak Shek Kok Site II, Tai Po	2007
12.*	Public Toilet at Pak Shek Kok Site III, Tai Po	2007
13.	Public Toilet at Town Lot No. 24, Tin Shui Wai, Yuen Long	2009

\* Toilets frequented by visitors.

New Public Toilets to be Constructed  
(Funding Yet to be Approved)

<i>Serial No.</i>	<i>Name/Location of Public Toilet</i>	<i>Tentative Completion Date (Year)</i>
1.*	Lo Wai Road Public Toilet, Tsuen Wan	2005
2.*	Public Toilet at Ngong Ping Public Transport Interchange, Lantau Island	2006
3.	Public Toilet at Public Transport Interchange at the Ma On Shan Rail Tai Wai Station	2006
4.*	Public Toilet at Tsam Chuk Wan Anti-Japanese Martyrs Monument, Sai Kung	2006
5.*	Public Toilet at the Public Transport Interchange at Lok Ma Chau Terminus of Sheung Shui to Lok Ma Chau Spur Line	2006
6.	Public Toilet at District Open Space in Area 39, Fanling/Sheung Shui	2007
7.	Public Toilet at District Open Space in Area 2, Tung Chung	2007

\* Toilets frequented by visitors.

**MR DANIEL LAM** (in Cantonese): *Madam President, I would like to thank the Secretary for his reply. As Hong Kong is an internationally-renowned city as well as Asia's World City, the hygiene conditions of the APs in the tourist areas are very important. May I ask the Administration whether funding will be provided expeditiously to improve the conditions of APs as a matter of urgency?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I would like to thank Mr Daniel LAM for his supplementary question. To start with, whether these APs can be improved depends on their individual design, because only a very small number of them can be directly connected with sewage disposal systems. Very often, faeces has to be disposed

of by other means. At present, we have mainly two options. First, to make use of tanks to hold faeces. In the case of flushing toilets, faeces will have to be siphoned two or three times weekly. However, sufficient space is required. As for the second option, we are experimenting on some environmentally-friendly recycling toilet-flushing projects. Only few toilets can adopt this relatively preliminary trial scheme. Insofar as this issue is concerned, we hope to expeditiously complete the conversion scheme for 100 APs we undertook to implement earlier before further examining what can be done to improve other APs. We have decided that no more APs will be built to avoid creating other problems.

**MR LAU WONG-FAT** (in Cantonese): *Madam President, can the Government inform this Council, before the APs are replaced with flushing toilets, of the measures the Government will adopt to ensure the cleanliness and hygiene of the APs?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): *Madam President, APs are now cleansed at least twice daily. In places frequented by visitors, particularly during holidays, more staff will be deployed to perform cleansing work. When I visited an AP in Lau Fau Shan last week, I found that odour, not cleanliness, was a major problem there. This is a matter of concern to us too. I hope that the situation can be improved upon the introduction of an environmentally-friendly system in the future.*

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, in part (b) of the main reply, the Secretary mentioned that new environmentally-friendly toilet waste treatment systems were being explored. The day before yesterday, I attended an industrial design award-presentation ceremony in which the Financial Secretary also attended as a guest presenting awards. One of the award-winning designs is an environmentally-friendly toilet waste treatment system. I am also aware that many countries around the world are buyers of designs like this. May I ask the Secretary why such designs cannot be put into use extensively in Hong Kong, their place of origin?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, consideration has to be made in two aspects. First, the environment of the place where an AP is situated. Environmentally-friendly toilets usually require a relatively large area for recycling facilities. Second, there must be a supply of electricity and water. For these reasons, we have to decide depending on the situation of individual places. However, I am certain that we will consider not only the environmentally-friendly systems introduced by overseas countries, or merely consider the environmentally-friendly systems implemented in Hong Kong or other regions. Most importantly, if a system is suitable for Hong Kong, it will be adopted.

**MS EMILY LAU** (in Cantonese): *Madam President, I recently joined an ecological tour to Tung Ping Chau, Tap Mun and Kat O, and received numerous complaints from the public during the tour. Like the Secretary, I used the APs in those places and found that the conditions of the APs there were deplorable. Members of the public had to cover their noses when they lined up outside the APs. The problem with the APs was even worse than our air pollution problem. I feel that the APs have brought great shame to Hong Kong people, for many of the users are overseas or mainland tourists. Yet the several places I mentioned just now are not found in the Annexes to the main reply. May I ask the Secretary what can be done? It is said that we have to develop tourism and that other industries cannot provide job opportunities. This indicates that tourism is of vital importance. I have also written to the FEHD about this matter. I believe members of the public will be pleased to know that the Secretary has inspected these places, because people who have never visited these places will not appreciate the situation. Given the severity of the problem, can the authorities obtain additional resources to do more expeditiously?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I very much share the view of Ms Emily LAU. Even though I did not "hold my breath", I personally found it very unbearable. (*Laughter*) I hope that a review can be conducted expeditiously. In particular, we will consider how the existing APs can be converted or more public toilet facilities be installed in places frequently by tourists. However, the additional facilities will not necessarily be built in the same place, because we have to examine the topography and environment to find out where sewers can be connected more



easily or it is more suitable for water closets to be built. I can assure Members that I will pay close attention to issues in this aspect. I hope that a review will be conducted in the near future and water closets can be provided to tourists, particularly in outlying islands and places frequented by visitors.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, I would like to ask the Secretary a question. I certainly agree with the Secretary, who pointed out just now that no more APs would be built. From the angle of users or visitors, proper toilets are definitely better than APs. Were the major considerations made in the decision not to build more APs purely from the angle of popularity among users, environmental protection or cost-effectiveness? May I ask the Government if it has calculated and found that it will cost more to build toilets other than APs but less in maintenance, management, and so on, in future? Did the Secretary arrive at this decision because the cost-effectiveness of building APs had proved to be lower?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the decision was made mainly from the angle of hygiene. I believe APs are no longer acceptable, judging from our culture nowadays. I hope to build more public toilets, not APs, in places where there is such a need.

**MR CHEUNG HOK-MING** (In Cantonese): *Madam President, I would like to ask the Secretary a question concerning serial no. 13 of Annex A to the main reply. A total of 13 projects with approved funding are listed in this Annex. The completion date of project no. 13 is 2009. Why does it take five years before a toilet can be completed? Furthermore, some projects pending funding approval are listed in Annex B, one of which will be completed in 2005. May I ask the Secretary how the progress of the projects was evaluated, given that a project with approved funding will not be completed until 2009, while another one pending funding approval is expected to be completed in 2005?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I am afraid that I am unable to provide any information regarding this question at the moment. However, I think I can take follow-up action or provide a written reply later. (Appendix II)

**MRS SELINA CHOW** (in Cantonese): *Madam President, I heard the Secretary say earlier that a review would be conducted. May I ask the Secretary, insofar as such an important issue is concerned — this issue is extremely important and fundamentally essential — whether he will consider taking a three-pronged approach, that is, first, expediting the pace of construction; second, deploying more manpower to ameliorate the problem of hygiene or odour in the short term; and third, employing new technology? I know that new technology is employed on the Mainland. The construction of water closets is not necessarily the only option. By means of such a three-pronged approach, this problem, which has actually been plaguing us for years, can be expeditiously resolved within two or three years.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): *Madam President, I can only say that I will try my best. I personally am very concerned about this issue too. People will not want to go to places without more decent toilets for sightseeing or work. Hong Kong people are accustomed to a relatively clean and hygienic environment. This standard is really unacceptable. I will strive to conduct a review to examine what can be done. Furthermore, the costs of converting APs into water closets may differ. Depending on such factors as the geographical situation or the availability of other designs, the costs may range from \$400,000 to \$2 million. Construction will be undertaken depending on the special need of a place and cost-effectiveness. This may help Hong Kong resolve its unemployment problem. I believe we will try our best to fight for resources to enable such work to be carried out.*

**MISS CHAN YUEN-HAN** (in Cantonese): *Madam President, I entirely agree with everything Honourable colleagues have said. In such a modern city as Hong Kong, it is surprising to find so many tales about toilets being told, evident in the large number of colleagues who have spoken. I would also like to tell the Secretary a story: I fully agree with colleagues in regard to their comments about APs. In addition, I would like to say a few words about the hilltop of Tsz Wan Shan. Although several major hiking trails here are the only choices for trail walkers in this area, there is only one toilet, which was built in the '50s. A person who has the same size as mine is unable to enter the toilet. The toilet, using water from the hill for flushing, contains one cubicle only. The villagers living in the area have reminded the Government repeatedly and reflected the*

*situation to various District Offices. However, no one ever cared about it, like the case of the toilets in Sai Kung, Wong Tin Sin, Kowloon City, and so on. Even though the villagers want to deal with the matter, they are unable to do so. The place is somewhat like nobody's business. Secretary, your responses have impressed me that you are very concerned and you have made a special effort to inspect toilets. However, the Secretary will have to "tear down walls, untie, and build toilets", as well as overcoming numerous difficulties. I was once chairman, ..... (laughter) excuse me, Madam President, because I did not want to say "to resolve the problem with toilets by an interdepartmental organ". However, there is indeed an objective need to "resolve the problem with toilets by an interdepartmental organ". The present problem will not be resolved unless an interdepartmental organ.....*

**PRESIDENT** (In Cantonese): Miss CHAN, please raise your supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): ..... Secretary, will you discuss how this problem can be resolved in the meetings of the Executive Council?

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as Members are so pleased, I will be pleased to bring up this issue in Executive Council meetings for solution. *(Laughter)*

**MRS SOPHIE LEUNG** (in Cantonese): Madam President, like Ms Emily LAU, I inspected some toilets many years ago. It was entirely unbearable when I passed by the toilets, though we have to go there when necessary. In part (a) of the main reply, the Secretary mentioned that APs were jointly managed by the FEHD and the AFCD. Miss CHAN Yuen-han also indicated just now that the problem should be resolved through an interdepartmental effort. May I ask the Secretary if he finds it necessary for the Secretary for the Environment, Transport and Works and the Secretary for Economic Development and Labour to jointly allocate resources to enable this problem to be resolved expeditiously? If so, what do the Bureau Secretaries intend to do? Just now, the Secretary said that he would bring this long-term problem to the Legislative Council, but are these two Policy Bureaux the most suitable?

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I mentioned the Executive Council just now. I have collected all opinions in this Council. There are public toilets under different government departments, such as the FEHD, the Leisure and Cultural Services Department and the AFCD. I have to admit honestly that the conditions of the toilets under the FEHD are especially poor. I have personally visited many of them. I find it necessary to start with solving the problem of the public toilets managed by my own department.

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

**MR MARTIN LEE** (in Cantonese): *Madam President, when it comes to toilets, I have to hurry back to raise this question. First of all, I have to declare an interest, for I love hiking. I have recently learned from many news reports that some hikers were robbed and tied on a tree, and it took more than 10 hours before they were freed. Madam President, I am going to raise my supplementary question now. The Secretary said that he would improve the conditions of popular tourist destinations by providing cleansing service properly. May I ask the Secretary whether more water closets will be built in those places where robbery cases frequently occurred? This is because the people who have been robbed will find great comfort if they can use a water closet after being tied for more than 10 hours.*

**PRESIDENT** (In Cantonese): This supplementary question appears to have deviated from the theme of the main question. However, since this is the last supplementary question, I will see how the Secretary is going to reply.

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I would suggest Members bring a plastic bag when they go hiking. *(Laughter)*

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

**WRITTEN ANSWERS TO QUESTIONS****Businessmen Maltreated in Overseas Countries**

7. **MR VINCENT FANG** (in Chinese): *Madam President, in September this year, a Hong Kong businessman participating in an international shoe fair held in Dusseldorf of Germany was detained by the local police and was stripped naked and searched amid allegations of copyright infringement. All his exhibition items were also confiscated. The businessman was only allowed to take bail and leave Germany upon the intervention of the Bonn Office of the Embassy of the People's Republic of China in the Federal Republic of Germany. In this connection, will the Government inform this Council:*

- (a) *whether the Government's Economic and Trade Offices (ETOs) in Geneva or Brussels provided immediate assistance to that businessman; if so, of the details of the assistance; if not, the reasons for that;*
- (b) *of the assistance rendered by the Government's ETOs overseas to those Hong Kong businessmen who are maltreated in the course of trade activities conducted in cities where the ETOs have been set up, and in what ways the Government will provide assistance to those Hong Kong businessmen who are maltreated in other places; and*
- (c) *whether it knows if the Hong Kong Trade Development Council (TDC) will provide assistance to those Hong Kong businessmen who are maltreated in the course of overseas trade activities which are not organized by the TDC; if it will, of the details of the assistance; if not, the reasons for that?*

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

- (a) The Government of Hong Kong Special Administrative Region (SAR) was very concerned about what happened to the Hong Kong businessman during his participation in a shoe fair in Dusseldorf, Germany. As the detention of the businessman by the German

police was a matter falling within "consular services", the SAR Government, following internal co-ordination, considered that it would be more appropriate for the Embassy of the People's Republic of China in Germany to take up the case. Indeed, during the incident, representatives of the Chinese Embassy in Germany had met with the businessman concerned within the shortest time possible and rendered immediate assistance. The ETO of the SAR Government in Brussels was prepared to provide other assistance and liaison service when necessary. The TDC's Office in Germany also provided assistance directly to the businessman.

- (b) If Hong Kong businessmen run into any difficulties (including being unfairly treated) while engaging in economic and trade activities in places where there are our ETOs and require the assistance of the SAR Government, the ETOs concerned will try their best to help setting up contacts between the businessmen and the local authorities or relevant organizations, or referring them to the relevant departments of the SAR Government and organizations as and when necessary. If the difficulties encountered by the businessmen fall outside the terms of reference of the ETOs (for example, matters concerning overseas Chinese or diplomatic issues), our ETOs will help by referring them to the local Chinese Diplomatic and Consular Mission while providing support as far as possible. These businessmen may also approach the local Chinese Mission directly or contact the Hong Kong Immigration Department by calling its 24-hour hotline at (852) 2829 3010. The Chinese Mission and the SAR Government, once informed, will make every effort to provide assistance according to the actual circumstances.

If Hong Kong businessmen run into any difficulties while engaging in economic and trade activities in places where there is no ETO, they may approach the local Chinese Mission or contact the Hong Kong Immigration Department by calling the above 24-hour hotline. The Chinese Mission and the SAR Government, once informed, will make every effort to provide assistance according to the actual circumstances.

If Hong Kong businessmen run into any difficulties while engaging in economic and trade activities in the Mainland, they may approach

the Office of the SAR Government in Beijing or the Guangdong ETO for assistance. These two Offices will render appropriate assistance according to the nature of the problems involved, including co-ordinating and following up their cases directly with the relevant authorities in the Mainland or the SAR Government, or making referrals to these authorities with a view to connecting them direct to the businessmen in need of assistance. These businessmen may also contact the Hong Kong Immigration Department by calling the above 24-hour hotline.

- (c) The TDC has always committed to assisting Hong Kong businessmen in expanding their markets outside Hong Kong, and providing various forms of information and service to Hong Kong businessmen operating or participating in exhibitions outside Hong Kong through its global office network.

If Hong Kong businessmen run into any difficulties outside Hong Kong, the staff of the local TDC office (provided that there is one in the place concerned or a nearby city) always stand ready to offer assistance or to refer the cases to an appropriate organization for help, no matter whether these businessmen are the TDC's clients or not. If the businessmen run into any difficulties in places where there are ETOs, the TDC will also inform the ETO concerned.

To further strengthen its assistance and support service, the TDC is preparing an information card listing the contact points of its offices outside Hong Kong for free distribution to Hong Kong businessmen, so as to help them access the TDC and use its service more easily.

## **Recall of Drugs**

8. **MISS CHAN YUEN-HAN** (in Chinese): *Madam President, it has been reported that an analgesic drug known as Vioxx was earlier confirmed as increasing the risk of heart attack and stroke in users, thus leading to an extensive recall initiated by the drug company concerned. However, the drug in question, which has been widely administered by medical practitioners in public hospitals and private clinics throughout Hong Kong, is still given to quite a number of patients after the drug company has announced the recall. In this*

*connection, will the Government inform this Council whether the Hospital Authority (HA) and the Department of Health (DH) have:*

- (a) followed up the recall of the drug and instructed medical practitioners to stop giving it to their patients;*
- (b) instructed medical practitioners who have already given the drug to their patients to follow up the recall in order to prevent their patients from taking it further; and*
- (c) established procedures to ensure that front-line medical practitioners are provided with clear guidelines for handling similar incidents involving questionable drugs?*

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

Madam President, the health of the people of Hong Kong is a matter close to the Government's heart. In relation to pharmaceutical products which may be prescribed by medical practitioners in private clinics or hospitals or through the public hospital and clinic system, a registration and recall system is in place. The practice under such system is benchmarked against international practices and experience. Mandatory recall of pharmaceutical products is initiated once a pharmaceutical product is found by the DH to be inflicting imminent health risk to the public. The requirements are set out in the Pharmaceutical Products Recall Guidelines drawn up by the DH. Recalls of pharmaceutical products may also be initiated by the manufacturer for commercial or other reasons.

Vioxx, a prescription-only medicine in Hong Kong, is a case of voluntary recall by the manufacturer. The United States manufacturer of the drug initiated a worldwide recall of the product based on the results of a recent study on the side-effects arising from prolonged use (over 18 months) of the drug. The manufacturer issued a press release on 30 September 2004 announcing the voluntary recall of the drug and this was carried in local newspapers. It also notified all doctors, hospitals and dispensaries to which it had supplied Vioxx about the recall in writing on 2 to 4 October 2004 and advised them to follow up those patients who have been prescribed with the drug. The manufacturer started visiting hospitals, dispensaries and private doctors who have been



supplied with Vioxx to facilitate the latter's surrender of the drug. A hotline was also set up by the manufacturer to handle public enquiries on this recall exercise. The recall in Hong Kong was completed in the first week of November.

Vioxx is not supplied at the DH clinics. In the HA context, Vioxx belongs to category COX-II drugs and it is not a standard drug item in the HA Formulary. However, there are cases where a handful of patients, despite having been prescribed with conventional analgesic drug by attending doctors in public hospitals, still wish to purchase category COX-II drugs in local dispensaries by themselves. Doctors will, at their discretion and where appropriate make prescriptions to enable their patients to obtain such medicine at the community dispensaries.

(a) and (b)

Since the manufacturer's public notification of a voluntary recall of Vioxx, the DH has been closely monitoring the progress of the recall. A weekly report was submitted to the DH by the manufacturer. A final report was submitted to the DH on 12 November. To supplement the issuance of the press release and the letter by the manufacturer to all doctors, hospitals and dispensaries to which it had supplied Vioxx, the DH also issued a follow-up press release as well as a letter to all registered doctors in Hong Kong in late October reminding them of the early return of this pharmaceutical product to the supplier and prescribe other suitable forms of medication to their patients.

In the public hospital context, as soon as the HA received the report on the total recall of Vioxx, it notified its front-line staff by means of internal memo issued through Cluster Chief Executives, Hospital Chief Executives and Heads of Clinical Departments. The HA also contacted patients' groups through the "Health InfoWorld" to bring the report to their attention and instructed hospitals as well as specialist out-patient departments to make appropriate arrangements for needy patients, for example, arrange earlier follow-up consultations so that, where necessary, other suitable medication could be prescribed to patients. At the same time, the Chief

Pharmacist's Office of the HA maintained close contact with the manufacturer to understand the latest actions taken by the company so as to inform doctors and render necessary assistance to public hospital patients.

- (c) As mentioned above, a set of Pharmaceutical Products Recall Guidelines is in place. The Guidelines which have been in force for a long time are widely distributed to manufacturers and importers of pharmaceutical products in Hong Kong. The Guidelines cover detailed information on the procedures to be adopted in drug recall exercises. These procedures include communication with parties to whom the drug has been supplied, and submission of progress and final reports to the DH for monitoring purpose. In every recall exercise, the DH closely monitors the actions taken and ensures that all the necessary steps are effectively and efficiently adhered to.

As a general practice, the DH makes public announcements on recall exercises and explains the associated public health implications to the community. If the concerned pharmaceutical products are prescribed in the DH clinics, clinic doctors will be asked to follow up the case with patients who have been prescribed with the product.

The HA has a set of comprehensive procedures to ensure that front-line doctors and staff are provided with clear guidelines to handle incidents involving questionable drugs. The procedures were formulated in line with the guidelines of health supervision authorities in various countries. Upon receipt of the recall notification from the drug company or where applicable, from the DH, the HA will promptly disseminate the information to front-line staff in hospitals through established channels. In this particular drug recall incident, doctors of the Rheumatism Department are the main targets of notification, and all of them are duly informed of the recall.

**Sick Leave Certificates Issued by Chinese Medicine Practitioners**

9. **MR LI KOWK-YING** (in Chinese): *Madam President, regarding the sick leave certificates issued by Chinese medicine practitioners (CMPs), will the Government inform this Council:*

- (a) *whether the government departments concerned and the Labour Advisory Board (LAB) have discussed the reference guide on issuance of sick leave certificates by registered CMPs issued by the Chinese Medicine Council of Hong Kong (CMC) in December last year; if they have, of their conclusions;*
- (b) *whether the authorities are studying legislative amendments to give statutory status to the sick leave certificates issued by CMPs; if so, of the progress of the study; if not, the reasons for that; and*
- (c) *as some employers worry that when sick leave certificates have acquired statutory status, they may be issued by CMPs indiscriminately, how the authorities will address these employers' concerns?*

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

- (a) The Department of Health (DH) was involved in drawing up the guidelines on the issuance of sick leave certificates by registered CMPs. With the assistance of the DH, the Chinese Medicine Practitioners Board (CMPB) established under the CMC, set up a Liaison Group in November 2002 for the purpose of drafting the guidelines to regulate the issuance of sick leave certificates. The Liaison Group comprises representatives from 11 local Chinese medicine associations with the attendance of a Senior Medical Officer from the DH. The Liaison Group considered the drawing up of guidelines essential for the further development of Chinese medicine in Hong Kong, and took into account views from more than 40 local Chinese medicine associations in finalizing the guidelines.

In addition, the Labour Department (LD) formed a Focus Group comprising representatives of employers, employees and CMPs in September 2002 to advise on actions for the implementation of the recognition of Chinese medicine under labour laws. The Focus Group made suggestions to the "general points to note on the issuance of sick leave certificates" in the guidelines. It also proposed that seminars should be organized for registered CMPs to prepare them for the medical functions under labour laws.

The guidelines were formulated on the basis of the diagnoses and patterns of different diseases. Given the principle of self-regulation by the Chinese medicine profession, the guidelines were not discussed by the LAB. The CMC is the statutory body established by virtue of the Chinese Medicine Ordinance to regulate the professional practice and conduct of CMPs. The CMPB endorsed and issued the guidelines to all registered CMPs in Hong Kong early this year.

- (b) Having consulted the Chinese medicine profession, relevant bodies, the LAB and the Panel on Manpower of the Legislative Council, the Administration is drafting amendments to the relevant labour ordinances to recognize the certification issued by registered CMPs. We aim to introduce the amendment bill into the Legislative Council in the second half of the current Legislative Session. The proposed amendments include recognizing sick leave certificates issued by registered CMPs.
- (c) According to the Code of Practice issued by the CMC, a registered CMP should be professionally responsible to patients and abide by the regulations stipulated in the relevant medical ordinances to best serve the medical interests of patients. A registered CMP should have the relevant knowledge and skills in order to perform his/her professional duties. The Code also sets out that a registered CMP should not issue professional documents which are untruthful or misleading.

The guidelines on the issuance of sick leave certificates stipulates that registered CMPs should be professionally and ethically responsible to their patients, that sick leave certificates should be

issued in conformity with their professional expertise. Registered CMPs are obliged to issue appropriate medical certificates based on their professional judgement and the individual circumstances of patients, failing which the concerned CMP would be considered to have breached the Code of Practice and is liable to disciplinary proceedings.

The CMC has put in place a mechanism to handle complaints against malpractice and misconduct of CMPs. Complaints against the professional practice of CMPs can be made to the CMC for follow-up action.

To prepare registered CMPs for the proper discharge of duties upon implementation of the legislative proposal, the LD has published a leaflet on the issuance of medical certificates and keeping of medical records in relation to labour laws. The leaflets are distributed to all registered CMPs, employers associations and insurers. Seminars on the medical functions stipulated under labour laws are also held regularly for registered CMPs.

### **Allowing Talented Children and Their Families to Settle in Hong Kong**

10. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that the Government is planning to allow talented children and their families from the Mainland and overseas to apply for residence in Hong Kong, with a view to alleviating the ageing problem of the local population. In this connection, will the Government inform this Council:*

- (a) *of the number of such children it plans to admit per year, as well as their age and nationality requirements;*
- (b) *how the tuition payable by such talented children for studies in Hong Kong will compare to that paid by local children; and*
- (c) *of the measures to ensure that such talented children will stay in Hong Kong for development when they grow up?*

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

- (a) We have already in place an immigration policy that allows the entry of non-local students<sup>1</sup> for the purpose of pursuing primary and secondary education at non-public sector schools. We appreciate the merit of having non-local students in our education system, and are now studying how our immigration and related policies may facilitate their entry into Hong Kong for different types of education.
- (b) According to the established policy, there will not be direct government subsidy or financial assistance for non-local school children who receive basic education in Hong Kong.
- (c) Our population policy aims at building and nurturing a human capital that can sustain our development as a knowledge-based economy. We therefore wish to improve the quality of our population by attracting and retaining talents in Hong Kong. For our long-term development, we see merits in drawing in talent to receive education, apply to stay and make their career upon completion of their tertiary education here.

<sup>1</sup> Non-local students refer to persons entering Hong Kong for the purpose of education with a student visa/entry permit issued by the Director of Immigration. The policy of allowing non-local students to enter Hong Kong for education at non-public sector schools does not apply to residents from the Mainland, Taiwan, and countries that pose potential security or immigration risk to Hong Kong and former mainland residents who were not settled in Macao by 14 January 1979.

### **Shelving of Development of Hei Ling Chau Prison**

11. **MR DANIEL LAM** (in Chinese): *Madam President, in the light of the outcome of stage 1 of the feasibility study and preliminary site investigation for land formation and infrastructure works for the prison development plan at Hei Ling Chau (HLC), the Government has pointed out that given strong public objection, it has decided to shelve the project for the time being and will explore alternative options to address the problem of prison overcrowding. In this connection, will the Government inform this Council:*

- (a) *whether the plan to build a prison complex at HLC is shelved temporarily or scrapped for good, and whether strong public objection will be a consideration in the selection of sites for new prisons in the future;*
- (b) *whether planning has been made for the future development of HLC since the shelving of the above plan; and*
- (c) *given that the Government has explored the redevelopment of the Lo Wu Correctional Institution (LWCI) in place of the HLC prison complex development plan, whether the redevelopment plan has been implemented, and what corresponding measures will be formulated to address the pressure on the law and order in the areas in the vicinity of the penal institution due to a several-fold sharp increase of the inmate population?*

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

- (a) As we informed the Finance Committee of the Legislative Council on 12 October 2004, the Administration has decided to shelve the project for the time being, in view of the public's objection to the proposal and call for the Administration to explore alternative development plans to address the problem of prison overcrowding. We undertook to explore such alternative development possibilities.

We are initially considering the feasibility of maximizing the redevelopment potential of certain existing penal sites, for example, the LWCI, to yield additional places. In taking forward this and other future development proposals, we will take into account the views of the public.

- (b) HLC has been used to house penal facilities for almost 30 years. There are at present three penal institutions on the island. With the shelving of the proposed prison development plan, the Administration has no other development plans for HLC at this stage.

- (c) The proposed redevelopment of LWCI is at an initial planning stage. If the project is to be implemented, we will ensure that the institution is designed and fitted out with security installations to a standard that is commensurate with the institution's intended use and capacity. Security control measures that will effectively control the movement of prisoners, prevent their escape and avoid mass disturbance will also be adopted to ensure that the operation of the LWCI with increased capacity will not have any impact on the security of its neighbourhood.

### **Traffic Accidents Involving Public Light Buses**

12. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding traffic accidents involving public light buses (PLBs) in the past three years, will the Government provide a breakdown of such accidents by the number of years the PLBs drivers concerned had held the relevant driving licence at the time of the accident as well as the causes of the accidents, and whether it has studied, in respect of traffic accidents attributable to various causes, the respective correlations between the relevant driving experience of PLB drivers and the incidence of accident; if so, of the conclusions drawn?*

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

(in Chinese): Madam President, in the past three years, there were 2 998 traffic accidents involving PLBs, and 3 146 PLB drivers were involved. Statistics on the number of years the concerned PLB drivers had held the PLB driving licence at the time of the accident are in Annex A, and the causes of the accidents as reported by the police are in Annex B.

As shown in Annex A, there is no direct correlation between the accident rate and the driving experience of PLB drivers. To enhance road safety, it is important that PLB drivers remain vigilant and patient, and observe traffic regulations at all times.



## Annex A

Number of years that the PLB drivers had held the  
PLB driving licence at the time of traffic accident  
(2001 to 2003)

<i>Number of years that the drivers had held the PLB driving licence</i>	<i>Number of drivers</i>
Less than one year	125
One to two years	156
Two to three years	143
Three to four years	143
Over four years	2 463
Unknown	116
Total	3 146

## Annex B

Causes of accidents involving PLB drivers  
(2001 to 2003)

<i>Causes of accidents</i>	<i>Number of PLB drivers involved</i>
Driving too close to the vehicles in front	266
Careless lane changing/overtaking	211
Starting the vehicles negligently	186
Turning negligently	119
Failing to comply with traffic signals	60
Others	407
Unknown	1 897
Total	3 146

### Reception of Local Free Television Programmes

13. **MR LAU KONG-WAH** (in Chinese): *Madam President, with regard to cases in which residents in certain remote areas of Hong Kong cannot have clear reception of local free television programmes, will the Government inform this Council:*

- (a) *of the places in the territory with poor reception of free television programmes at present;*
- (b) *currently, in determining whether it should recommend the Broadcasting Authority (BA) to direct television stations to construct new television transposers, one of the criteria adopted by the Office of the Telecommunications Authority (OFTA) is that over 2 000 persons of the population within a radius of 3 km of the location have television reception problems, whether the authorities will consider lowering the population requirement; if not, of the reasons for that; and*
- (c) *as it is learnt that some areas of Guangdong Province can receive Hong Kong's free television programmes, whether the authorities know the reasons for that, and why, on the other hand, remote areas within the boundaries of Hong Kong cannot get good reception of such television programmes?*

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

- (a) In Hong Kong, 98.5% of residents have good quality reception of terrestrial free-to-air television. Only a small portion of residents in some specific locations in Sham Shui Po, Wan Chai, Causeway Bay, Shau Kei Wan, Tai Po, Tsuen Wan, Sha Tin and Yuen Long experience poor reception due to obstructions by dense high-rise buildings and hilly terrain.
- (b) According to the Broadcasting Ordinance (Cap. 562), domestic free television programme service licensees shall, unless exempted by the BA, provide their service in such manner as to enable the service to be received throughout Hong Kong. In requiring the licensees to discharge this duty, the BA will take into consideration various factors, including population density of the concerned area, availability of frequency channels to improve reception and availability of suitable sites for construction of transposers. Since constructing new transposers takes time and increases the operating

costs of the television stations, the BA also needs to consider the cost-effectiveness of constructing such transposers.

Based on the above considerations, the BA issued the "Guideline on Exemption from Service Provision Requirements" according to the Broadcasting Ordinance in March 2001 after consulting the OFTA, Asia Television Limited (ATV) and Television Broadcasts Limited (TVB). The Guideline specifies that the licensees will normally be exempted from providing free television programme service for an area where the population is less than 2 000 persons within a space of a radius of 3 km. Besides, the two licensees, ATV and TVB, have agreed to construct two transposers every year to improve television reception in affected areas.

We have put in place a framework for the implementation of digital terrestrial television (DTT). Under the framework, ATV and TVB are required to start DTT broadcasting by 2007 and achieve 75% of digital coverage of the territory by 2008. There will be fewer locations of poor reception after the two television stations have commenced DTT broadcasting, one of the advantages of which is effective improvement of television reception throughout the territory. The BA will consider reviewing the applicability of the existing guideline following the launch of DTT broadcasting.

- (c) Domestic free television service in Hong Kong is transmitted through terrestrial airwaves. As such, some areas in Guangdong Province in close proximity to Hong Kong can receive the spillover free-to-air television signals. Reception in some areas in Hong Kong is adversely affected by hilly terrain and dense high-rise buildings. In addition, some remote and sparsely populated locations at the periphery of or beyond the coverage of television transmission network may not get good reception.

### **Actions Against Piracy**

14. **MR LI KWOK-YING** (in Chinese): *Madam President, it has been reported that the United States Department of Justice has earlier announced the biggest ever initiatives to combat piracy, recommending the deployment of*

*Federal Bureau of Investigation agents and prosecutors in the United States Consulate General in Hong Kong and the United States embassies in many countries where piracy is rampant, so as to follow up actions against piracy. In this connection, will the Government inform this Council whether:*

- (a) it has followed up the above recommendation; if so, of the details; if not, the reasons for that;*
- (b) it has assessed the seriousness of piracy activities in Hong Kong; if so, of the results, and whether they have shown that such activities are as rampant as described in the relevant United States government report; and*
- (c) it has plans to further step up the actions against piracy; if so, of the details; if not, the reasons for that?*

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

- (a) We have clarified with our United States counterparts and Consulate General of the United States (USCG) about a local newspaper article regarding United States Attorney General John ASHCROFT's remarks made on the release of the Report of the United States Department of Justice's Task Force on Intellectual Property (US Task Force Report). We are assured that the Report did not suggest that piracy activities were rampant in Hong Kong. In fact, the USCG had written to the local newspaper to clarify that Mr ASHCROFT had only mentioned Eastern Europe and Asia as two regions where large and organized networks of intellectual property counterfeiters and thieves operated. In its letter to the newspaper, the USCG also highlighted the United States Consul General's remarks in a public speech in December 2003 about Hong Kong as doing a remarkable job of turning around its record of protecting intellectual property rights (IPR) in recent years, passing tough laws, committing resources to robust enforcement, and raising awareness of the economic benefits of a strong IPR regime.

We understand that the US Task Force Report recommended placing the United States law enforcement officials at the missions in Hong Kong and Hungary to co-ordinate the United States' regional law enforcement efforts in Asia and Eastern Europe respectively. So far, we have not received any approaches from the relevant United States authorities regarding this particular recommendation.

- (b) Our enforcement efforts in IPR protection have effectively combated piracy activities in Hong Kong. While there were some 1 000 retail outlets of pirated optical discs and some 5 million pirated discs as the total stock for sale at any one time in 1999, the situation has now been well contained to around 70 pirate shops, with the total stock for sale greatly reduced to less than 20 000. At the manufacturing level, the sustained efforts of the Customs and Excise Department (the Customs) have driven all large-scale underground production facilities out of Hong Kong since 2001.

Our achievements in protecting IPR are well recognized internationally. For example, in 2001, the Customs was given the Global Anti-counterfeiting Award at the 10th Authentication and Counterfeiting Protection Conference in Prague, and was regarded as a role model for IPR law enforcement in the region. In November 2002, the Business Software Alliance presented to the Secretary for Commerce, Industry and Technology the Cyber Champion Award in recognition of Hong Kong's efforts to protect IPR. In March 2004, the Entertainment Software Association presented an award to the Customs in recognition of their outstanding efforts to reduce game software piracy.

- (c) We will continue with our efforts to protect IPR. These include reviewing the current legislation to keep our IPR protection regime up to date, vigorous law enforcement, and territory-wide public education and promotional campaigns.

On law enforcement, the Customs will continue with its strategy to combat IPR violations especially those by syndicates. It will continue to strengthen its co-operation with industry players and further step up co-operation with the law enforcement authorities in

neighbouring places to facilitate exchanges of intelligence for fighting IPR-infringing activities.

To promote the community's respect for IPR, the Intellectual Property Department (IPD) will continue to launch public awareness programme to cater for different sectors of the community through school visits, campaigns, media broadcasts, seminars, exhibitions and roadshows. The latest initiatives include an "IP Tutor Programme", a pilot scheme to be launched in early 2005 in which some qualified teachers will be trained by the IPD and assigned to different schools to teach IPR knowledge.

### **Tourism in Hong Kong**

15. **DR RAYMOND HO** (in Chinese): *Madam President, it has been reported that as Southeast Asian countries are offering better quality goods at cheaper prices than Hong Kong, the local tourist industry has been under pressure in recent years. In this connection, will the Government inform this Council:*

- (a) of the rates of increase/decrease in the number of inbound tourists from territories other than the Mainland in the past three years;*
- (b) whether it has received any complaints about the lack of tourist attractions in Hong Kong in the past two years; if so, of the relevant details; and*
- (c) of the measures it will take in the coming year to enhance the attractiveness of Hong Kong as a tourist destination?*

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

- (a) The year-on year growth in the number of overseas tourists (that is, excluding tourists from the Mainland) was static in 2001 due to terrorist attacks abroad, and was down significantly in 2003 due to

the outbreak of SARS. With the concerted efforts of the Government, the Hong Kong Tourism Board (HKTB) and the travel trade, the tourism industry in Hong Kong revived quickly after SARS. There is considerable growth in the number of overseas tourists this year. In the first nine months of 2004, the number of overseas tourists has increased by 43.4% compared with the same period last year.

Figures on visitor arrivals in the past three years are as follows:

<i>Year</i>	<i>Overall visitor arrivals</i>	<i>Overseas visitor arrivals (excluding the Mainland)</i>
2001	13 725 332 (+ 5.1%)	9 276 749 (+ 0.03%)
2002	16 566 382 (+ 20.7%)	9 741 183 (+ 5.0%)
2003	15 536 839 (-6.2%)	7 069 628 (-27.4%)
January to September 2004	15 758 092 (+ 52.1%)	6 778 617 (+ 43.4%)

Note: figures in bracket show the year-on-year growth/reduction

- (b) In the past two years, the Tourism Commission (TC) has not received any specific complaints about the lack of tourist attractions. We have through various channels received views from the public on new tourist attractions.
- (c) To enhance the attractiveness of Hong Kong as a tourist destination, the Government will continue to invest in diversified tourism projects to cater for the needs of visitors. The HKTB will devise promotional strategies for different target groups to attract visitors from all over the world.

Family visitors are one of our targeted segments in future. Tourism projects to be completed between 2005 and early 2006, including the Hong Kong Disneyland, Tung Chung Cable Car System and Harbour Lighting Plan Phase 2, are major projects with

considerable appeal to family visitors. The HKTB will step up publicity on Hong Kong as a family tourist destination and promote various attractions and special events.

To further develop the market potential of the high-yield business and high-spending segment, the Government is studying the development of spa and resort facilities, which will be completed early next year. The Government is also studying ways of providing new cruise terminal facilities and plans to invite proposals from the private sector soon.

Green and cultural heritage tourism have become increasingly popular. We will make good use of our resources for their further development. At present, we have a number of projects working in this direction. The Hong Kong Wetland Park, scheduled for opening in early 2006, will be the largest man-made wetland park in Asia. We are also planning to take forward a pilot project on green tourism in Northern New Territories. We will consult the relevant stakeholders early next year after finalizing the master plan of the project.

On marketing, the HKTB will continue to organize various mega events in the coming year to attract more visitors and encourage their extension of stay, with a view to stimulating their spending in Hong Kong.

To enhance Hong Kong's attractiveness to visitors, manpower training and enhancement of overall service quality are equally important. In the coming year, we will continue to invest in human resource training for the industry through the Tourism Orientation Programme. The Service Quality Study on the overall service quality of tourism and related industries will also be completed in mid-2005. The findings will assist the industries to further enhance their service quality.



**Disposal of Hunghom Peninsula and Kingsford Terrace Private Sector Participation Scheme Flats**

16. **MISS CHOY SO-YUK** (in Chinese): *Madam President, regarding the disposal of flats built under the Hunghom Peninsula Private Sector Participation Scheme (PSPS) and the Kingsford Terrace Private Sector Participation Scheme, will the Government inform this Council:*

- (a) *in deciding to sell the flats at Hunghom Peninsula, how it assessed the possible impact of that decision on environmental protection;*
- (b) *in putting up the flats at Kingsford Terrace for sale in the future, whether it will impose requirements such as prohibiting the demolition or reconstruction of the flats;*
- (c) *if the authorities will impose such requirements but did not do so when selling the flats at Hunghom Peninsula, whether the Secretary for Housing, Planning and Lands, being the principal official for this policy area, will shoulder the responsibility for such an omission; if he will, of the details; if not, the reasons for that; and*
- (d) *if the authorities will not impose such requirements, how they can ensure that the flats at Kingsford Terrace will not be demolished or reconstructed after they have been sold?*

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Chinese): Madam President, under the PSPS, private developers were invited to tender for housing sites on which they were required to build flats conforming to certain specifications stipulated by the Government. Like other government land sales, the land title of a PSPS site was vested in the developer. The developer held legal title to the land lot and owned the entire development.

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

- (a) In considering options to deal with Hunghom Peninsula, our main concerns are to maintain the consistency and integrity of the Government's housing policy and minimize any adverse impact on the then unstable property market. After thorough examination of

various options and associated policy, legal and contractual implications, the Government reached agreement with the developer through mediation, allowing the developer to modify the lease to remove the PSPS-related terms and conditions after payment of the agreed premium so that the developer can sell his property in the open market. The lease modification does not involve environmental considerations.

- (b) Kingsford Terrace is also a PSPS project. Similar to Hunghom Peninsula, the developer held both the legal title to the land lot and the development. The Government had therefore adopted the same approach in dealing with Kingsford Terrace, that is, allowing the developer to dispose of the property subject to the payment of a lease modification premium to be agreed through negotiation. Since the Government and the developer of Kingsford Terrace were unable to reach an agreement on the amount of modification premium, the Housing Authority (HA) purchased in August 2004 the domestic flats of Kingsford Terrace at the guaranteed price in accordance with the contractual provisions set out in the Conditions of Sale. At present, the site of Kingsford Terrace is jointly owned by the HA and the developer. The HA is now considering options to dispose of the residential flats. The Government must protect the right to private property in accordance with the law. Having regard to legal and other considerations, it is inappropriate to impose arbitrarily additional restrictions on demolition or redevelopment on sold land.
  
- (c) Some sectors of the community oppose any proposed demolition of Hunghom Peninsula for redevelopment. The Government is concerned and has been closely monitoring the situation. We cannot disregard the fact that the legal title to Hunghom Peninsula is held by the developer. It should be noted that land owners have the right to formulate options to develop their own land within the parameters of planning constraints and all applicable legislation. The Government does not have the liberty to impose any additional restrictions on demolition or redevelopment. Thus, there is no question of omission in not including such restriction at the time of lease modification.

- (d) The residential flats of Kingsford Terrace are now owned by the HA whereas the commercial and parking facilities are owned by the original developer. The HA is examining possible options to make the best use of the residential flats.

### **Object Positioning Technologies**

17. **MS EMILY LAU** (in Chinese): *Madam President, regarding the application of the object positioning technologies (OPT), will the executive authorities inform this Council:*

- (a) *of the current application of OPT in the Civil Aid Service, the Highways Department and the Transport Department;*
- (b) *whether the Automatic Vehicle Location System (AVLS) of the Third Generation Mobilizing System of the Fire Services Department (FSD) as well as the Third Generation Command and Control Communication System (CCIII) of the Hong Kong Police Force, which have made use of OPT, can be implemented as scheduled; if not, of the reasons for that and how the difficulties concerned are to be solved;*
- (c) *whether the Digital Trade and Transportation Network (DTTN) System being developed by the Hong Kong Logistics Development Council has made use of OPT; if not, of the reasons for that;*
- (d) *whether they have studied the positive and negative overseas experience in the development and application of OPT; if so, of the results;*
- (e) *whether they have studied the merits of applying OPT to the mass transit system, the logistics sector and staff deployment in the disciplined services in Hong Kong; if so, of the results; if not, the reasons for that; and*
- (f) *whether they will collaborate with community organizations in examining, from a holistic, multi-faceted and more open-minded perspective the impacts of the application of OPT on the economic*

*development and high-tech industries in Hong Kong, as well as the difficulties to be encountered in applying OPT and the solutions to such difficulties; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in the absence of Secretary for Commerce, Industry and Technology) (in Chinese): Madam President, there are two main types of OPT. The first type of technologies involves the use of the satellite-based global positioning system (GPS) while the second type is the wireless location technology. Both types of technologies can be used for the tracking of objects and related purposes. Since the scope of OPT application is very broad and falls under the purview of a number of bureaux and departments, the following represents a co-ordinated reply based on information provided by different bureaux and departments:

- (a) The Civil Aid Service has 10 sets of GPS devices for use in its fleet of vehicles. The devices provide an effective guarantee of safety for its staff during operations as well as greater flexibility and efficiency in its resource deployment.

The Highways Department uses GPS technologies to keep track of cleansing vehicles on expressways, conduct engineering survey control and monitor movement data of the Tsing Ma Bridge and the Ting Kau Bridge.

The Transport Department also makes use of GPS technologies, in combination with other technologies, to supply data for the Journey Time Indication System in helping drivers choose a suitable route.

- (b) The Third Generation Mobilizing System adopted by the FSD is a system with extensive and complicated functions. It comprises 22 sub-systems of which the Vehicle Location System is a key component. Any inadequate performance of this sub-system will seriously affect efficiency in resource deployment. The system therefore requires stringent tests regarding its capability and stability before it is commissioned, and these tests are time-consuming. According to the contract, the contractor is required to deliver the system by December 2003. However, the system handed over by the contractor did not measure up to the capability and operational

stability standards specified in the contract and failed the acceptance test, and the rolling out of the system would as a result need to be deferred. At present, the entire system is undergoing final integrated testing and tuning. The FSD is working closely with the contractor to carry out the tests and inspections so as to ensure that the system possesses the stability and performance standards specified in the contract. The FSD has also urged the contractor to expedite the system tuning and improve the testing efficiency by deploying more resources in the process, ensuring that the entire system would pass all the tests and be brought into operation as soon as possible.

As regards the CCIII of the Hong Kong Police Force, although Hong Kong's topography and high-rise buildings will have some effect on the application of the system, the Police Force have made use of supplementary positioning technologies such as map-matching to cover areas beyond the reach of the positioning system. The CCIII will be implemented in phases starting from later this year as scheduled.

- (c) The objective of the DTTN System is to provide a neutral and open electronic platform to facilitate the exchange of information and data amongst players in the supply chain. It will enhance the efficiency and reliability and reduce the cost of information flow, thereby enhancing Hong Kong's overall logistics competitiveness. As a neutral and common electronic infrastructure to promote logistics development, the DTTN System should not replace or compete with service providers in the private sector in the provision of value-added services (such as services with object tracking functions). However, in developing the DTTN System, the Government will ensure that it will provide the communication interface conducive for the growth of value-added services.
- (d) Active development of GPS technology began in the United States as early as in the 1980s. Initially, its use was focused on military purposes. In 1993, the United States Government started to introduce civilian applications of GPS technology and civilian systems began to develop. After a decade or so of development, the technology is rather mature. A wide variety of GPS products,

which are able to identify the location of objects with accuracy to the order of 5 m to 50 m, are available in the market.

In the urban areas of Hong Kong, tall buildings and sophisticated structures generate strong multi-path interference that greatly degrades the accuracy and performance of the GPS. To overcome this technical barrier, a number of supplementary positioning systems have been developed. The commonly used ones are:

- Dead reckoning: a technique that estimates location based on previous speed and direction recorded by sensors such as odometers.
- Map-matching: a technique that estimates the location of an object (for example, a vehicle) by using semantic map information such as elevation, transportation network configuration, and so on.
- Differential GPS: a technique that uses signals from Satellite Positioning Reference stations and an Active Control System to enhance the GPS accuracy. This is mainly used in surveying.

Drawing on overseas experience, various government departments and the private sector in Hong Kong have applied GPS technology in different areas and developed a wide range of new services and products. For example, government departments such as the Highways Department, the Transport Department and the disciplined services have made use of GPS technology and related products in the delivery of their services. As for the private sector, land surveyors, geographic information systems software companies and information services companies have also developed new products in surveying, information provision and fleet management with GPS technology. Despite its extensive application in a number of areas, any widespread use of the GPS in the business sector will depend mainly on commercial considerations such as cost and the nature of its application.

Development of the wireless location technology began at a relatively later time and manufacturers have only embarked on the research and development of the technology in recent years. The Government has provided support to research projects in this area through the Innovation and Technology Fund so as to promote further development of the technology.

- (e) The major franchised bus companies in Hong Kong have already commissioned different service companies to study and test the application of OPT in enhancing greater efficiency in fleet management and providing more information to passengers (for example, bus arrival time) with a view to improving service quality. Given the presence of tall buildings and the large number of vehicles in Hong Kong, the franchised bus companies are still testing the use of such technologies. The Transport Department will monitor their test results and keep in view of global development in this area. On the logistics front, logistics service providers can utilize OPT in providing value-added services, such as multi-modal integration solutions, distribution and transportation management, and inventory management, and so on.

OPT is used in the FSD to boost operation efficiency. If the real-time location of fire-fighting and ambulance resources available for deployment can be accurately identified, the best possible configuration of fire engines, ambulances and officers can be deployed to the scene. In this connection, the AVLS has to link up with the Geographic Information System (GIS) to achieve accuracy in resource deployment. The GIS not only provides and displays names of roads and buildings, but also information on traffic direction. The Mobilizing System is capable of working out the best possible option in resource deployment through an instant synthesis of the location where the accident happens, the whereabouts of fire-fighting resources and the related road network. The AVLS and the GIS enable officers in the Fire Service Communication Centre to monitor on screen the real-time movement of all fire engines and ambulances such that they could

come up with deployment decisions in a more effective and flexible manner.

Since 2002, the Government Flying Service has started to transmit the GPS data of its aeroplanes and helicopters to the Air Command and Control Centre at its Headquarters. With these data, the Department can indicate the altitude and location of the aircraft on the digital map display of the Centre for the purpose of aircraft deployment. In addition, the police applies OPT to enhance the efficiency of its command, control and deployment duties.

- (f) The Government has been watching closely the development of OPT. Through the Innovation and Technology Fund, it provides support for research institutions to conduct relevant research projects in order to assist in tackling difficulties in the application of the technology. The aim is to promote further development of OPT with a view to promoting its business applications. For example, the Government, through the aforesaid Fund, has provided funding to the Hong Kong Baptist University and the Hong Kong Institute of Vocational Education to develop a mobile phone-based Mobile Location Estimation System (MLES) as a complementary technology. The MLES makes use of signals transmitted from the base stations of various local network operators, coupled with the information of these base stations, to estimate the position of the mobile phones. The project has now been substantially completed. The Hong Kong Wireless Technology Industry Association is presently promoting the system to local network operators, with a view to having its application rolled out in the near future.

### **Commissioning of a Company to Conduct a Survey by Central Policy Unit**

18. **MS EMILY LAU:** *Madam President, the Central Policy Unit (CPU) commissioned the Mercado Solutions Associates Limited to conduct a survey on the number of persons who participated in the procession held on 11 April this year in protest against the decision of the Standing Committee of the National*



*People's Congress on the election of the Chief Executive and Members of the Legislative Council in 2007 and 2008 by universal suffrage. In this connection, will the executive authorities inform this Council:*

- (a) of the amount of money paid to the company for conducting the survey; and*
- (b) given that the company has been severely criticized by some members of the public as under-counting the number of participants in the said procession, of the reasons for the CPU's commissioning of the company last month to do a survey with a contract value of \$1 million?*

**CHIEF SECRETARY FOR ADMINISTRATION:** Madam President,

- (a) The Government paid \$35,000 to Mercado Solutions Associates Limited for the survey conducted in April 2004.
- (b) Mercado Solutions Associates Limited conducted the survey on the number of persons taking part in the public event on 11 April in a professional and credible manner, and in full accordance with the methodology specified in the contract with the CPU. We are satisfied with the work done and see no reason why it should not participate in the selection process for other government contracts of which it is qualified to undertake.

The Thematic Household Survey, to which the CPU contributed \$1 million, was initiated by the Census and Statistics Department and awarded to Mercado Solutions Associates Limited, following an open tender exercise.

### **Flats for Housing Senior Citizens**

19. **MR ABRAHAM SHEK** (in Chinese): *Madam President, it has been reported that the housing units in Tin Chak Estate and Fu Tai Estate built by the*

*Housing Department (HD) for use under the Housing for Senior Citizens Scheme (HSC) at the end of 2000 and the beginning of 2001 respectively have been left vacant for more than three years due to poor response. The estimated rental forgone amounted to about \$7 million. The HD has stated that the HSC units in Fu Tai Estate were leased out and converted into a home for the aged in April this year, while those in Tin Chak Estate, which have all along not been taken up, were reassigned as public rental housing in September this year for allocation to non-elderly applicants. In this connection, will the Government inform this Council:*

- (a) of the number of HSC units under the HD in each of the past five years, their vacancy rates and the names of estates where such units are located;*
- (b) whether it has reviewed the reasons for the high vacancy rate of HSC units; if so, of the review results; if not, the reasons for that; and*
- (c) given that the housing demand of the elderly will be increasingly pressing as the population ages, whether the authorities will consider constructing more HSC units, providing relevant additional ancillary facilities, relaxing the eligibility criteria for admission to such units, refurbishing such units regularly, and offering rent allowance to attract low-income senior citizens to apply for such units; if so, of the details; if not, the reasons for that?*

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

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

- (a) The names of public housing estates with HSC flats, and the number and vacancy rates of HSC flats in the past five years are set out at Annex A and Annex B respectively.
- (b) In 2000, the Housing Authority conducted a review on HSC. Whilst tenants were generally satisfied with the overall living environment and provision of warden service and emergency alarm

system, they found it rather inconvenient to share kitchens and bathrooms with other tenants. As many elders prefer self-contained flats, HSC flats, particularly those in relatively remote areas, are not their preferred choice. This has contributed to the slightly higher vacancy rates of HSC flats. Therefore, in 2000 the Housing Authority decided not to build HSC flats. Public housing blocks with self-contained small flats adopting "universal design" are built instead.

As for the completed HSC blocks in Tin Chak Estate and Fu Tai Estate, the Housing Authority has decided to lease them for welfare or elderly home use. Few operators have expressed interest until April 2004. The flats in Fu Tai Estate have now been leased to an organization for operating a care-and-attention home cum day-care centre for the elderly. Since September 2004, the HSC flats in Tin Chak Estate have been returned to the public rental housing stock for allocation to public housing applicants.

- (c) We regularly assess the demand of public housing applicants for various types of public rental flats so as to plan for the provision of sufficient self-contained small flats to meet forecast demand. In the next few years, some 11 000 such flats will be completed to meet the demand of the elderly for public rental housing. The average waiting time of elders for public rental housing has been reduced from three years in 2000 to less than a year at present.

To improve the letting situation of HSC flats, the Housing Authority has relaxed the age limit for allocation of these flats since November 2001 to reduce the vacancy rate. In addition, the HD has made more publicity efforts through various channels to give public housing applicants a better idea of the design and facilities of HSC to promote intake. In order to maintain a satisfactory living environment, the HD will refurbish vacated flats or provide cash allowance to new tenants for carrying out touch-up works on their own. The rents of HSC flats have taken into account their design and characteristics. Elderly tenants in financial hardship can also apply for a 50% rent reduction under the Rent Assistance Scheme.

Estates with HSC Flats  
(as at 31 October 2004)

<i>Name of Estates</i>	<i>No. of Flats</i>
Yiu Tung Estate	260
Hing Tung Estate	105
Hong Tung Estate	160
Tin Wan Estate	126
Wah Kwai Estate	127
Tsz Ching Estate	311
Fung Tak Estate	138
Tze Lok Estate	410
Sheung Lok Estate	136
Lower Wong Tai Sin (2) Estate	138
Choi Ha Estate	138
Sau Mau Ping (3) Estate	159
Wan Hon Estate	130
Tak Tin Estate	492
Tsui Ping (S) Estate	312
Tsui Ping (N) Estate	102
Ko Yee Estate	270
Kai Tin Estate	155
Ping Tin Estate	311
Hoi Fu Court	197
Pak Tin Estate	416
Un Chau Estate	394
Lai On Estate	155
King Lam Estate	138
Hau Tak Estate	155
Sheung Tak Estate	197
Ming Tak Estate	155
Cheung Fat Estate	141
Cheung Hang Estate	138
On Yam Estate	269
Kwai Fong Estate	266
Kwai Chung Estate	155

<i>Name of Estates</i>	<i>No. of Flats</i>
Kwai Shing East Estate	156
Lai Yiu Estate	141
Shek Lei (1) Estate	152
Shek Yam Estate	132
Shek Yam East Estate	155
Heng On Estate	138
Chung On Estate	156
Kwong Yuen Estate	135
Fu Heng Estate	140
Tai Wo Estate	138
Wan Tau Tong Estate	138
Wah Ming Estate	138
Yung Shing Court	135
Ka Fuk Estate	152
Tin King Estate	138
Tin Wah Estate	197
Tin Tsz Estate	152
Sau Mau Ping Estate	131
Tin Yuet Estate	197
Tin Chak Estate	197
Fu Cheong Estate	131
Wah Lai Estate	152
<b>Total:</b>	<b>10 057</b>

## Annex B

**Number and Vacancy Rates of HSC Flats  
in the past five years (2000 to 2004)**

<i>Year (on 31 December)</i>	<i>No. of Flats</i>	<i>Vacancy Rate</i>
2000	9 052	8.9%
2001	9 577	8.2%
2002	9 860	10.0%
2003	9 860	15.3%
2004 (on 31 October 2004)	10 057	12.4%

**In-service Recruitment Exercises Conducted by Government Departments**

20. **MS LI FUNG-YING** (in Chinese): *Madam President, regarding in-service recruitment exercises conducted by government departments, will the Government inform this Council:*

- (a) of the government departments which have conducted in-service recruitment exercises since 2000; the title of the posts, the number of vacancies and the terms of employment involved; and the government departments facing staff loss as a result of such recruitment exercises;*
- (b) of the government departments which have implemented and are planning to conduct in-service recruitment exercises between now and 31 March 2006; and the titles of the posts, the number of vacancies, the terms of employment and the recruitment dates involved;*
- (c) of the number of complaints received in relation to in-service recruitment exercise launched by government departments since 2000; the departments and posts involved, the reasons for and outcome of these complaints;*
- (d) of the reasons and criteria for conducting in-service recruitment exercises by government departments, the departments and posts for which such exercises may be conducted, and details of the relevant guidelines in this respect; and*
- (e) whether it has conducted a comprehensive review on matters such as the effectiveness, pros and cons and fairness of in-service recruitment arrangements made by government departments; if it has, of the results; if not, the reasons for that?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): *Madam President, our recruitment policy is to select the most suitable person to undertake the duties and responsibilities of a vacant civil service post. Recruitment may be conducted by open recruitment or in-service recruitment arrangements, but the same policy objective applies. In conducting in-service recruitment exercises,*

departments are required to follow the same principles, namely fairness and openness, and apply the same assessment standards that are relevant to open recruitment in the conduct of in-service recruitment exercise.

- (a) The government departments which have conducted in-service recruitment exercises since 2000, the ranks/posts involved, the number of officers appointed through in-service recruitment, and the former departments of the appointees are listed at Annex A. Their terms of appointment vary, depending on individual officers' original terms of appointment. Serving officers who are on pensionable terms of appointment, upon in-service transfer to another grade without a break in service, will normally continue to serve on pensionable terms of appointment. Officers who joined the service in or after June 2000 on new entry terms will normally continue to serve on new entry terms after the in-service transfer.
- (b) The government departments which are conducting or plan to conduct in-service recruitment exercises between now and 31 March 2006, the ranks/posts involved, the expected number of vacancies to be filled, and the timing of recruitment are listed at Annex B. As explained in (a), the appointment terms of successful candidates will normally depend on their original terms of appointment in the Civil Service.
- (c) Since 2000, a total of 12 complaints have been received in relation to in-service recruitment exercises. The departments and posts involved, the reasons for and outcome of these complaints are listed at Annex C.
- (d) Vacancies in basic ranks in the Civil Service are filled by recruitment while vacancies in higher ranks may be filled by promotion or recruitment. As set out in the preamble, recruitment may be conducted by open recruitment or in-service recruitment arrangements. Open recruitment is open to candidates both outside and within the Civil Service while in-service recruitment is open to all or selected groups of serving civil servants. Although open recruitment is normally launched as it will cast the widest possible net in the recruitment exercise, departments may also choose to conduct in-service recruitment exercise to fill a vacancy having

regard to their own circumstances and considerations. For example, individual departments may conduct in-service recruitment exercises restricted to certain grades within the department to facilitate staff redeployment to meet its changing operational needs or when the department considers it more appropriate for the vacancies to be filled by serving officers in other grades in the department who are familiar with the functions and operations of the department.

With the imposition of a general civil service recruitment freeze since 1 April 2003 as a means to help contain the size of the civil service establishment, open recruitment cannot be conducted unless exemption is granted under very exceptional circumstances. Departments with vacancies where the skills, experience and expertise required can be met by serving officers in other civil service grades, may conduct in-service recruitment for the benefit of the overall manpower planning of the Civil Service.

An in-service recruitment exercise involves the issue of a vacancy circular to invite applications from serving civil servants, setting out the basic entry requirements followed by a competitive selection process which may feature written examinations or trade tests to certify candidates' competencies before candidates are invited for interviews. The recruitment board then selects candidates on the basis of their merits and performance in examinations and interviews. For posts which fall under the purview of the Public Service Commission, the advice of the Commission will be sought before offering appointment to selected candidates to ensure the impartiality and integrity of the recommendation for appointment.

- (e) In line with our established policy to keep the civil service management system under review, we conduct reviews on recruitment procedures, for both open and in-service recruitment, and related arrangements from time to time to ensure that the recruitment arrangements continue to meet the objective of selecting the most suitable person to fill a civil service post and the operational needs of recruiting departments. Arising from the outcome of past reviews, a number of changes have been made to streamline and expedite the recruitment process including



encouraging departments to conduct interviews in parallel with qualification assessments of non-local qualifications of candidates and to allow candidates to provide supporting documents or information at the time of examination or interview.

Overall, the existing in-service recruitment arrangement is able to meet its objective, that is, to select the most suitable person to fill a vacant civil service post. From management's perspective, the in-service recruitment arrangement provides an alternative means for filling civil service vacancies which on some occasions can facilitate redeployment of surplus staff to other positions or redeployment of staff within a department to meet its changing operational needs. From staff's perspective, the arrangement provides an advancement avenue for serving civil servants who have acquired the requisite qualifications and/or experience required of the posts with better career prospect.

Annex A

**In-service Recruitment Exercise in the Civil Service  
(from 1 January 2000 to 10 November 2004)<sup>Note 1</sup>**

**Vacancies Advertised in 2000**

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Agriculture, Fisheries and Conservation Department	Agricultural Officer	1	Agriculture, Fisheries and Conservation Department
	Artisan	35	Agriculture, Fisheries and Conservation Department

Note 1 A general recruitment freeze to the Civil Service was imposed from 1 April 1999 to 31 March 2001, and since 1 April 2003.

Note 2 For Voluntary Retirement (VR) grades, after the VR takers had left the service, the same number of posts have to be deleted. These grades will be subject to a five-year civil service recruitment freeze and cannot conduct open recruitment. However, they may conduct in-service recruitment exercise to fill new vacancies arising from natural wastage net of VR deletions if needed.

Note 3 The former Head of Grade of the appointee will be indicated (and marked with "\*") instead of the former department of the appointee if the appointee served in a general grade prior to the in-service appointment. This is because officers in general grades are subject to posting to various departments and hence it is not meaningful to indicate such officers' former department.

Note 4 Figures in brackets represent the number of officers that left the department concerned.

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Auxiliary Medical Service	Hospital Foreman	2	Leisure and Cultural Services Department (1) Marine Department (1)
Civil Service Bureau (Civil Service Training and Development Institute)	Senior Training Officer (General Training)	1	Director of General Grades*
Civil Service Bureau (General Grades Office)	Assistant Clerical Officer	266	Director of General Grades*
	Clerical Assistant	233	Director of General Grades*
	Confidential Assistant	76	Director of General Grades*
Correctional Services Department	Assistant Lecturer (Plumbing)	1	Housing Department
	Master/Mistress (Correctional Services)	1	Education and Manpower Bureau
	Officer	15	Correctional Services Department
	Technical Instructor (Electrical Fitter)	1	Correctional Services Department
	Technical Instructor (Metal Work)	1	Correctional Services Department
Customs and Excise Department	Inspector	4	Customs and Excise Department
	Senior Launch Master	2	Marine Department
Drainage Services Department	Workman I	3	Drainage Services Department
Education and Manpower Bureau	Assistant Primary School Master/Mistress <small>Note 5</small>	114	Education and Manpower Bureau
	Primary School Master/Mistress <small>Note 5</small>	10	Education and Manpower Bureau

Note 5 In line with the Government's policy that 35% of our primary teacher posts should be provided at graduate level, in-service recruitment exercises for graduate teacher posts which were restricted to serving non-graduate teachers with the requisite qualifications were conducted.

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Electrical and Mechanical Services Department	Technical Officer (Electrical and Mechanical)	4	Housing Department
	Works Supervisor II (Electrical)	23	Electrical and Mechanical Services Department
Fire Services Department	Assistant Divisional Officer (Physical Education)	1	Fire Services Department
	Fireman (Workshop-Fitter)	2	Electrical and Mechanical Services Department
	Senior Fireman/Firewoman (Control)	22	Civil Aviation Department (2) Customs and Excise Department (3) Director of General Grades* (1) Fire Services Department (9) Hong Kong Police Force (2) Inland Revenue Department (1) Leisure and Cultural Services Department (1) Post Office (2) Rating and Valuation Department (1)
Health, Department of	Mortuary Officer	1	Hong Kong Police Force
Highways Department	Assistant Inspector of Works	18	Civil Engineering and Development Department (4) Drainage Services Department (5) Highways Department (9)
Home Affairs Department	Assistant Inspector of Works	1	Home Affairs Department
Hong Kong Observatory	Scientific Officer	2	Director of General Grades*
	Student Scientific Assistant	2	Civil Engineering and Development Department (1) Inland Revenue Department (1)
Immigration Department	Immigration Officer	10	Immigration Department

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Innovation and Technology Commission	Electrical and Mechanical Engineer	1	Housing Department
	Scientific Officer (Accreditation)	1	Labour Department
Marine Department	Assistant Superintendent of Aids to Navigation	1	Marine Department
	Marine Inspector II	17	Agriculture, Fisheries and Conservation Department (2) Census and Statistics Department (2) Director of General Grades* (2) Highways Department (1) Immigration Department (3) Judiciary (2) Lands Department (1) Leisure and Cultural Services Department (3) Social Welfare Department (1)
	Marine Officer	1	Marine Department
	Senior Assistant Shipping Master (Marine Management)	3	Marine Department
	Works Supervisor II	1	Marine Department
	Works Supervisor II (Aids to Navigation)	2	Drainage Services Department (1) Marine Department (1)
	Assistant Controller of Posts II	1	Post Office
Post Office	Postal Officer	10	Post Office
	Assistant Valuation Surveyor	1	Rating and Valuation Department
Social Welfare Department	Assistant Social Work Officer	41	Social Welfare Department
	Social Work Assistant	41	Social Welfare Department

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Treasury	Treasury Accountant	15	Director of Accounting Services*
Water Supplies Department	Artisan (Consumer Services)	17	Water Supplies Department
	Artisan (Distribution)	4	Water Supplies Department
	Assistant Waterworks Inspector (Mechanical)	1	Water Supplies Department
	Chainman	8	Water Supplies Department
	Works Supervisor II (Civil)	19	Water Supplies Department (16) Director of General Grades* (3)
	Works Supervisor II (Instrumentation)	4	Water Supplies Department
	Works Supervisor II (Treatment Works)	1	Water Supplies Department

### Vacancies Advertised in 2001

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Agriculture, Fisheries and Conservation Department	Artisan	3	Agriculture, Fisheries and Conservation Department
	Chainman	1	Agriculture, Fisheries and Conservation Department
	Laboratory Attendant	1	Agriculture, Fisheries and Conservation Department
	Senior Artisan	1	Agriculture, Fisheries and Conservation Department
	Workman I	81	Agriculture, Fisheries and Conservation Department (80) Food and Environmental Hygiene Department (1)
	Works Supervisor II	4	Agriculture, Fisheries and Conservation Department (3) Housing Department (1)
Architectural Services Department	Assistant Clerk of Works	7	Architectural Services Department

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Civil Aid Service	Operations and Training Assistant	1	Leisure and Cultural Services Department
	Operations and Training Officer	4	Director of General Grades* (1) Fire Services Department (1) Immigration Department (1) Leisure and Cultural Services Department (1)
Civil Aviation Department	Assistant Operations Officer	2	Civil Aviation Department
Civil Engineering and Development Department	Explosive Officer II	3	Civil Engineering and Development Department (2) Housing Department (1)
Commerce, Industry and Technology Bureau (Office of the Government Chief Information Officer)	Analyst/Programmer	10	Agriculture, Fisheries and Conservation Department (1) Census and Statistics Department (5) Environmental Protection Department (1) Housing Department (1) Government Chief Information Officer (2)
Correctional Services Department	Officer	8	Correctional Services Department
	Technical Instructor (Food and Beverage Services)	1	Correctional Services Department
	Technical Instructor (Garment)	3	Correctional Services Department
	Technical Instructor (Laundry)	3	Correctional Services Department
Customs and Excise Department	Launch Assistant	7	Immigration Department (1) Marine Department (6)
Drainage Services Department	Chainman	4	Drainage Services Department
Education and Manpower Bureau	Assistant Primary School Master/Mistress <small>Note 5</small>	152	Education and Manpower Bureau
	Inspector (Graduate)	3	Education and Manpower Bureau

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Electrical and Mechanical Services Department	Artisan (Electrical/Mechanical/Air-conditioning)	2	Electrical and Mechanical Services Department
	Artisan (Electrical/Mechanical/Air-conditioning/Vehicle)	17	Electrical and Mechanical Services Department
	Assistant Electrical Inspector	11	Electrical and Mechanical Services Department (6) Housing Department (5)
	Assistant Mechanical Inspector	15	Electrical and Mechanical Services Department (9) Housing Department (6)
	Senior Artisan (Air-conditioning)	9	Electrical and Mechanical Services Department
	Senior Artisan (Electrical)	42	Electrical and Mechanical Services Department
	Senior Artisan (Electrical/Mechanical/Air-conditioning)	47	Electrical and Mechanical Services Department
	Senior Artisan (Mechanical)	34	Electrical and Mechanical Services Department
	Senior Artisan (Vehicle)	16	Electrical and Mechanical Services Department
	Shift Charge Engineer	2	Electrical and Mechanical Services Department
	Workman I (Electrical/Mechanical/Air-conditioning/Vehicle)	7	Electrical and Mechanical Services Department
	Works Supervisor II (Electrical)	58	Electrical and Mechanical Services Department
	Works Supervisor II (Mechanical)	40	Electrical and Mechanical Services Department
Works Supervisor II (Vehicle)	12	Electrical and Mechanical Services Department	

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Food and Environmental Hygiene Department	Artisan (Coffin, Burial and Exhumation)	2	Food and Environmental Hygiene Department
	Artisan (Crematoria)	11	Food and Environmental Hygiene Department
	Artisan (Motor-Assisted Refuse Carrier Driver)	1	Food and Environmental Hygiene Department
Government Laboratory	Laboratory Specialist Services Officer (Scientific Evidence)	1	Government Laboratory
	Laboratory Specialist Services Officer (Scientific Safety)	1	Government Laboratory
Government Logistics Department	Supplies Assistant	23	Director of General Grades* (15) Director of Government Logistics* (5) Hong Kong Police Force (1) Government Chief Information Officer (2)
	Supplies Supervisor II	48	Director of General Grades* (11) Director of Government Logistics* (37)
Health, Department of	Laboratory Attendant	4	Department of Health
	Mortuary Attendant	2	Department of Health
	Workman I	1	Department of Health
Highways Department	Chainman	17	Highways Department
	Works Supervisor II	9	Director of General Grades* (4) Housing Department (5)
Hong Kong Observatory	Experimental Officer	2	Hong Kong Observatory
Hong Kong Police Force	Traffic Warden	9	Director of General Grades* (2) Food and Environmental Hygiene Department (2) Hong Kong Police Force (4) Leisure and Cultural Services Department (1)



<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Leisure and Cultural Services Department	Artisan (Filtration Plant)	12	Leisure and Cultural Services Department
	Artisan (General Duties)	73	Leisure and Cultural Services Department
	Workman I (Recreation and Amenities)	97	Leisure and Cultural Services Department
Marine Department	Assistant Ship Inspector	2	Housing Department
	Marine Inspector II	5	Director of General Grades* (1) Judiciary (1) Lands Department (2) Leisure and Cultural Services Department (1)
	Senior Assistant Shipping Master (Marine Management)	1	Marine Department
Radio Television Hong Kong	Works Supervisor II	2	Radio Television Hong Kong
Social Welfare Department	Assistant Education Officer	5	Social Welfare Department
	Nursing Officer	4	Department of Health
	Social Security Officer II	19	Social Welfare Department
Telecommunications Authority, Office of the	Assistant Telecommunications Engineer	1	Office of the Telecommunications Authority
Transport Department	Transport Inspector	1	Marine Department
Treasury	Treasury Accountant	14	Director of Accounting Services* (13) Census and Statistics Department (1)
Water Supplies Department	Assistant Waterworks Inspector (Electrical)	1	Water Supplies Department
	Works Supervisor II (Electrical)	3	Water Supplies Department
	Works Supervisor II (Mechanical)	5	Water Supplies Department

## Vacancies Advertised in 2002

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Agriculture, Fisheries and Conservation Department	Artisan	9	Agriculture, Fisheries and Conservation Department
	Assistant Clerk of Works	1	Architectural Services Department
Correctional Services Department	Technical Instructor (Printing)	1	Correctional Services Department
Customs and Excise Department	Launch Master	8	Marine Department
	Senior Launch Master	6	Marine Department
Drainage Services Department	Drain Chergeman	3	Drainage Services Department
	Leading Sewerman	6	Drainage Services Department
Education and Manpower Bureau	Assistant Primary School Master/ Mistress <small>Note 5</small>	13	Education and Manpower Bureau
	Primary School Master/ Mistress <small>Note 5</small>	5	Education and Manpower Bureau
Electrical and Mechanical Services Department	Shift Charge Engineer	2	Electrical and Mechanical Services Department
	Works Supervisor II (Air-conditioning)	27	Electrical and Mechanical Services Department
Fire Services Department	Station Officer (Control)	7	Fire Services Department
Government Flying Service	Aircraft Engineer	1	Government Flying Service
Government Logistics Department	Supplies Assistant	13	Companies Registry (1) Director of Government Logistics* (2) Chief Secretary's Office (1) Hong Kong Police Force (3) Government Chief Information Officer (5) Labour Department (1)
Highways Department	Assistant Inspector of Works	4	Civil Engineering and Development Department (1) Drainage Services Department (1) Highways Department (2)
	Chainman	2	Highways Department

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Home Affairs Department	Assistant Inspector of Works	1	Home Affairs Department
Hong Kong Police Force	Artisan (Sign Writing)	1	Hong Kong Police Force
	Artisan (Tactical Training and Range Works)	1	Food and Environmental Hygiene Department
Immigration Department	Immigration Officer	12	Immigration Department
Innovation and Technology Commission	Senior Scientific Officer (Accreditation)	1	Environmental Protection Department
Judiciary	Head Property Attendant	2	Judiciary
Leisure and Cultural Services Department	Senior Artisan (Beach/ Swimming Pool)	32	Leisure and Cultural Services Department
	Senior Artisan (General Duties)	3	Leisure and Cultural Services Department
	Senior Artisan (Filtration Plant)	8	Leisure and Cultural Services Department
Marine Department	Senior Artisan (Aids to Navigation)	3	Marine Department
	Senior Artisan (Fitter)	1	Marine Department
	Senior Artisan (Carpenter)	2	Marine Department
	Senior Artisan (Electrician)	2	Marine Department
	Senior Artisan (Heavy Crane Driver)	1	Marine Department
	Works Supervisor II (Electrical)	1	Marine Department
	Works Supervisor II (Mechanical)	1	Marine Department
	Works Supervisor II (Carpentry)	1	Marine Department

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Social Welfare Department	Social Security Officer II	14	Social Welfare Department
Water Supplies Department	Senior Artisan (Multi-discipline)	2	Water Supplies Department
	Water Sampler	2	Water Supplies Department

### Vacancies Advertised in 2003

<i>Department</i>	<i>Rank/Post</i> <small>Note 2</small>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <small>Note 3 and 4</small>
Civil Aviation Department	Student Air Traffic Control Officer	11	Civil Aviation Department (9) Director of General Grades* (1) Hong Kong Observatory (1)
Fire Services Department	Ambulanceman/ Ambulancewoman	10	Director of General Grades* (2) Correctional Services Department (2) Education and Manpower Bureau (1) Electrical and Mechanical Services Department (1) Highways Department (2) Post Office (1) Water Supplies Department (1)
Hong Kong Observatory	Radar Specialist Mechanic	1	Hong Kong Observatory
Hong Kong Police Force	Artisan (Tactical Training and Range Works)	1	Hong Kong Police Force
	Artisan (Mechanical)	1	Hong Kong Police Force
Immigration Department	Immigration Officer	14	Immigration Department
Marine Department	Surveyor of Ships (Nautical)	1	Marine Department
Social Welfare Department	Social Security Officer II	11	Social Welfare Department

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Transport Department	Transport Officer II	7	Director of General Grades* (1) Environmental Protection Department (4) Home Affairs Department (1) Social Welfare Department (1)
	Senior Transport Officer (Motor Vehicle Examination)	1	Transport Department

### Vacancies Advertised in 2004

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Number of officers appointed</i>	<i>Former department of appointee</i> <sup>Note 3 and 4</sup>
Electrical and Mechanical Services Department	Assistant Building Services Inspector	7	Electrical and Mechanical Services Department
	Assistant Electrical Inspector	3	Electrical and Mechanical Services Department
	Assistant Mechanical Inspector	3	Electrical and Mechanical Services Department (2) Water Supplies Department (1)
	Shift Charge Engineer	1	Electrical and Mechanical Services Department
Fire Services Department	Senior Fireman/Firewoman (Control)	14	Customs and Excise Department (3) Director of General Grades* (1) Education and Manpower Bureau (1) Fire Services Department (3) Immigration Department (2) Home Affairs Department (1) Labour Department (1) Social Welfare Department (2)
	Station Officer (Control)	11	Fire Services Department
Innovation and Technology Commission	Executive Administrator (Accreditation)	1	Innovation and Technology Commission
Treasury	Treasury Accountant	5	Director of Accounting Services (4) Audit Commission (1)

**In-service Recruitment Exercise in the Civil Service  
Being Conducted/Planned to be Conducted  
from 10 November 2004 to 31 March 2006<sup>Note 1</sup>**

<i>Department</i>	<i>Rank/Post<sup>Note 2</sup></i>	<i>Expected number of vacancies to be filled</i>	<i>Actual/Expected commencement date of recruitment</i>
Leisure and Cultural Services Department	Artisan (Filtration Plant)	15	February 2004
Correctional Services Department	Technical Instructor (Carpentry)	1	April 2004
Electrical and Mechanical Services Department	Assistant Electronics Inspector	3	June 2004
Immigration Department	Immigration Officer	30	July 2004
Department of Health	Mortuary Technician	1	July 2004
Department of Health	Mortuary Attendant	1-2	August 2004
Hong Kong Police Force	Artisan (Tactical Training and Range Works)	2	August 2004
Hong Kong Police Force	Artisan (Mechanical)	1	September 2004
Civil Service Bureau (General Grades Office)	Executive Officer II	50	September 2004
Education and Manpower Bureau	Specialist (Education Services) I	3	October 2004
Electrical and Mechanical Services Department	Works Supervisor II (Electrical)	15	November 2004
Electrical and Mechanical Services Department	Works Supervisor II (Mechanical)	24	November 2004
Home Affairs Department	Assistant Inspector of Works	3	November 2004
Social Welfare Department	Social Security Officer II	22	November 2004
Post Office	Postal Officer	To be confirmed	December 2004
Electrical and Mechanical Services Department	Senior Artisan (Electrical)	31	December 2004
Electrical and Mechanical Services Department	Senior Artisan (Mechanical)	4	December 2004
Agriculture, Fisheries and Conservation Department	Senior Artisan	1	December 2004

<i>Department</i>	<i>Rank/Post</i> <sup>Note 2</sup>	<i>Expected number of vacancies to be filled</i>	<i>Actual/Expected commencement date of recruitment</i>
Hong Kong Observatory	Experimental Officer	2	January 2005
Hong Kong Observatory	Student Scientific Assistant	4	January 2005
Social Welfare Department	Nursing Officer	1	January 2005
Electrical and Mechanical Services Department	Senior Artisan (Air-conditioning)	8	February 2005
Lands Department	Survey Officer (Photogrammetry)	1	February 2005
Lands Department	Chainman	1	February 2005
Lands Department	Assistant Cartographer	1	March 2005
Lands Department	Land Executive	8	April 2005
Architectural Services Department	Assistant Clerk of Works	2	July 2005
Treasury	Treasury Accountant	6	December 2005
Correctional Services Department	Master/Mistress (Correctional Services)	1	2005
Correctional Services Department	Technical Instructor (various streams)	17	2005

Note 1 A general recruitment freeze to the Civil Service was imposed since 1 April 2003 and open recruitment cannot be conducted unless exemption has been granted under very exceptional circumstances.

Note 2 For Voluntary Retirement (VR) grades, after the VR takers had left the service, the same number of posts have to be deleted. These grades will be subject to a five-year recruitment freeze and cannot conduct open recruitment. However, they may conduct in-service recruitment exercise to fill new vacancies arising from natural wastage net of VR deletions if needed.

## Annex C

### Complaints Received by Government Departments Relating to In-service Recruitment Exercise (from 1 January 2000 to 10 November 2004)

<i>Department</i>	<i>Post/Rank Involved</i>	<i>Brief description of complaint</i>	<i>Result of investigation</i>
Food and Environmental Hygiene Department	Artisan (Coffin, Burial and Exhumation)	Favouritism in the in-service recruitment exercise.	The department looked into the case and found the complaint unsubstantiated.

<i>Department</i>	<i>Post/Rank Involved</i>	<i>Brief description of complaint</i>	<i>Result of investigation</i>
Immigration Department	Immigration Officer	Unfair selection in the in-service recruitment exercise.	The department looked into the case and found the complaint unsubstantiated.
Leisure and Cultural Services Department	Artisan (General Duties)	The complainant complained that he was not selected for appointment.	The department looked into the case and found the complaint unsubstantiated.
Leisure and Cultural Services Department	Senior Artisan (Beach/ Swimming Pool)	The complainant complained that she was required to attend the Chinese proficiency test despite possessing the requisite qualification.	The department looked into the case and found the complaint unsubstantiated. The complainant finally attended the test.
Leisure and Cultural Services Department	Senior Artisan (Beach/ Swimming Pool)	Suspension of the in-service recruitment exercise.	The recruitment process resumed in late 2003 after finalization of manpower plan.
Leisure and Cultural Services Department	Workman I (Recreation and Amenities)	The complainants complained that they were not selected for interview despite possessing the requisite working experience.	The department reviewed the application forms concerned and found that the information on working experience was missing in the forms. Nonetheless, those candidates who were verified to have met the working experience requirement were finally invited for interview.
Leisure and Cultural Services Department	Workman I (Recreation and Amenities)	The complainant complained that she was not selected for interview.	The department looked into case and found the complaint unsubstantiated as the complainant did not meet the working experience requirement.



<i>Department</i>	<i>Post/Rank Involved</i>	<i>Brief description of complaint</i>	<i>Result of investigation</i>
Leisure and Cultural Services Department	Workman I (Recreation and Amenities)	The complainant complained that he was not selected for appointment.	The department looked into the case and found the complaint unsubstantiated.
Marine Department	Marine Inspector II	The complainants complained that they were misled by the department's incorrect information on salary on transfer.	The Civil Service Bureau looked into the case and found the complaint unsubstantiated. It subsequently reviewed the specimen offer letters to make sure that the arrangement for salary on transfer was clearly communicated to the appointees.
Marine Department	Marine Inspector II	The complainant complained that there was differential treatment in pay on in-service transfer.	Investigation being conducted by the department.
Marine Department	Senior Assistant Shipping Master	Unfair selection in the in-service recruitment exercise.	The department examined the case and was satisfied that the recruitment exercise had been fairly conducted.
Social Welfare Department	Social Security Officer II	Unfair selection in the recruitment exercise.	The department looked into the case and found the complaint unsubstantiated.

## MEMBERS' MOTIONS

**PRESIDENT** (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: the movers of the motions will each have up to 15 minutes for their

speeches including their replies, and another five minutes to speak on the amendments; the movers of amendments will each have up to 10 minutes to speak; other Members will each have up to seven minutes for their speeches. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

Members who wish to speak in a debate on a motion will please indicate their wish by pressing the "Request-to-speak" button.

First motion: Expectations for policy address.

### **EXPECTATIONS FOR POLICY ADDRESS**

**DR YEUNG SUM** (in Cantonese): Madam President, I propose the motion on behalf of the Democratic Party today in the hope that a platform can be provided for Members from various political parties and factions to present their expectations for the policy address to be delivered by the Chief Executive. Madam President, before I present our views on the Chief Executive's policy address for 2004-05, I wish to make a review of the year 2003-04, then I will talk about the expectations of the Democratic Party for the year 2004-05.

From the Legislative Council Election which has just been held, it can be seen that the Democratic Party is the primary target of suppression by the Central Authorities. The mud-slinging campaign and suppression against the Democratic Party came battering and pounding, in both amazing atrocity and stunning diversity. A veteran journalist told me that the full Central Authorities machinery except the armed forces had been turned on. Up to 1 000 people were assigned tasks. Such deployment was really impressive. It also made people realize that once the Central Authorities want to delve a hand into Hong Kong politics, this can be done in great tact and finesse, overpowering everyone into subjugation. Madam President, in the face of this onslaught from the Central Authorities, the Democratic Party remained united. Come winds and rains, we stood tall and held onto our convictions. The nine Members of this Council from the Democratic Party stayed one and indivisible. They continued with their policy researches, buttressed by strong support on a local level and an undaunted will to fight. I have total confidence in this team. As the Central Authorities tighten the screw on the Hong Kong Special Administrative Region (SAR), issuing threats and offering baits in an attempt to divide and rule, our

colleagues from the Democratic Party will stand firm in our positions. In the murky and dead waters of Hong Kong, we will strive to remain a clear running stream. We will go forward in our defence of "one country, two systems" and "a high degree of autonomy" in the SAR as we play our part as an opposition party with a positive outlook.

Madam President, with respect to economic and livelihood issues, for the past year the Democratic Party has been opposing tax hikes. We demanded that the Government should defer its deadline to eliminate its fiscal deficit in order to avoid causing a negative impact on the economy and people's livelihood. Then the Financial Secretary agreed to extend his deadline for deficit elimination slightly. The Democratic Party also opposed the slashing of Comprehensive Social Security Assistance (CSSA) payments to the elderly and people with disabilities. We objected to further cuts on university funding. Subsequently, the Government announced that the CSSA payments for the elderly and people with disabilities would be reduced in two phases. A plan of "zero-zero-X" on university funding was proposed in response to our demands. With respect to boosting employment, the Government laid emphasis on the contribution of tourism and individual visits to spur economic growth and enhance employment. But it has been most disappointing to note the Government has not heeded our proposals of setting up a border industrial zone and financing the waste recycling and recovery industries. We should bear in mind that even though there may be growth in the economy and the Gross Domestic Product (GDP), it will still be hard for those jobless people in their forties and who have completed only primary school education to find a job. The Government is obliged to do something to increase the job opportunities for these people.

Madam President, after reviewing the year past, let me talk about our expectations for the Chief Executive's policy address with a forward-looking frame of mind. As an opposition party with a positive outlook, the Democratic Party vows to promote democracy, monitor the Government and express our concern for the underprivileged. These three points form our party line and positioning. With these in mind, we will present the alternative policy address by the Democratic Party.

**MR MARTIN LEE** (in Cantonese): Madam President, it appears to me that a quorum is lacking now.

**PRESIDENT** (in Cantonese): Will the Clerk please count the number of Members present.

(The Clerk counted the number of Members present)

**PRESIDENT** (in Cantonese): As there are only 19 Members in the Chamber now, a quorum is not present. Will the Clerk please ring the bell to summon Members to attend the meeting.

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

**PRESIDENT** (in Cantonese): Now a quorum is present. Dr YEUNG Sum, please continue.

**DR YEUNG SUM** (in Cantonese): Madam President, after making a review, let me talk about our expectations for the Chief Executive's policy address from a forward-looking perspective. As an opposition party in Hong Kong with a positive outlook, our line and positioning consists of three major objects: to promote democracy, monitor the Government and show our concern for the underprivileged. Based on these, we will deliver the alternative policy address compiled by the Democratic Party. This report has been submitted to the Chief Executive. It is entitled "Implement Universal Suffrage/ Eradicate Poverty". The spokesmen for various policy areas from the Democratic Party will speak on their respective policy areas later.

With respect to the promotion of democracy, the Democratic Party insists that there be universal suffrage for the dual elections in 2007 and 2008. Universal suffrage for the dual elections in 2007 and 2008 is the key of our response to calls for improving governance from WEN Jiabao and HU Jintao. I have explained many times why this is the key, so I do not wish to go over that again. There is a view that it is impractical of the Democratic Party and the pan-democratic camp to insist that universal suffrage be held for the dual elections in 2007 and 2008. This, I cannot agree at all. For who can guarantee that if the Democratic Party and the pan-democratic camp refrain from insisting on universal suffrage for the dual elections in 2007 and 2008, there will

be universal suffrage for the dual elections in 2012? Apart from making an interpretation of the Basic Law which is wrong, the Central Authorities also owe Hong Kong people an explanation as to when a timetable for universal suffrage will be released. Things like these are most unacceptable, and they are a cause of great regret.

With respect to monitoring the Government, I would just want to mention a few key areas of concern. The details will be explained by our spokesmen for their respective policy areas. First of all, Madam President, I would like to mention in particular the planning for the cultural project in West Kowloon. The Democratic Party wants to make a strong protest against the lack of transparency and a serious favouring of the interests of developers in the planning process demonstrated by the Government in general, and Chief Secretary for Administration Donald TSANG in particular. Putting up the excuse of not using public money, the Government classifies the 40-hectare plot for development under "other purposes". This gives developers a great free hand in developing cultural and property projects, and also deprives the Town Planning Board (TPB) of its functions in monitoring and achieving checks and balances. Likewise, the Legislative Council is prevented from playing its monitoring role and achieving checks and balances in the project. The project in question involves more than a hundred billion dollars, but the extent of monitoring by the public, the Legislative Council and the TPB is far less than the airport development project. This is totally unreasonable. The project has escaped public scrutiny and the Government is suspected of selling land at dirt-cheap prices. The winning bidder will be able to launch a grand property development project. How much does this piece of land worth? Madam President, from the sale of a lot in Ho Man Tin recently, we can see that the winning bid was more than \$9 billion, far higher than the upset price of some \$5 billion. This has brought immense revenue to the Government. So if the Government does not adopt the single tender method but auction this lot of more than 40 hectares, I am convinced it will bring in staggering revenue to government coffers. With that money, things like small class teaching, increasing CSSA payments for the elderly and the disabled, and so on, will become non-questions at once. But the Chief Secretary simply ignores the views presented by the Democratic Party and many professionals. He is bent on having his way to let a single contractor operate the project for as long as some 30 years. This kind of planning is an excellent illustration of how hegemonist the Government is and how the Legislative Council and the TPB are effectively bypassed, with the result of land being sold dirt cheap, a most

precious asset of Hong Kong being dumped into the sea and public coffers being dented most seriously. The principle of financial prudence is left in tethers. Members of the public, including those from the cultural, architecture and engineering sectors, plus members of the District Councils and the Legislative Council, are all denied involvement.

Madam President, the Democratic Party has decided to form a group of advisers to follow up this case closely. We will put up our strongest opposition. First, the Democratic Party will make a fresh application to the TPB to rezone the lot in West Kowloon scheduled for cultural developments, from "other purposes" to "comprehensive development purposes". This will enable the TPB to monitor the project effectively as approval of the TPB is required for each and every modification. It is because "comprehensive development purposes" are different from "other purposes". In the latter case, approval is given once and for all and no approval will be required after that. Failing this, the Democratic Party will apply for a judicial review to scrutinize the decision made by the Government. On top of these, the Democratic Party will contact members of the public such as those from the cultural sector and other professionals to exert joint efforts to monitor the project.

Madam President, the Democratic Party will do our best to follow this matter up and give full play to our role and our power as a watchdog on government actions. With respect to the Central Police Station Compound and the Hunghom Peninsular, the Democratic Party will join hands with the public and engage in social actions to protect the Central Police Station Compound so that this ensemble of monuments can truly belong to the people and that conservation education and efforts can be enhanced. As regards the Hunghom Peninsular, the Democratic Party will lodge strong protests from the perspective of environmental protection to the developers against their plans to demolish these Home Ownership Scheme blocks. We will contact the developers, including Sun Hung Kai and New World Developments and explain our stand in opposing the demolition of the buildings. Madam President, I wish to make a clarification here, and that is, the Democratic Party will not blindly put up any opposition to development. We are only demanding urban planning with public participation and one which is reasonable, for this will protect precious assets in our society which are so scarce.

After talking about promoting democracy and monitoring government actions, I wish to talk about the third key issue in our party line, and that is, on

concern for the underprivileged. The Democratic Party urges the Government to set up an inter-departmental committee on aiding the poor and to establish a poverty line. We also demand that the Government should address the very acute problem of poverty in Hong Kong and formulate suitable and effective measures to eradicate poverty. In addition, the Democratic Party urges that CSSA payments be restored to their former levels before 1 June 2003. A special child development allowance should be given to children from poor families to encourage and enable these children to take part in extra-curricular activities so that they can avail themselves to opportunities of normal development.

Madam President, according to a survey done by the Hong Kong Council of Social Service, as many as 1.12 million people in Hong Kong and one out of four children in Hong Kong are living in poverty. The gap between the rich the poor in Hong Kong is the fifth worst place in the world, and we are just a bit better than Chile, Honduras, Mexico and Uruguay. The acuteness of the problem is such that the public cannot afford to ignore. Similarly, cross-generation poverty in Hong Kong is also unacceptable. The Democratic Party will keep a close watch on this significant social problem.

Madam President, the Democratic Party is keenly concerned about the more than 200 000 unemployed workers in Hong Kong, especially when many of them are people in their forties and having attained only a primary school education. Chronic unemployment has dealt a great blow to these people and their families. The Democratic Party demands that the Government should subsidize the waste recycling and recovery industries and set up a border industrial zone so that these unemployed people can find a job as soon as possible.

Madam President, there are many people who bow in the face of the rich and powerful and sail only in the direction of the prevailing wind. They are like grass that bends with a gust of strong wind. But there are also some who will stand tall and refuse to yield. With our alternative policy address, the Democratic Party is telling the people of Hong Kong that we will strive unreservedly for the implementation of universal suffrage, the eradication of poverty and social justice. Our bottomline is democracy, human rights, freedom, the rule of law and concern for the underprivileged. These are also the goals for which we will strive and never give up.

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

**Dr YEUNG Sum moved the following motion: (Translation)**

"That this Council urges the Government to prudently consider the expectations of the Members of this Council for the 2005 Policy Address.

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

**MS EMILY LAU** (in Cantonese): Madam President, I speak in support of the motion moved by Dr YEUNG Sum. Though I am saying that I support the motion, I am different from the Democratic Party in that I do not hold any expectations for TUNG Chee-hwa. But as they like to talk about this every year, so I may as well join them and talk about it. In fact, we have had this TUNG Chee-hwa for so many years and people would think that we are weird if we still hold any expectations for him.

Originally, Mr TUNG made an appointment with us to see him on Monday, but as we had to discuss matters about the proposed referendum, Mr Albert CHENG, I myself and some other small potatoes had to take part and so we could not go to meet Mr TUNG. Now let me talk about something here and leave some others to discuss with him face to face later.

First of all, I must praise the Democratic Party and I wish to put things right for the Democrats. They have presented their expectations. Pretty soon the Chief Secretary may find some typos in their paper, and so on. *(Laughter)* There could well be typos. Having said that, the Democratic Party has actually done some studies, but are the findings of their studies the best? Not necessarily. I believe, among the 60 Members of this Council, they are the most hard working with studies. But it is another matter whether or not the authorities, the community, the media, including those speaking on the radios, will pay attention to them. We cannot say that they have not done anything or made any contribution.

I think I will be the first to admit that the Democratic Party makes more studies than we in The Frontier. They have more people and more resources than us. At times people may say they want to submit some proposals to TUNG



Chee-hwa. But does he ever read these proposals? It is very likely that he will just flip through a page or two. So that is very bad indeed.

Madam President, I certainly think that the policy address must deal with the constitutional reform issues. These issues cannot be avoided no matter how people describe them, that they are never-ending debates or whatever. They must be discussed, and they should be discussed even when it comes to Report No. 4 and Report No. 5. As to whether or not there should be a referendum, a forum was held in Mong Kok some time ago. Some members of the public asked me to hold forums on referendum in Sha Tin, Tai Po, Sheung Shui, Fan Ling and all over Hong Kong. Thus it can be seen that the matter is inducing more and more echoes in the community. So I think that the policy address must deal with this issue and find out a mainstream proposal which is really supported by the people.

Madam President, yesterday we had a joint meeting of the panels and discussed the topic of sustainable development. Dr Edgar CHENG, Vice Chairman of the Council for Sustainable Development (CSD), and a few persons from other community organizations came to the meeting. A Member said in the meeting that on the one hand the Government was saying that it would promote sustainable development, but on the other it was doing things exactly the opposite, giving people the impression that the Government was being very hypocritical. For example, on the project in West Kowloon, someone asked whether or not any sustainable development study had been made. On the Hunghom Peninsular, did anyone from the CSD come out and say that this would not work? Or about reclamation, how has the Government been doing? No wonder people will query. For the Government is saying one thing on the one hand but on the other doing another thing which in the opinion of so many people is exactly the opposite, so how can this be called sustainable development and how can people ever agree to its actions?

I told Dr Edgar CHENG that if he wanted the people to understand the concept of sustainable development, he should come out at once and say that it would be against the principle of sustainable development if the Hunghom Peninsular was demolished and the waste dumped at the landfills. On the proposals to develop a cultural hub in West Kowloon, even though so many people from the cultural and arts sectors, as well as the architects, have voiced their opposition, there has been no in-depth discussion. That is another

example of going against sustainable development. Madam President, it is only when things are said in this way that other people will see the point.

But the CSD said that it was not prepared to do this and it wanted to discuss about long-term objectives only. We said that this was useless, for if issues far into the future were addressed to the neglect of those right in front of us, this could never be called sustainable development. On sustainable development, of course, I would say things which I have been saying all the time. Madam President, I have been saying that sustainable development is more than about the environment, the community and the economy, and it has also to do with politics, and even governance as Dr CHENG mentioned at that time. This I agree. When they were sitting there on that day, they all agreed to this point. They even went as far as to agree that if governance problems were not addressed in the first place, it would be very difficult to deal with other matters.

A few weeks ago we from The Frontier invited one of the members of the CSD who attended our meeting yesterday to our place and give a talk on the disposal of solid waste. There were some 20 people in the audience. After listening to the talk, some said that the Government did not have any credibility and it was trying to squeeze money out of them. So how can it have any credibility and how can it win the support of the people? If these problems in governance are not dealt with in the first place, it would be hard to take forward other matters.

In his reply to a question in this Council, the Chief Secretary said that sustainable development would actually involve many things but they had picked three most important items for priority treatment and other things would be dealt with on other occasions and in due course. Some friends who came to our meeting yesterday said that these things had to be dealt with as well. Some people even went as far as saying that economic, social and environmental issues all would involve problems in governance. They were putting it in a very mild manner. I said to these friends that they should speak out, they must come out and speak about the things they did not think were right. They must not become the tools of other people, for people might say later that this was what sustainable development was about and these members who were not from the Government all supported it. So I think this issue must be dealt with in the policy address. The Government must have an overall policy on this. For if not, how can people put their trust in the Government and agree to its actions?

Another problem, which I do not think the Chief Executive will ever deal with in his policy address but which we want to be discussed in the community, is collusion between business and the Government. Madam President, you may think that you have heard too much about it, but the present circumstances are: the people are finding this problem more and more serious. So on that day when after the Chief Secretary had finished his presentation of the West Kowloon project, I put up my hand at once and asked for a clarification. But I had a feeling that actually nothing could be said about it. People in the community, be they the richest or the poorest, are saying that this is over and done with. What more can we say when someone has paid an enormous price of \$9 billion for that lot in Ho Man Tin? It is signed and sealed.

Why are the people saying these things? Do they like making false accusations? I tell you, Madam President, a fortune teller may keep you in the dark for years, but these things will crop up very soon. This collusion between the Government and business will eat into the social fabric of Hong Kong like cancer. And something has to be done about it.

I have no idea how much the Chief Executive will listen, or how much he will ever do, for us it is a lost game from the outset. But as Members of the Council, we must speak up on what we have seen.

**MR WONG KWOK-HING** (in Cantonese): Madam President, the problem of the disparity between the rich and the poor has been plaguing Hong Kong for many years. The problem is currently characterized by employment poverty and unemployment poverty. The Chief Executive will deliver his policy address in January and I think he must face up to this problem squarely and propose effective solutions.

Now the population of poor people with an income less than half of the median income in Hong Kong has gone past 1.12 million, or 18% of the households in Hong Kong. As compared to 11.2% in 1991, there has been an increase by 50%. Those families with an income less than \$4,000 number as many as over 200 000.

The Gini Coefficient in Hong Kong has edged its way up from 0.476 in 1991 to 0.518 in 1996 and 0.525 in 2001. As compared to places with a similar level of economic development, this cannot be said to be good. There is even a

gap between our figures and those of some developing countries. For example, the Gini Coefficient in the United States in 2003 is only 0.464 and the Gini Coefficient in China in 1995 and Indonesia in 1996 are just 0.415 and 0.365 respectively. The SAR Government often boasts that Hong Kong is a world city. But the yawning gap between the rich and the poor in Hong Kong is really damaging our reputation as a world city.

In order to ensure low-income workers can meet their personal basic living expenses and those of their families, the SAR Government should consider legislating on a minimum wage. We suggest that the minimum wage in Hong Kong should be set at \$25 per hour. This proposed rate is actually slightly higher than the Comprehensive Social Security Assistance (CSSA) rates but lower than half of the median wage in Hong Kong. It remains of course that a reasonable mechanism rests with discussions in the Labour Advisory Board (LAB).

Now the Government has referred the issue to the LAB for handling. The Hong Kong Federation of Trade Unions (FTU) hopes that the Government can adopt a positive stand and promote the establishment of a minimum wage. The least the Government should do is to accord priority to establishing a minimum wage for cleaning workers, security guards, and so on as they are currently the least protected and have the weakest bargaining power.

The wage of many trades is lower than the CSSA rates and it is utterly unreasonable because CSSA rates are calculated according to personal or family basic living expenses, that is, CSSA payments may only maintain the most basic needs of living. An income from a job should not be lower than the CSSA rates, for otherwise it would be impossible to maintain a living.

As a matter of fact, many CSSA recipients are forced to apply for CSSA because even if they can get a job, their income is so meagre that it is impossible to make ends meet. In this connection, I must point out — and as the Chief Secretary is in this Chamber and I think he should know this — that the monthly wages of cleaners and security guards in outsourced government contracts are lower than the CSSA rates. I think that if this appalling situation is allowed to continue, the Government should really feel ashamed. In the past few months, applications for CSSA under the low-income category accounted for the sharpest growth among all the CSSA categories.

In addition, the setting of a minimum wage may achieve the purpose of giving the needy a job instead of welfare. This is because presently many jobs are so poorly paid that they cannot maintain the living of a family. That is why many people apply for CSSA despite sheer reluctance. If a minimum wage is established, income from work will not be less than the CSSA, so those who are forced to receive CSSA can return to the labour market and cease to depend on the CSSA.

In helping to ease the problem of disparity between the rich and the poor, I think that apart from placing the responsibility on the Government, enterprises should also have the responsibility to shoulder part of the social costs. So by way of paying a minimum wage, private sector enterprises can show that they are fulfilling their responsibilities to the community, which is very important. I hope Members from the business sector will not oppose the prescription of a minimum wage.

In addition, the FTU hopes that the Government will expedite the launch of more public works projects to boost employment. This is because the construction industry is one of the hardest-hit sectors in terms of unemployment. The overall jobless rate for Hong Kong stands at 6.8%, but the jobless rate for the construction industry is as high as 16.3%. The cause for high unemployment in the construction industry is not only due to a fall in the production of flats in the private sector, it also bears a close relationship to the suspension of public housing construction by the Housing Authority. The fall in housing production causes a heavy reliance by the construction industry on public works for jobs. Apart from investment in the infrastructural projects, the Government should also launch the 160-odd projects approved by the two former Municipal Councils, in order to alleviate the unemployment problem in the construction industry.

Lastly, I wish to talk about the importance of job security among civil servants and staff of subvented organizations. Over the past few years, the Government has drastically increased the outsourcing of its services and reduced its staff, hence forcing many grass-roots workers out of work. Although on the other hand the Government has been creating some temporary jobs, their number is never enough to meet the shortfall. Moreover, when temporary jobs expire, workers will join the unemployed ranks again and so the problem of unemployment can never be solved thoroughly.

The lump sum grant arrangement has caused a great impact on the social welfare sector, leading to layoff and cuts in the establishment. This has not only affected the services rendered by these organizations, but also reduced job opportunities in the sector. Teachers are facing a similar plight. Those made redundant cannot find a job. Fresh graduates in social work are likewise out of work and so government investments in education are wasted.

Madam President, from the news reports over the last couple of days, we note that the Macao Government has painted in its policy address a very rosy future for the enclave. As we turn our thoughts back to Hong Kong, we just cannot help but wonder how our government can provide the leadership to bridge this wide gap between the rich and the poor in Hong Kong. I hope our aspirations can find their way into the policy address soon to be delivered by the Chief Executive.

**PRESIDENT** (in Cantonese): Mr WONG, your time is up.

**MR WONG KWOK-HING** (in Cantonese): Thank you.

**MR SIN CHUNG-KAI** (in Cantonese): Madam President, first of all, I wish to respond to a remark made by Ms Emily LAU, that she holds no expectations for Mr TUNG Chee-hwa. I do not think the Democratic Party has much expectation for Mr TUNG either. But still we will propose a motion on this subject every year. The most important reason for this is we feel that we are working for the public, not Mr TUNG. We do have a responsibility to convey the aspirations of the people to the Government. I am disappointed with the performance of the Government. Leaving aside what happened two years ago when Chief Secretary Donald TSANG poked fun at a typographical error found in the policy address compiled by the Democratic Party, generally speaking, government reaction is lukewarm. Today, for example, apart from Chief Secretary Donald TSANG, all the other Directors of Bureaux are not present. But actually, what we discuss today will touch on the policy portfolios of many Directors of Bureaux. So I hope they will give up this kind of mentality, for we should all attach great importance to our own work, I do not mean ours, but theirs. It remains, of course, that there are many Members of this Council who do not take their work seriously.

Coming back to the expectations for the policy address this time, the Democratic Party has listed in detail our overall expectations as well as our expectations for each Policy Bureau. In the appendix to our address, we have mentioned the issues which we hope the Chief Secretary would remind his subordinates or colleagues. We have also listed out our expectations for each Principal Secretary and Director of Bureau with respect to their policy areas.

On the Democratic Party's areas of concern, I am responsible for those on commerce and technology, industrial development and information technology (IT). All these have been listed out in the address. Now I would like to speak briefly on these areas.

Doubtless the first thing is that Hong Kong should discuss with China on issues of economic co-operation in the Pan-Pearl River Delta Region and this includes the Mainland/Hong Kong Closer Economic Partnership Agreement (CEPA) which has been the subject of many discussions. During the one year or so after its inception, CEPA has undoubtedly played a part in the Hong Kong economy. A favourable result, especially in the tourism industry, is that many tourists have come to Hong Kong. However, even though we have CEPA I and even CEPA II, the benefits brought to the industries or in employment are generally quite limited. This can be seen in the statistics which are not so encouraging. We hope that, as the Government will talk with the mainland authorities on CEPA, a proposal can be put forward to them to effect a full-scale opening up of the China market to Hong Kong. There is one point which is important and must be raised and that is, even though residents of Hong Kong are Chinese nationals, they do not enjoy treatment as Chinese nationals. When Hong Kong businessmen go to the Mainland, they are treated like other foreigners, that is, like those from the United States or Britain. They cannot enjoy the treatment as Chinese nationals like the mainland residents. This situation is evident in the IT sector as well as other sectors.

With respect to industrial development, previously the Democratic Party has talked with other political parties and groups and in our opinion, a river loop industrial zone or a boundary industrial zone should be set up. This will hopefully create more job opportunities for the workers. Actually we are quite disappointed by developments in this regard. It has been seven years since Hong Kong's reunification with China and the river loop area has been laid to waste for seven whole years. Does the Government not have any ways and means to forge closer ties with the Shenzhen Municipal Government and develop

the area together? The area is a precious asset and we cannot afford to waste it. We hope that the Hong Kong/Guangdong Co-operation Joint Conference led by Chief Secretary Donald TSANG can step up work in this regard.

On IT, there should be tremendous progress in the industry in the coming years. In the appendix to our policy address I have listed a lot of contents. In the next couple of years, I hope that the Government can put in more efforts in some areas, for example, in the digital content industry as mentioned in the appendix, as this should be very helpful to boosting job opportunities, especially among the young people. Over the past couple of years the Government did make some efforts in this regard, for example, in holding some competitions and arranging for companies to take part in overseas exhibitions, and so on. These are the duties of the Trade Development Council (TDC). But I am worried that government support may be reduced next year. So I hope that the Government can formulate some kind of other support programmes.

With respect to the promotion of e-government, I hope that technology assessment can be adopted for major public projects. All bureaux and departments should be required to report annually on the progress, priorities and action plans for on-line service delivery, to ensure a wider application of IT in the public sector.

In this policy area, the Government also pays great attention to information security among the small and medium enterprises (SMEs). We all know that with growing popularity of e-commerce, the Government should do more to heighten the awareness of information security. With regard to problems like spam, though consultation on the fight against spam is being undertaken by the Government, work in this respect should be expedited as many countries have already enacted legislation against spam. So I hope the Government will begin the relevant legislative process expeditiously.

I would like to draw the Government's attention to the drop in the number of people enrolled in IT courses in the past couple of years. I hope the Government can set up an "Information and Communication Technology (ICT) Skills Monitoring Group" under one of the Industry Training Advisory Committees of the Education and Manpower Bureau to monitor the employment situation of the industry and analyse the skills required so as to avoid a skills mismatch in the industry.



I also hope that the Government can take the initiative to establish a regular communications channel with the Ministry of Information Industry in China with a view to helping the local industry to find a foothold in China's map of ICT development, tap its potentials in ICT and to make contribution in China's ICT development. I suggest the Government should lobby the Central Government to give "Chinese national" treatment to the local ICT industry and remove barriers in terms of taxation, customs, mutual recognition of professional qualifications and other trade barriers so that local IT companies can compete fairly with their mainland counterparts. I hope Members can render me their support.

**MS LI FUNG-YING** (in Cantonese): Madam President, it was only the day before yesterday that I went with some Members to talk with the Chief Executive about our views on the policy address. Actually, what I will speak in this motion debate was mentioned to the Chief Executive briefly during the meeting, and those which I did not have the chance to talk in detail to the Chief Executive at that time were carried in a submission I handed to him. Still, I would like to take this opportunity to explain my views in detail. I do not expect the Chief Executive will take on board all my views, but even if he does not take on board my views, I should like him to explain the reasons. Otherwise, the Chief Executive would only be saying empty words when he said that he would listen to Members; and the debate today will become meaningless.

This year, the social milieu amid which the Chief Executive drafts his policy address is very different from that in the past. On the political front, the confrontation caused by social division is less intense. In terms of the economy, Hong Kong has at last got rid of deflation which has been plaguing it for so many years and it is on the way to recovery. If it is said that the policy addresses over the past few years were all meant to offer first aid to Hong Kong, the policy address this year should make a comprehensive review of the problems exposed during those times of adversity. In a word, it should offer solutions to address inadequacies so that Hong Kong can make its way forward.

For the workforce who numbers more than three million, their gravest concern during these past few years of bad times was the unemployment problem. This does not simply mean that the grassroots will find it hard to feed themselves once they are out of work, it also means that the middle-class people are subject to so great a mental stress that they will constantly worry about not

finding the money to pay for home mortgages, car loans and school fees for their kids. Those who are so unlucky to have been sacked or laid off are so very helpless. Spates of tragedies are caused by people who are forced out of work. But in the face of this state of affairs, the Government has only been dodging the problem, without tackling it head-on. It is making detours by offering training and trying to improve the economic conditions. In my opinion, the Government should not dodge this problem of unemployment among the salaried class anymore as the problem has become more acute especially when Hong Kong is presently undergoing an economic restructuring and job insecurity is growing all the time. Even if the economy grows, it will be hard to see full employment again. The Government must provide unemployment protection to relieve those from the salaried class who are out of work. The Federation of Hong Kong and Kowloon Labour Unions to which I belong proposes that a loan fund should be set up to provide relief to the unemployed. This will be the first step towards implementing unemployment protection.

During the past few years, there have been great changes in the mode of employment practised in the labour market. These include a widespread adoption of contract and hourly-paid forms of employment. Those paid on an hourly basis will not be entitled to the protection of labour laws if they do not meet the requirements of "4.1.18", that is, continuous employment of at least four weeks with a weekly number of working hours not less than 18 hours. When contract employees replace those employed on a permanent basis, the employers can evade their statutory responsibilities when the contract expires. The most obvious examples are cases related to injuries at work or pregnancies. Though labour laws forbid employers to dismiss workers injured at work or pregnant workers, the employers are free not to renew contracts when the contracts of these workers expire. That is why the protection offered by labour laws exists no more than on paper. The situation is made more complicated as Hong Kong and the Mainland are heading for full-scale integration and the number of Hong Kong residents working on the Mainland and the number of mainland residents working lawfully or otherwise in Hong Kong are always on the increase. Therefore, the Government must make a full review of the resources and policies related to laws on the protection of the rights and interests of employees.

I think that the review should include restrictions on excessive working hours and the setting up of a minimum wage. At the beginning of this Council term, a debate was held on restrictions on the maximum number of working

hours and a minimum wage. I would not repeat my view on these here but I wish to repeat one point and that is, while the Government pushes enthusiastically for the establishment of an employees qualification framework with a view to enhancing the quality of the workforce, given the absence of a maximum number of working hours and a minimum wage, it would only remain no more than the Government's wishful thinking if it hopes that grass-roots workers who form the bulk of the workforce will stand to benefit from a qualification framework. Therefore, the question of setting a maximum number of working hours and a minimum wage is not just about whether or not the rights and interests of the employees are protected, it also hinges on the question of whether or not human dignity is respected and whether or not the quality of the workforce can be raised to facilitate the smooth transition of the economy into a knowledge-based economy.

Another problem which stood out during the past few years was the disparity between the rich and the poor. The Chief Executive must stop trying to avoid this problem in his policy address. The problem was discussed in this Council last week. Next week we will have a debate on the Comprehensive Social Security Assistance (CSSA). Alleviating the disparity between the rich and the poor has a close relationship with the CSSA system. A desirable approach to take is to establish a poverty line and pool our resources to help the most needy people in society, with the CSSA system playing the role of helping the underprivileged integrate into society.

Madam President, the pulse of our society will certainly beat faster with controversies over civil service pay and constitutional development. It is most imperative that the Government keeps tabs on this pulse in society so that wasteful efforts can be cut to a minimum and consensus forged. I hope that the Government can learn from past lessons, and it must respect the views presented by civil servant groups before any decision is made on methods to conduct civil service pay surveys and their relevant application. With respect to constitutional development, a timetable should be drawn up as soon as possible to give the public a clear picture of the direction and steps. This will help the early formation of a consensus across society and gaining full understanding and support of the views of Hong Kong people by the Central Authorities.

I so submit.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, the Democratic Party has a lot of expectations for the section on education in the policy address.

We do have expectations for small class teaching. Prof Arthur LI says that small class teaching is his dream. But he never holds onto it. What we see from the things done in the Education and Manpower Bureau is that this dream has been given up and shattered. Recently, TUNG Chee-hwa invited the Professional Teachers' Union (PTU) to meet him, and he said that he supported the direction of small class teaching and hoped that I could have the patience to wait for the outcome of the trial scheme.

Some primary schools in the trial scheme have petitioned the Legislative Council to lodge complaints. They said that the so-called small class teaching experiment was a scheme of individual endeavours at will. There was no planning at all. Ms Audrey EU told me that those overseas experts who should be giving advice on small class teaching were just observing lessons and they were not responsible for helping schools to implement small class teaching. What is more worrying to me is that the Education and Manpower Bureau may only have invited those scholars who oppose small class teaching, and so when they assess the effectiveness of small class teaching, their bias will seal the fate of small class teaching and condemn it to eternal perdition amidst a welter of confusing experiments.

Small class teaching is the collective aspiration of society. Not long ago the Panel on Education of this Council invited 27 groups to talk about small class teaching. They included educational groups, parents groups, academics, experts, and so on. They all gave unanimous support to small class teaching. The Shatin District Primary School Heads Association even came up with a proposal to implement small class teaching by classes, in phases and by districts without additional resources. The proposal is a forceful rebuttal to Prof Arthur LI's allegation that small class teaching will mean a costly \$3.6 billion, a road up where there is no turning back.

The Democratic Party hopes that TUNG Chee-hwa will buckle up enough courage to go ahead with small class teaching during his term of office. Based on the proposal made by the Shatin District Primary School Heads Association, he should draw up a timetable to implement small class teaching in primary and

secondary schools and use about 10 years to realize this dream of quality education.

Madam President, the hottest issues in education are reforms in academic structure and the curricula. The Democratic Party supports the reform proposed in academic structure, that is, three years of junior secondary school, three years of senior secondary school and four years of university. But we have to remind the Government that the most daunting task of education reform lies in the curricula, not the academic structure. For reforms in the curricula would involve reorganization, integration and phasing out of components in the senior secondary school curricula. It also induces debates on compulsory subjects and electives, methods and fairness of examination and assessment, career changes and training of teachers, and the right to choose among parents and pupils. All these issues are intertwined. Every move taken will impact on success or failure of the reform in academic structure. So serious thoughts must be given before any move is taken.

Just take the example of liberal studies. If the Education and Manpower Bureau forces its way to couple reforms in the academic structure with those in the curricula and bent on making liberal studies a compulsory subject for all senior secondary school students in school and public examination in 2008, it is very likely that it will create havoc in the schools. If liberal studies is made a subject of public examination for all students in 2008, that will mean that in just a short span of three years the Education and Manpower Bureau will have to vastly expand an elective subject for only about 1 300 matriculation students who are somewhat better in their abilities, to a compulsory subject for 80 000 senior secondary school students with mixed abilities. There will be a huge increase of 61 times in the number of students. The number of teachers for liberal studies will have to increase from 300 to about 3 000 to 10 000, or about 10 to 33 times that of the existing number. Now the Government must think with a cool head whether or not our teacher training institutions can provide a quality training programme of about 30 to 100 hours to almost 10 000 teachers in three years and whether these teachers will have enough spare time to undertake such comprehensive training in the subjects they are teaching in, liberal studies, plus the related assessment and administrative duties.

Madam President, haste makes waste. This truth rings loud and clear when it comes to education reforms. If anyone is making a blind dash in a direction which he thinks is right, he will only end up in a crash, wounded all

over. And teachers, students and parents will stand to suffer too. These reforms in academic structure and in the curricula are a real road of no return. We must have the courage and determination to put the reforms into practice. We must never be rash and unwary, and pick our way as if we were treading on thin ice and slippery ground. We must see teachers as our partners, students as our children. We must take criticisms as honest pieces of advice and embrace public opinion as our bosom friends. When a sensible timetable for reform to the academic structure is drawn up, there is no need to stake all curriculum reforms on one move. What can be done should be done first and what cannot be done now should wait until later. This will ensure that everyone taking part in the reforms will be respected and every move made will not be overkill. It will avoid coming to a situation where everything runs amok and gets out of hand.

The Democratic Party suggests that after the three-month consultation period is over, the Education and Manpower Bureau should issue a white paper on the mainstream opinion. This will enable the community to focus its discussions on the philosophy and the pros and cons of the mainstream opinion, the implementation schedule and methods. A lesson learned from past experience in education reforms is that the details, transition and execution are crucial to the success or otherwise of the reforms. The Democratic Party thinks that direction and method are of equal importance to reforms to the academic structure and the curricula. Certainly we will not want to repeat past failures and hope that these reforms can overcome all odds and truly benefit the students.

Madam President, to make the reforms a success, it is important to rally the support of the heads of schools and teachers. Teachers are presently placed under very heavy workloads. Expectations from parents are rising all the time. That is why schools badly need a stable teaching environment. But in recent years the Education and Manpower Bureau has, by building schools on the one hand and killing schools on the other, artificially magnified the crisis of the reduction in the number of classes in schools and the risk of unemployment borne by teachers. This year the number of teachers threatened by a reduction in the number of classes in schools comes close to 1 000. The worries in the minds of 1 000 teachers are infecting the minds of the entire 50 000 serving teachers, and this is rocking the foundation of the education system in Hong Kong. A trivial gain thus will lead to colossal losses and the losses will far outweigh the gains. Recently, the PTU met with TUNG Chee-hwa and demanded that efforts be made to stabilize the situation and protect teachers from falling preys to

unemployment, and that a positive response be made. I hope TUNG Chee-hwa will devise in his policy address long-term policies to address the problem of unemployment of teachers at root and defuse this potentially most devastating time bomb in education so that everyone can put their minds at ease again.

With these remarks, Madam President, I support Dr YEUNG Sum's motion.

**DR JOSEPH LEE** (in Cantonese): Madam President, presently the health policy of Hong Kong is founded on the major premise that no diseases mean health. That is why health services are focused on the treatment of diseases. All health care services mean health services, resulting in most public resources being placed only on treatment. But it must be remembered that health means much more than having no diseases.

According to a definition by the World Health Organization, health does not just mean having no diseases, for a person is considered completely healthy or holistically healthy only if his physical, mental, social and spiritual functions are sound. Based on this ground, let us look at the example of a person who has diabetes. Apart from putting his diabetes condition under control, he may still lead a normal working life, a normal family life and a normal social life. He is functionally healthy in these aspects. From this it can be seen that he has a certain degree of productivity that will enable him to contribute to economic growth. However, health policies nowadays only focus on controlling diabetes and resources are not put in other areas so that the patient can lead a normal social, working and family life.

Currently, as much as 85% of health expenses in the public sector are used to treat diseases, while only 15% are used in health promotions. This imbalance must be redressed. To protect the health of the public, fighting diseases is only a means but not an end, and hospitalization should only be considered as the last resort.

At present, manpower training in the medical profession in Hong Kong is mostly concentrated on development of medicine and training up doctors. Though family medicine is being developed, this represents only an intensification of the treatment concept rather than an attempt to promote and

publicize health. That is why in the health services profession to which I belong, we are only playing a complementary role to treatment most of the time to the neglect of the other role which we should play, that is, health promotion. Moreover, various government departments and organizations, such as the Department of Health, the Hospital Authority, the Food and Environmental Hygiene Department and the Environmental Protection Department, and so on, have all been barred by their bureaucratic nature from co-operating effectively, so the expected results are not achieved.

Madam President, I suggest that the Government should revise the current health policies, effect a proper redeployment of resources to redress the policy imbalance of placing resources excessively on medical treatment, and pursue a health policy based on "holistic and functional health".

With respect to long-term manpower planning, I propose that the Government should develop community and family health teams to build a health network at the community level. These teams can play the role of health guardians or watchdogs by promoting a healthy style of living, enhancing public awareness of personal and public hygiene, and improving public hygiene and environmental sanitation so that the public can maintain holistic and functional health.

In addition, I would suggest that the Government should take active measures to promote the concept of a city of health. It should take initiatives to encourage greater co-operation among the departments, remove the obstacles posed by bureaucracy and strive to build a city of health in places like Tseung Kwan O and Tsing Yi.

Lastly, I would expect that a responsible government will formulate a sustainable policy on health and promote the concept of holistic and functional health.

Madam President, to protect the health of the public and facilitate their fight against diseases, medical treatment is only a means but never the end. Hospitalization should be considered as the last resort. The health services profession is prepared to work with the Government and the public to turn Hong Kong into a city of health. In view of the above, I support Dr YEUNG Sum's motion. I so submit.



**MR ANDREW CHENG** (in Cantonese): Madam President, in my speech today, I will speak on behalf of the Democratic Party mainly on the medical and labour issues and if there is time, I will speak on the transport aspect as well. In the second motion to be proposed later for debate, I will discuss the transport policies in detail and so, I will now concentrate on the labour and medical aspects as far as possible.

On labour issues, Madam President, members of the public have two concerns mainly. First, they hope for more job opportunities for wage earners; and second, they hope that the rights and interest of wage earners are duly protected.

Over the past few years, wage earners in Hong Kong have suffered badly from unemployment and salary cuts. The situation of young people and middle-aged workers with low education attainment and skill are particularly difficult. As the economy of Hong Kong has bottomed out in recent months, enterprises have made greater profits. Wage earners therefore expect that their living will be improved and that they no longer have to worry all the time about being given the sack and wage cuts. Just when colleagues of the Legislative Council and government officials think that they can heave a sigh of relief, that the unemployment rate will come down and that they no longer have to try every means to create temporary posts, the harsh reality before us is that wage earners may not necessarily be able to share the fruits of economic recovery.

Recently, the Standard Chartered Bank, which has amassed profits of \$2.3 billion, has still decided to launch a massive retrenchment for even greater profits. This has precisely reflected instabilities in the labour market in Hong Kong. Despite economic recovery, jobs may still be scrapped anytime under globalization and automation. So, I hope that the Chief Executive will address the phenomenon of economic recovery with zero growth in jobs in the context of labour policies in his policy address. Continuing education and training is an important means through which employees maintain their competitiveness. However, it is difficult for employees to achieve this on their own. The support from their employers and the Government is also necessary. The Government should provide tax concessions to employers to encourage the latter to provide training to employees. It should at the same time properly formulate manpower plans and provide suitable channels for training in the light of the demands in the labour market and the latest development of the economic environment, and, where necessary, provide subsidies for training and education.

Meanwhile, faced with the loss of many jobs in Hong Kong to the neighbouring regions, particularly the Mainland, the Government is duty-bound to strive for job opportunities for Hong Kong people. For example, the Government can seize the opportunity of the construction of the Hong Kong-Zhuhai-Macao Bridge to strive for opportunities for Hong Kong people to participate in the relevant works projects, in the hope that the employment situation in industries which have been hit the hardest by unemployment, such as the construction industry, can be improved.

Madam President, it is also imperative to improve employees' rights and interest. The problem most commonly faced by wage earners in Hong Kong is excessively long working hours, which can seriously affect their performance at work, health, family life and social life, making it difficult for employees to spare time to participate in training in order to maintain their competitiveness in the market. In the Legislative Council, the Democratic Party has repeatedly urged the Government to enact legislation to prescribe standard working hours and the criteria for payment of allowances for overtime work. Recently, the Economic Development and Labour Bureau has finally decided to conduct studies in this connection. It will discuss the issue with the Labour Advisory Board (LAB) within this month. I hope the Government will demonstrate its sincerity and seriously take follow-up actions and conduct studies, rather than making use of the differences in opinion among employers and passing the buck to the LAB in an attempt to shirk its responsibilities.

Madam President, with regard to the medical and health care aspect, the medical system in Hong Kong is entirely dominated by Western medicine, hospital treatment and medical practitioners. Health promotion and disease prevention are neglected, and emphasis is put only on the treatment of diseases. Such a system is certainly costly and has led to tight medical resources today. Emphasis has been placed only on Western medicine, without making good use of other modes of medical treatment such as Chinese medicine. This also means letting slip opportunities of improving patients' conditions. Under this system led by medical practitioners, patients are put in a passive position and the development of the health care profession is also impeded. I hope that the new Secretary for Health, Welfare and Food does not carry too much historical baggage, so that he can start improving this situation in the medical system.

First, to address full dominance by Western medicine, the Government should take measures to continuously facilitate a more balanced development of

traditional Chinese medicine. The implementation of the Chinese Medicine Ordinance should be expedited. Chinese medicine practitioners should be given the same status as that of Western medical practitioners. They should have the same authority to grant sick leave and refer patients to specialist treatment and to various tests and services. Patients using public medical services should have the right to choose the most suitable treatment between traditional Chinese medicine and Western medicine. Given the slow development of Chinese medical services, the Government should speed up its work, with a view to incorporating Chinese medical services into the public medical sector by, among other things, providing Chinese medical services in public out-patient clinics in each of the 18 districts.

Second, to address the complete slanting of the system towards hospital treatment, the Government should step up work on health promotion and disease prevention. The SARS epidemic has taught us a precious lesson, learning that ignoring the prevention of epidemics will cost society, the Government, the medical system and the public very dearly. After the epidemic, the Government has to step up the prevention of infectious diseases, but the work of the Government still appears to be inadequate.

What Hong Kong lacks is a complete range of primary health care initiatives. To promote public health and reduce the expenditure on medical treatment, the Government has to comprehensively examine what factors in the whole territory and community are affecting public health, thereby taking corresponding measures to reduce the chances of incidence. From the environment and transport, air quality to work pressure, eating habit and the public's knowledge of diseases, all these are very important factors. For example, the smoke in restaurants is the reason why workers in the catering industry contract respiratory diseases. If the Government finds out after the review that the problem is very serious, it should expeditiously work for a total smoking ban in food establishments.

Third, to address full dominance by medical practitioners, the Government should make every effort to promote the interest of patients, including patients' right to know. The establishment of an independent office of ombudsman to handle medical complaints is also an important initiative in promoting patients' rights and interest. We have worked for this cause for years, and the Legislative Council has repeatedly urged the Secretary to expeditiously study this aspiration of the community for an ombudsman for medical complaints.

Madam President, as I still have tens of seconds, I will very quickly speak on the transport aspect on behalf of the Democratic Party. I hope the Government can expeditiously set up a tunnel and bridge authority to deal with uneven traffic flow of the several cross-harbour tunnels, including the Western Harbour Crossing, the Cross Harbour Tunnel in Hung Hom and the Eastern Harbour Crossing. This is the most important part of our suggestions. As for other transport problems, I will continue to talk about them later in my speech on the next motion. Thank you, Madam President.

**MS AUDREY EU** (in Cantonese): Madam President, I will speak mainly on education and environmental protection policies. The other three Members of the Article 45 Concern Group will speak on other policy areas.

On the education front, we certainly have to speak on the "3-3-4" academic structure of the education reform. In fact, this is not a new topic, and I also agree with this direction of reform. However, the success of the reform certainly hinges on the details, including the curriculum, teacher training, methods of assessment, and so on. I hope that all parties concerned will not treat the reform with scepticism. I particularly hope that the Education and Manpower Bureau can listen to public views modestly and will not think that the critics must have a political stance or an ulterior objective, or that they oppose the reform purely for the sake of opposition.

In the curriculum reform proposed by the Education and Manpower Bureau, a very important proposal is the introduction of Liberal Studies. Certainly, many people, including parents and teachers, are worried that students would end up knowing nothing at all and that it would become the "bragging lesson". In fact, there are only some 300 teachers of Liberal Studies in Hong Kong and it is necessary to provide an additional 3 000-odd teachers. On the other hand, when the Government keeps on saying that some teachers are not doing a good job in teaching and therefore, the number of classes has to be cut and schools scrapped, it is sending a very contradictory message to the education sector. I sincerely hope that if the reform is to be carried out, it is necessary to establish a good partnership relation with the education sector. Since the enactment of the ordinance on school-based management, various types of measures have been taken to implement the education reform. The measures taken are multifarious, and I can see that the relationship between the Education and Manpower Bureau and the education sector has become increasingly tense.

Madam President, I really very much hope that the Education and Manpower Bureau, in conducting consultation on the education reform, can do even better as far as possible and listen to public opinions attentively, so that we can truly achieve the objective of liberal studies when we nurture the next generation in the future.

Besides, Madam President, in order to comprehensively upgrade the quality of education, it is still inadequate to merely reform the education system and the curriculum or to enhance training of teachers, because the teaching environment is also very important. Madam President, you should remember that when we were contesting the election, you also supported small class teaching, because we hope that teachers can tailor their teaching to students' varied abilities. At present, students with different aptitudes and backgrounds are taught in the same class. As it is already very difficult for teachers to maintain order in class, how possibly can they tailor their teaching to individual students? So, Madam President, I really very much hope that Mr TUNG can truly work in concert with the Education and Manpower Bureau to seriously consider the implementation of small class teaching. According to the statistics provided by them, the full implementation of small class teaching will cost \$3.1 billion. But Madam President, this figure reminds me of the Government's conjecture of 1.67 million people coming to the territory in the right of abode issue. The intention is the same and that is, it is hoped that the issue would be dropped as soon as these figures are cited. But having carefully analysed the statistics provided by the Education and Manpower Bureau, we consider that the cost would be absolutely affordable to us if it will be implemented gradually, and given a declining birth rate. Mr TUNG has said that he would absolutely pull no punches when it comes to investment on education. Madam President, we should consider the cost as an investment, not expenditure. I do sincerely hope that Mr TUNG can convince Secretary Prof Arthur LI and Permanent Secretary Fanny LAW, so that small class teaching can be implemented in phases as soon as possible.

Moreover, Madam President, insofar as the environment is concerned, air pollution is hitherto the most knotty problem. Although the Government has implemented a host of measures, such as liquefied petroleum gas taxis and minibuses, there has not been much improvement in the air quality in Hong Kong. The hours of the air pollution index exceeding the standard as recorded by general stations have considerably increased from 140 hours in 2001 to 540

hours in 2003. We all understand that the pollution comes from our power plants and also from the Pearl River Delta (PRD) Region.

The Government has repeatedly stressed that an agreement is reached with Guangdong Province and that it will make the utmost effort to meet the target of reducing the concentration of pollutants in the air by 2010. However, the public expects not an undertaking or a standard. Rather, they hope for practicable measures, such as the early implementation of emission trading, restricting emission discharge by power plants, or providing tax concessions to enterprises using environmentally-friendly materials. These are measures that can really give us the justifications or reasons to believe that pollution in Hong Kong can be substantively improved.

In fact, the improvement of air quality will benefit both Hong Kong and Guangdong. If Mr TUNG can earnestly deal with the problem of cross-boundary pollution with the same kind of determination in dealing with economic and trade issues, I believe it is not difficult to have a CEPA on environmental protection.

In respect of the disposal of solid waste, the Government should further implement the principle of "user pays" and levy a green tax on a wider scale. It can also consider formulating an accountability system for manufacturers and levy a fee on importers of goods which can affect the natural environment and ecology, such as batteries or mobile telephones, and so on, in order to more accurately reflect the social costs of these products.

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

On the recent initiative or proposal made by the Government to conserve the nature by public private partnership, Madam Deputy, I have reservations about it. First, property developers will set eyes on profits anyway; and second, public private partnership will circumvent monitoring by the Legislative Council and the public, making it difficult to guarantee that the agreement will be in public interest. To effectively achieve the objective of conservation, the Government should include sites with high ecological value in statutory town plans to impose restrictions on the development and consider acquiring some of these sites for more effective conservation.

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

**MISS TAM HEUNG-MAN** (in Cantonese): Madam Deputy, Mr TUNG will deliver his policy address for the next year in less than two months. Even if Dr YEUNG Sum's motion is carried today, I believe Members know only too well that Mr TUNG definitely will not take on board all the views expressed by us. However, I only hope that Mr TUNG, in delivering his policy address, can seriously respond to the aspirations that we have expressed in this Chamber today.

One of the issues that has recently aroused huge controversies in the community is the continued voicing in the community and in this Council of the demand for universal suffrage in 2007 and 2008. Had the Government accepted public opinions earlier, and had Mr TUNG not listened only to the advice of the "royalists", the Government would not have face such pressure; and recently in the community there is even the view advocating for a referendum.

Madam Deputy, I am a pan-democratic Member. Two other Members and I have been criticized for making a volte face over universal suffrage in 2007 and 2008 because we have expressed reservations about holding a referendum. I wish to particularly point out that it is only an extremely shallow logical induction to draw an equal sign between referendum and universal suffrage in 2007 and 2008.

In fact, the Legislative Council Election on 12 September this year is a *de facto* referendum. On that day, over 1.5 million voters cast their votes and as many as 60% of the voters voted for the lists of pan-democratic candidates who support universal suffrage in 2007 and 2008. So, Mr TUNG should know only too well the view held by a vast majority of Hong Kong people on universal suffrage in 2007 and 2008.

In fact, apart from holding another referendum, there are other ways to strive for universal suffrage in 2007 and 2008. Moreover, based on the existing laws of the Mainland, it is not entirely impossible to amend the decision of the National People's Congress. So, Mr TUNG has not done his level best to strive for a democratic political system for Hong Kong people. He has only created more controversies in the community, and as long as there is no universal suffrage, harmony and stability will remain beyond our reach.

I would also like to draw Mr TUNG's attention to another issue and that is, I hope the Government can conduct a comprehensive review of the Inland Revenue Ordinance.

Madam Deputy, Hong Kong is an international financial and business centre. Many laws and regulations relating to finance and business operation need to be compatible with similar laws and regulations in other developed economies and our major trade partners.

Over the past two decades, the tax systems and accounting principles in European and American countries have been improved and reformed continuously to meet the needs of society and the market in the light of the trend of economic development. Added to this is the increasingly close and frequent economic exchanges between Hong Kong and the Mainland. The existing Inland Revenue Ordinance has not been comprehensively reviewed for over 20 years. The last review was conducted when the Cultural Revolution in the Mainland had just ended. I think the reform and opening up of the mainland market had not yet taken place then.

The accountancy profession is tired of the many obsolete and archaic rules and regulations in the Inland Revenue Ordinance. Many in the profession agree that I should work for a comprehensive review of the Inland Revenue Ordinance. They have proposed three principles for the review of the Ordinance, namely, certainty, consistency, and simplicity.

The simple tax regime in Hong Kong has created a business environment that has contributed to our success. This, I think, is beyond doubt. There should be certainty and consistency in the Inland Revenue Ordinance because in the existing Ordinance, there are ambiguities concerning the operation and enforcement of many provisions, which require the Commissioner of Inland Revenue to exercise discretion in interpretation, resulting in excessive powers on the part of the Inland Revenue Department. Besides, the Inland Revenue Department has not followed the practice adopted by the taxation authority in such countries as Britain and the United States of making public the Tax Assessor's Manual, so that under fair and impartial circumstances, taxpayers



will know the assessment criteria, thus inspiring trust among taxpayers in the consistency of tax assessments made by the Inland Revenue Department.

So, I very much hope that in his policy address in January next year, Mr TUNG can properly respond to the aspirations of Members and the general public after listening to our views.

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

**DR KWOK KA-KI** (in Cantonese): Madam Deputy, earlier on a colleague remarked that a veteran Member had said that he had spoken on the expectations for the policy address here for many times, and that after all these years, he felt that it was no longer necessary to speak on this any more. But luckily, I am a newcomer and so, I may as well try to say something and see how far the Government will listen to our views and how far Mr TUNG will listen to them.

Before I talk about medical policies on which I am supposed to speak, I would like to say something about several issues which I consider very important too. One is the governance of Hong Kong.

From the mass rallies on 1 July and numerous quarrels and bickering, we can actually see that Hong Kong is already caught in a very severe crisis of governance. However, the Government has adopted an ostrich policy in response to the situation. It has ignored the development of a democratic constitutional system. It has not thought about ways to nurture political talents, and for work that the Government should have carried out, such as properly drawing up a political party law, nothing has been done by the Government at all. The performance of the Constitutional Development Task Force led by the Chief Secretary for Administration is even more disappointing to us. From the Third Report published by the Task Force, we realize that the so-called consultation means collecting views from less than 900 people, and the Secretary for Constitutional Affairs, a member of the Task Force, even had the nerve to say that he felt that a consensus had been reached with the community and members of the public. This is the most important reason why many colleagues and friends of mine have been asking for the holding of a referendum.

I do not know how the Government will understand or interpret these developments. But if the Government still adopts an ostrich policy, then we really have to express grave concern over the future of Hong Kong. Certainly, nestling in the safe haven of the Central Government, the SAR Government can completely turn a deaf ear to all public opinions, and it can very comfortably hide under the umbrella and take refuge there. But I wish to tell the Government that there are many voices of the people outside. If these voices are not heard and respected, they will injure Hong Kong and worse still, the governance of the Government, and when the governance of the Government is jeopardized, each and every member of the Hong Kong community will be injured eventually.

The second issue that I wish to talk about is the so-called sustainable development in Hong Kong. Ambitious plans have been depicted, but the Government just does not have the ability to implement them. Last year, I was involved in an anti-reclamation campaign. At that time, disregarding how many people had come forth to express their wish to protect this harbour and disregarding how many people had expressed how much they treasured this harbour, the Government was still hell-bent on its own way, not listening to any public opinion. The environment and the harbour do not belong to the Government. But now, all natural resources, including the precious harbour and the natural environment, have become tools of the Government and some consortiums to reap profits. Take the West Kowloon Development project led by the Chief Secretary for Administration as an example. In this very idea of a cultural district, I wonder how many people engaged in the cultural sector have had their views taken on board by the Government. Let me cite some examples. Hong Kong cannot even afford to accommodate independent cultural organizations. We all know about the incident in Oil Street, and the Artist Commune of Cattle Depot may be scrapped anytime. At present, the provision of funding for arts groups in Hong Kong is determined by one factor and that is, commercial viability. For example, how many people will be attracted, or what commercial value is there? Then, the Government will award the contract of the development of this cultural district to the commercial sector. What is it if the Government is not craving for grandeur and success and not totally oblivious to public opinions? How many people will need that canopy?

Hong Kong now faces a myriad of problems, including poverty, insufficient resources, and also in respect of medical policies. Abundant resources are required to address these problems. If the Government can truly

sense the urgency of the people and feel that resources are really needed to carry out work, why should it not, in a fair and honest manner, put the site to public auction, so as to generate more revenue to public coffers and save the Financial Secretary some troubles and enable slight improvements to be made to various policy areas in which Honourable Members are involved?

Third, when the Government talks about economic policies, it often seems to be suggesting that problems no longer exist. I do not know why the problems can all turned out to have been solved. We still have so many people out of job, and economic restructuring has not really come to fruition. But now, it is talking about how to make the site more valuable in money terms. What sort of economic policy is this? Where is the long-term economic policy?

So much for these issues, and I have to come back to my own "trade" and talk about medical policies. Over the past decade or so, long-term medical policies have actually been neglected in Hong Kong. This policy blunder has caused both medical workers and the public to suffer. A simple example is that a specialist out-patient clinic may have to provide diagnosis services for over 30 patients in one afternoon. The son of the Chief Secretary for Administration who is in the Chamber now is also in the medical profession and he may have mentioned the many problems in this aspect to the Chief Secretary for Administration many an evening. I wonder if the Chief Secretary for Administration has listened to that or not.

At present, the Hospital Authority (HA) is indeed in great financial difficulties. But the root of the problem lies not in the HA, but in the lack of a long-term direction and a clear definition of the roles that should be played by the public and private medical sectors. We have 300 new doctors graduating each year, but they have no future after graduation. They cannot see any prospects, and they are not given the opportunity of training. They have to wait until the very last year of their employment contract, or even one month before the expiry of their contract, before they will be told whether or not they are given a magnanimous imperial favour to have their contract renewed for one year. What sort of a world is this? Who will be there to provide medical services in future? In adopting such a shortsighted practice, can the Government improve the medical policies of Hong Kong? Over the years, there has not been a viable consultative system for our medical policies. The former Medical Services Development Committee has been frozen by the last Secretary. I do not know what the next step of the Government is. I wish to tell the Government that

these measures have not only done harm to our doctors in the younger generation. They have also severely harmed us doctors in this generation as well as all the patients.

Madam Deputy, I hope that through this debate, the Government can listen to some of our opinions and come up with some responses in the policy address.

With these remarks, I support Dr YEUNG Sum's motion.

**MR JAMES TIEN** (in Cantonese): Madam Deputy, on the day before yesterday, the Liberal Party met with the Chief Executive to express to him our expectations for the 2005 policy address.

Certainly, this meeting was different from past ones. As Mrs Selina CHOW and I had taken part in direct elections in this term of the Legislative Council, we have, therefore, heard more voices in the districts. We can see that, apart from the business sector, members of the general public also consider it most necessary to have a harmonious society. They hope to have a society where they can have a better way of living, and they have expressed their views on political development and elections as well. Many people have told us that they hope that the economy can be improved as soon as possible, in order to attract more investors to invest in Hong Kong and create more job opportunities, in which case more wage earners can have better jobs.

Madam Deputy, we told the Chief Executive that air pollution had been a cause for increased public concern. Those who are concerned about this problem include foreign investors and residents in New Territories East and New Territories North. We find that no improvement has been made to air pollution in recent years and worse still, the problem has been deteriorating since 1999. If the Government does not do something about it, I think it will not only affect the sentiments of foreign investors in making investments in Hong Kong, but also pose a hazard to the health of local investors and people. Besides, the medical expenditure of the Government is set to surge considerably and the public's expectation for a better life will be affected. In this connection, I think the Government should discuss with the relevant authorities in Guangdong Province and work at faster speed, so that the target originally scheduled for realization only in 2010 can be realized earlier. I think the early realization of

the target will benefit the local community, in that it will help attract investors, reinvigorate the economy and create job opportunities. I hope the Government can actively carry out more work in this regard.

Besides, we also mentioned the residence scheme for investors. Yesterday, it was announced in the Mainland that from 1 December this year, mainland residents taking up residence in Hong Kong would be allowed to transfer part of their assets overseas. I think this is conducive to our policy of allowing people investing \$6.5 million in Hong Kong to take up residence in the territory. We consider that under this investment scheme, apart from investment in the property and stock markets, investors should also be allowed to do business in Hong Kong, for this can create more job opportunities. The Government should give higher marks for this category of investors. I hope the Government can incorporate the creation of job opportunities into this investment entrant scheme.

Regarding the Government's consultation on the abolition of estate duty, the Liberal Party has also conducted many studies on this. From the perspective of the commercial sector and compared to international practice, this proposal is desirable. It is because the revenue generated by the Government from estate duty was only \$1.455 billion last year and close to \$1.9 billion in the year 2001-02. We have noticed that a majority of people paying estate duty are in the middle class. But few of the more wealthy people have to pay estate duty because of the legitimate arrangements that they have previously made. I have also noticed that in many countries worldwide, such as Italy, Canada, or our neighbouring countries in the Asia Pacific Region including Japan, Australia, New Zealand, Thailand, Malaysia, Indonesia, and so on, estate duty is being abolished gradually. We feel that the abolition of this duty can attract more investors to invest in Hong Kong, including those who are prepared to come to Hong Kong by investing \$6.5 million. This can bring more capital to the territory and hence stimulate the local economy.

Madam Deputy, in our meeting with the Chief Executive, the Liberal Party raised another point concerning a fair competition law. There have been many views in the community, and the Liberal Party has all along opposed a sweeping fair competition law. We consider it right to enact such law for individual industries, such as the telecommunications industry, the broadcasting industry, and so on. I have also noted that recently, many views have been put forward in the community on such industries as petrol, electricity and

supermarkets. Perhaps it is because of high oil prices in the international market recently that more public views have been voiced in these aspects. As to whether the Government should enact fair competition legislation for these sectors to step up monitoring, we support the conduct of detailed studies by the Government.

Moreover, a new casino has recently opened in Macao, and this has made the entire economy of Macao become vibrant instantly. It is not easy to catch a taxi in Macao now; the restaurants there are full of customers, and a number of casinos have not yet opened. If Hong Kong can consider opening on Lantau an entertainment centre where gambling is restricted to visitors (particularly mainland visitors) only, the tourism industry will find further development and more government revenue will also be generated. On this point, I note that the Democratic Party represented by Dr YEUNG Sum has reservations. But I think this may not necessarily encourage gambling in Hong Kong, for this activity is restricted to a particular venue on Lantau. The entertainment centre is open only to mainland and foreign visitors who are holders of travel documents. I think this will not bring very negative effects.

Madam Deputy, on the work of an anti-poverty committee, the views of the Liberal Party this year are different from our views three years ago. We consider that, given an increase in the number of Comprehensive Social Security Assistance recipients, and apart from considering the provision of training to the unemployed in the hope that they can land better jobs, the committee may have to do more for the elderly and children, we, therefore, propose that a second safety net be set up. However, we hold the firm view that the proposals of setting a minimum wage and maximum working hours will only worsen the situation despite the good intention. It will not be helpful to eliminating poverty actually. On the contrary, it may even reduce job opportunities. Other colleagues from the Liberal Party will express their views on this point.

With regard to the constitutional review, the Liberal Party considers that in 2007 and 2008, the number of members of the Election Committee can be increased from 800 to 1 600, and the electorate can be further enhanced to 320 000 people. Given the increasing workload of the Legislative Council, directly-elected and functional constituency seats can be increased by five seats each, and the electorates of functional constituencies should also be enlarged. We have repeatedly put forward these proposals to the Chief Executive. As for

the other proposals, I will leave them to other Members of the Liberal Party for elaboration.

Thank you, Madam Deputy.

**MR WONG TING-KWONG** (in Cantonese): Madam Deputy, with regard to this motion debate on expectations for the policy address, I will speak mainly on issues relating to the economy of Hong Kong.

To solve the financial problems in Hong Kong, it is most imperative to reinvigorate the economy. In the meantime, we should give play to our advantages to facilitate the continued development of Hong Kong. The proposals on economic development that I will put forward mainly emphasize the importance of enhancing co-operation with the Mainland, which is the general trend. In this connection, the SAR Government must make full use of the business opportunities of CEPA.

The World SME Expo organized by the Trade Development Council (TDC) was launched yesterday, with close to 3 000 mainland enterprises participating as exhibitors, showing that the event is very well-received. Mr Fred LAM, the Executive Director of the TDC, said that mainland exhibitors in the Expo mostly came from Zhejiang, Guangdong, Shandong and Jiangsu Provinces where a greater number of private enterprises can be found. Through the Expo, they hope to understand the intent of mainland enterprises in making investments in Hong Kong, the trades and industries involved, and so on, in order to obtain more relevant information. From this, we can see that it is necessary for the SAR Government to enhance communication with the Mainland and urge local governments in the Mainland to adopt effective measures and expeditiously make arrangements for implementing the details of the investment facilitation policy and further streamline the formalities, with a view to facilitating the establishment of branches or offices in Hong Kong by mainland enterprises.

Madam Deputy, in fact, to attract mainland enterprises to invest in Hong Kong is the duty of not only Invest Hong Kong and the TDC. The SAR economic and trade offices in Guangzhou, Shanghai and Beijing also have a role to play. Assistance also has to be given to local commercial and industrial organizations in providing various advisory services and introducing business

partners to mainland enterprises. Moreover, as Hong Kong has recently participated in co-operation mechanisms and agreements relating to the Pan-Pearl River Delta (Pan-PRD) Region and the Pearl River Delta Region, publicity and promotional work can be enhanced in these regions through such mechanisms and agreements.

We also have to expeditiously study the proposals of the Central Policy Unit. Apart from setting up a facilitation centre, the Hong Kong Government should also work jointly with the mainland authorities in selecting quality mainland private enterprises to set up offices in Hong Kong. Ancillary services will be provided by the facilitation centre for these enterprises, in order to assist their development in Hong Kong. Besides, we should ask the Central Authorities to follow the arrangements for the Individual Visit Scheme for mainland visitors by using Shanghai, Beijing, Jiangsu, Zhejiang and Guangdong Provinces as testing points and providing convenience to large enterprises in these cities and provinces to invest in Hong Kong. The TDC can even set up a training fund specifically to provide training to managers and staff of mainland enterprises prior to their operation in Hong Kong.

Regarding the arrangements for foreign exchange management in the Mainland, while the State Council announced on 6 September the policy of facilitating mainland enterprises to invest in Hong Kong, setting out the industries to be benefited under the policy, the time required for approval and the procedures involved, no specific arrangement has been made on foreign exchange control. For example, the permitted amount of investment in Hong Kong is now decided on a case by case basis. The Hong Kong Government should step up its communication with the Central Government, so that concerted efforts can be made to study and formulate foreign exchange measures which will facilitate investment by mainland enterprises in Hong Kong and safeguard the country's financial stability and economic security.

It is anticipated that when mainland enterprises come to Hong Kong for investment and business, they have to buy or rent offices and homes. It is already expected in the market that a large number of mainland enterprises will come to Hong Kong to buy business premises and open offices. Besides, as their operation in Hong Kong has to comply with international market requirements, there will certainly be increasing demands for services in Hong Kong, such as accountancy, lawyer, import and export, and logistics services.



When business boosts in any trade or industry, it will be necessary to recruit more workers, and this will help solve the employment problem in Hong Kong.

Moreover, Madam Deputy, we should seize the opportunity of the "Nine plus Two" agreement and strive to play a more important role in this "Nine plus Two" framework. The SAR Government should proactively suggest to the nine provincial governments ways to facilitate investment by Hong Kong businessmen, including lobbying them to set up offices or investment service departments in Hong Kong in order to provide one-stop services in respect of start-up formalities and advisory services for local businessmen interested in investing in the nine provinces and also provide assistance to Hong Kong businessmen who run into problems.

Hong Kong businessmen should at the same time strive to set up offices in the nine provinces, in order to provide information to Hong Kong businessmen with investment in the Mainland and provide assistance when necessary. The SAR Government should change its past passive attitude and actively set up a central liaison office in the Pan-PRD Region, thereby strengthening the ties between Hong Kong and the Region and assisting Hong Kong people to solve their problems in the Mainland.

The Democratic Alliance for Betterment of Hong Kong (DAB) has made many proposals on the development of the boundary area into an economic zone, including the development of the river-loop area. We think that following the implementation of CEPA and the conclusion of the "Nine plus Two" co-operation framework agreement, we should fully utilize the business opportunities available. Research studies on the development of the boundary area should no longer be confined to the river-loop area. Rather, consideration should be given to the long-term development of the entire boundary area. Efforts should be made to finalize the plan on the future development of the boundary area as soon as possible, and more in-depth studies should be conducted to reap the greatest possible economic benefits.

I so submit.

**MR TOMMY CHEUNG** (in Cantonese): Madam Deputy, in his past policy addresses, the Chief Executive actually mentioned time and again the need to improve the business environment and enhance the competitiveness of Hong

Kong. For example, in paragraph 140 of the 1999 policy address, the Chief Executive said that Hong Kong's competitiveness had to be enhanced. In paragraphs 64, 66 and 130 of the 2001 policy address, he mentioned the need to encourage enterprises to improve management and to promote market competition as a way of improving Hong Kong's competitiveness in the face of economic change, and to explore ways to further streamline licensing and reporting procedures, and to ensure that prior to formulating new policies and legislation, the impact on the business environment will be fully assessed. In paragraph 16 of the 2003 policy address, the Chief Executive mentioned the principle of "big market, small government" and stressed the need to reduce business cost by cutting red tape, embarking on deregulation, streamlining procedures and enhancing administrative efficiency. In paragraph 18 of the 2004 policy address, he proposed to make ongoing efforts to improve the business environment, simplify procedures and improve regulation.

But it is a pity that while the Chief Executive said that the Government would act as a market enabler, stressing "big market, small government", we have not seen supporting measures taken by officials of the Policy Bureaux in respect of licensing and regulation. Despite those remarks made by Mr TUNG, we have not seen officials taking any action. But when officials take actions, they would be introducing new legislation, such as the Karaoke Establishments Ordinance. The Food and Environmental Hygiene Department (FEHD) has also been given an additional power to close restaurants. This year, the FEHD has closed many restaurants due to problems with the water in fish tanks, thus putting the restaurants in difficulties.

Madam Deputy, in fact, I am not only criticizing the Chief Executive. Thanks to his efforts, the Individual Visit Scheme has given a hand to restaurants and the retail industry, and during the SARS outbreak, many relief measures were taken to help the catering industry ride out their difficulties at the time. But much to our regret, there is even fiercer competition in this year's business environment when compared to the corresponding period last year. Since last year, as there has been the feeling that the economy will turn the corner, a particularly large number of investors has emerged, thus causing the rent to increase substantially. An owner of a cafe told me recently that the rent of his cafe in Mong Kok was originally \$600,000 monthly — I think he is very competent — but he said that the landlord (whom I find out to be an acquaintance of mine) even sought to increase the rent to \$1 million. That owner found it impossible to continue operating this cafe and closed it down reluctantly. Then

I realize that the rent payable by operators in the retail business can be as high as \$1 million. I have no idea why the rent of a shop as small as 1 000 sq ft to 2 000 sq ft can be that expensive.

Recently, apart from the drastic increases in shop rental, the cost of food, including food imported from the Mainland, has also surged immensely, which is quite rare. Moreover, there is also an upward pressure on wages, because capable workers have begun to leave in order to look for jobs with higher pay, resulting in many job vacancies in the market. So, in March and April next year, I believe we will see a new round of closure of restaurants, because they started their business too quickly last year and early this year. Coupled with the upward adjustment of rent, the competitiveness of many restaurants would be undermined to the extent that they could no longer compete in the market.

Madam Deputy, next, I would like to talk about four problems faced by the catering industry, and I hope Mr TUNG will very carefully address them in the policy address. I know that members of the public and colleagues in the Legislative Council have expressed lots of views on the implementation of a total smoking ban on food premises. Judging from the votes to be obtained, the Government can implement in full force the relevant legislation to impose a smoking ban in restaurants. However, a smoking ban in restaurants will certainly affect their business. Otherwise, the restaurants would have implemented a total smoking ban spontaneously even without legislation. It is not my wish to see unceasing arguments over whether smoking should be banned in restaurants, as some may argue that according to the experience of overseas countries, a smoking ban will actually lead to an increase in the business of restaurants, and so on. In fact, there are many reasons contributing to the flourishing or otherwise of business. It is certainly not the result of just one single reason.

I hope that the authorities, in implementing this policy, will certainly consider the affordability of restaurants. I hope that officials, in considering enacting this legislation — I believe I will have the support of some colleagues — will note that there is a very big problem with enforcement because the law will be enforced by the employees. I consider it inappropriate to require employees in the catering industry to enforce the legislation. I hope that the Government, in examining this legislation in future, can seriously study this, and I hope that the Government will give effect to the legislation only when restaurants can bear the adverse impact of the smoking ban, and that it will not give effect to the

legislation at this stage when we have just gone through over 60 months of deflation.

Madam Deputy, the second problem that I would like to talk about is the Goods and Services Tax. The catering industry strongly opposes this tax, for it will not only cause business to drop immediately, but also entail administrative cost which is not conducive to the business environment in the long run.

The third problem is the Harbour Area Treatment Scheme. In fact, we all wish that the sea water can be treated to become clean, and since 1995, we have been paying the sewage charge and the trade effluent surcharge. The Government reminded us at the time that only after we had paid this \$1.2 would the harbour become suitable for swimming. But nine years down the line, we find that this is not the case, and a second scheme has now been introduced. What does the catering industry think about it? First, they have to consider their affordability. According to Secretary Dr LIAO, if the \$1.2 sewage charge is increased by two folds then, it would be \$4.8 because the Government is providing a subsidy \$1.2 now. The trade effluent surcharge payable by us is over \$7. This, together with the sewage charge of over \$4 per unit of water, would add up to \$17.

Finally, I would like to say a few words on the maximum working hours and minimum wage. The catering industry has great reservations about these issues. In fact, there are many job types in our industry, and if the lowest tier of work has to be paid \$25 per hour, with eight hours of work a day and overtime payment, a cleaning worker will be paid as much as over \$6,000. Given incremental increases in the wages for the next tiers of work, the cost of wages would be exorbitant.

I really very much hope that Mr TUNG can hold more discussions with the several Bureau Directors and the Financial Secretary, such as Secretary Dr Sarah LIAO, Secretary Dr York CHOW, the Financial Secretary and Secretary Stephen IP, and take account of the affordability of the catering industry when considering the enactment of legislation. Thank you, Madam Deputy.

**MR CHIM PUI-CHUNG** (in Cantonese): Madam Deputy, this motion debate today gives us an opportunity to present our views to the Chief Executive or the

relevant Secretaries of Department or Directors of Bureau for their reference. I will express my personal views on four aspects, namely, the political aspect, the economy, social welfare and financial services.

On the political front, and particularly on the issue of constitutional reform, we had debates in this Council in the past two weeks. In fact, I have said that the SAR Government has the obligation and the duty to clearly explain the future constitutional development to all sectors of the community and the people, and to lead the people in their understanding of the electoral proposals for 2007 and 2008. Recently, some people have proposed the holding of a referendum. Of course, I am not saying that we must absolutely support the Chinese Government. But we must understand that Hong Kong is not a country. Particularly on issues involving the constitutional system, we must have adequate communication with the Chinese Government, so that it will have confidence in all sectors of the community in their expression of opinions and be convinced that we are not putting up confrontation. Otherwise, I dare say that not only will universal suffrage be out of question for the dual elections in 2007 and 2008. It may not be realized even by 2012. It depends on the mentality or attitude of various political parties or political participants in regard to this issue.

We do appreciate that the tide of democracy, particularly the global tide of democracy, is irresistible. Like massive floods of water, it cannot be stopped by any force. However, democratization in Hong Kong may not necessarily mean rebelling against China. Members of the public and political participants who live in Hong Kong must thoroughly understand the concerns of the Central Authorities. I do not represent the Central Authorities. This is just my own understanding. Therefore, with regard to the constitutional system, the SAR Government has the obligation and the duty to give the public a clear picture in order not to be further entangled in it or misled.

Second, the economy. We understand that the manufacturing industry in Hong Kong has been subject to the impact of various adverse factors and faces competition from the Mainland. So, even though everyone has high hopes on the recent CEPA, what actually can it do? All that has been achieved is just a lowering of the tariff to 7%, 8% or 10%. Let us think about this: Will products made in Hong Kong be cheaper than those made in the Mainland by 7% to 10%? Members of the labour sector should know that this is impossible. Since this is impossible, what is there for us to rejoice? Coupled with many other factors,

what employment opportunities can be created for Hong Kong? Such opportunities are "zero", just that prestigious families which own famous brands have the opportunity to make more money. But these families have already made enough profits. So, how can we successfully achieve restructuring or transformation in such an economic environment in Hong Kong?

Hong Kong must not become a burden to the economy of China. This is of very, very great concern to Beijing. Why? Although the Financial Secretary takes exception to the view that he has violated Article 107 of the Basic Law, I can say once again that the first line of this Article provides that the SAR should follow the principle of keeping expenditure within the limits of revenues in drawing up its budget. How much is our revenue? All the budgets over the years have violated the Basic Law. It is because since it is not known as to how much the revenue is, how can the budget be in compliance with the Basic Law? This is my view.

So, on the proposal made by the Liberal Party of developing the gambling industry on Lantau, I hope Members will not raise objection to it too quickly. I remember that two or three years ago, or even three or four years ago, the last Financial Secretary visited the United States, but I do not know the outcome of this visit. I hope that other political parties will look into this proposal calmly and will not oppose purely for the sake of opposition. To a person who does not gamble, he will not take part in gambling even though a casino is open just beside him; and to a person who likes gambling, he will go to a casino even though it is very far away. History may bear witness to this.

In respect of social welfare, I personally hold that Hong Kong must not become a welfare or Comprehensive Social Security Assistance (CSSA) society. Not that I have an axe to grind. I only encourage the Government to provide assistance to people in need of a job by carrying out promotional work in other ways. Only in this way that Hong Kong will not be turned into a welfare or CSSA city. This is something that has also given cause for concern.

Madam Deputy, let me come back to the financial services industry which I represent. I hope the Government can set up an interdepartmental working group with my involvement to review the powers of the Stock Exchange of Hong Kong and the Securities and Futures Commission. It is because there are indeed many disapproving views in the industry. We understand that the relevant officials may not necessarily know very well the aspirations of our

industry. I am prepared to start dialogues with the relevant departments sincerely and honestly, rather than being confrontational. We appreciate that the financial services industry is a very important sector in Hong Kong. A prosperous financial services industry will enable members of the industry to make a living and also enable the Government to create a better environment for Hong Kong as a whole. Many details are also involved here, and I cannot speak on them one by one here. I, therefore, very much hope that the Government, particularly Mr TUNG, can mention the establishment of such a committee in the forthcoming policy address. I firmly believe that with the concerted efforts of all sides, we will certainly create a better environment for the financial services industry of Hong Kong. Thank you.

**MRS SELINA CHOW** (in Cantonese): Madam Deputy, after going through the very unforgettable and difficult year of 2003, the stock market, property market and retail business in Hong Kong have finally rebounded significantly this year. The economy has gradually recovered, and the problem of deflation, which has haunted us for nearly six years, has finally come to an end. However, we understand that not every member of the community can truly benefit from the economic recovery, particularly as the unemployment rate now still stands at a high level of 6.8%.

Today, I wish to focus my discussion on the problems faced by the middle class. Although property prices have already rebounded considerably recently, many families have not yet been able to extricate themselves from the ordeal of negative equity assets. Despite slight increases in their wages, such increases may not be enough to make up for the previous reduction in their income. So, they are still under heavy pressure in their living.

In this connection, when the Liberal Party expressed to the Chief Executive our expectations for administration on Monday, we expressly pointed out that when the economy starts to pick up and when the Government's revenue position improves, the SAR Government should provide relief to the middle class which is shouldering the heaviest tax burden. For instance, as the Government had previously wielded the axe at the middle class by increasing the salaries tax in order to eliminate the fiscal deficit, it should consider reverting the salaries tax rate to the 2002-03 level in two years. Such reversion will enable the middle class to truly heave a sigh of relief and share the fruits of economic recovery.

Moreover, according to a survey conducted by the Liberal Party some time ago, many families which have taken out mortgage loans hope that the Government can revise the existing arrangement for home loan interest deduction in respect of salaries tax. They hope that the home loan interest deduction, the entitlement period of which is now seven tax years, can be revised to become a permanent deduction item. Findings of the survey also show that over 70% of the respondents hope that the Government can reintroduce the Home Purchase Loan Scheme to assist first-time buyers to purchase their own homes. Besides, compared with a similar survey conducted by the Liberal Party five months ago, the number of people who wish to buy property has substantially increased to 16%, which means twice as many people wish to buy property; and people who wish to buy property and to buy property which is worth \$1.5 million or above have considerably increased by nearly 20 percentage points. It shows that there are plenty of demands, and this warrants attention of the Government.

The Liberal Party considers that reintroducing the Home Purchase Loan Scheme will not only enable aspiring households to fulfil their dream of home ownership, it will also be conducive to the healthy development of the property market, thus killing two birds with one stone. Therefore, the Government should not overlook this.

Meanwhile, the Liberal Party hopes that the Chief Executive can earnestly fulfil his undertakings in last year's policy address by vigorously encouraging the expression of opinions and appointing more people in the middle class to the Government's advisory framework, so that representatives of various professions can have ample opportunities to offer advice to the Government on various policies, thereby enhancing the acceptability of the Government in administration.

The burden of tax and mortgage loans aside, I think we are all very concerned about the education of our next generation, particularly as the SAR Government's policy on education has often been confusing to the people recently. Many people have told me that they hope the Government can create a more stable learning environment for their children. Regarding the consultation on the "3-3-4" academic structure of the education reform initiated by the Education and Manpower Bureau recently, they are worried that their children will again be made guinea pigs for this "new endeavour" of the Government. So, in our meeting with the Chief Executive, we particularly stressed that the Government should learn a lesson from the implementation of



such policies as mother-tongue teaching. When policy changes are necessary, the public should be widely consulted beforehand to enable them to understand what the changes are all about. Besides, no amendment should be made lightly once a decision has been made, in order not to make adaptation difficult in various aspects. Most importantly, the Government must ensure that the quality of teachers can cope with the needs of the reform.

Furthermore, we suggested the Government to actively promote diversified education and further relax the restrictions on the quota of overseas students in local universities and also promote the development of Hong Kong into a human resources centre in Southeast Asia.

Finally, I would like to talk about tourism. The Government has stated earlier that a study is being conducted on the feasibility of building a second theme park on Lantau Island. I have expressed concern on this proposal. My view is that when the benefits of the Disneyland have yet become known, is it too early to study the construction of another theme park at this time?

On the contrary, we think that — I thank Mr CHIM Pui-chung for his appreciation of our view — in line with the idea of developing the Lantau Island into an integrated tourist centre, can the Government consider building casinos or large entertainment centres of a gambling nature exclusively for the enjoyment of tourists? I think this can further promote the development of tourism and the relevant industries and bring sizable proceeds for the SAR Government. At the same time, this can create more jobs for the grassroots and help relieve the unemployment rate. This is a proposal which will benefit many people.

We are not suggesting that Hong Kong should follow Macao where entertainment and gambling are the major pillars of economic development. But we still wish to point out that this can bring many types of benefits and therefore merit our consideration. Take our close neighbour, Macao, as an example. Since its opening in May this year, the Sands Casino already made a profit of over \$210 million in a short period of two months, paying tax to the tune of \$100 million to the Macao Government and creating as many as 2 400 jobs. Besides, in Auckland, New Zealand, there is only one casino of which the target customers are also mainly tourists, and in 2002-03, the tax paid by this

casino was over NZ\$170 million, which is equivalent to HK\$940 million. The proceeds were then used to finance many social welfare projects.

Certainly, the Liberal Party must emphasize that given the controversies around gambling in the community, we hope that this will be a tourism project especially for tourists.

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

**MR FRED LI** (in Cantonese): Madam Deputy, I would like to express the Democratic Party's expectations for administration in 2005 with regard to four aspects, namely, social welfare, consumer interest, public utilities and food safety. In respect of welfare, we call on the Government to address squarely the problem of poverty in Hong Kong. I think many colleagues have mentioned this point already, but I wish to emphasize that the Government must work in concert with the community, in order to alleviate the hardships of the lower classes in their living in Hong Kong. Regarding energy and public utilities, we call for the establishment of an Energy Authority to map out and monitor the development of energy in Hong Kong with a wide and holistic vision. With regard to public utilities, we advocate the market liberalization and the introduction of competition. In respect of consumer interest, we call on the Government to enact a fair competition law and set up a fair competition commission, with a view to improving the business environment of Hong Kong. Finally, we urge the authorities to expeditiously enact legislation on mandatory food recall and mandatory nutrition labelling, in order to enhance food safety.

Recently, we have repeatedly proposed in meetings of the Legislative Council the drawing of a poverty line and urged for the establishment of an interdepartmental and cross-sector working group to comprehensively implement, with the support of the community, the policy on the eradication of poverty. A motion was debated and carried in the Legislative Council on 3 November, urging the Government to set up an interdepartmental working group and to invite participation from social service organizations and their staff, service users, the business and industrial sector and also the public in the formulation of a blueprint for the development of social welfare policies in Hong Kong in the next decade, with a view to drawing up social welfare policies which meet the needs of the people in the light of socio-economic changes in Hong

Kong. Besides, the Democratic Party opposes the reduction of the CSSA payment for the elderly and the disabled, because they are living in very straitened circumstances as a result of the across-the-board reduction of 11.1% in two years. From 1 October, a single elderly CSSA recipient can receive about \$2,200 only for his living expenses, which means that he has less than \$80 to spend a day on average. Other than the rent for which an allowance is given, these \$80 cover food, electricity tariffs, gas charges, transport fares and all types of daily expenses. The Government cannot turn a blind eye to the plights of the underprivileged and turn a deaf ear to their discontent. We call on the Government to revert the CSSA rate for these people to the previous rate when the Government's revenue from tax and land sales has turned better.

To ensure fair competition in Hong Kong, we maintain that the Government should introduce a fair competition law and establish a fair competition commission with statutory powers of investigation. With the exception of Hong Kong, there is no other place where a fragmented approach is adopted to assure fair competition. While they have enacted industry-specific legislation to monitor individual industries, an overall fair competition law will still be enacted. Even in the Mainland, there is the Anti-Unfair Competition Law, and in the past three years, 2 815 cases of forced transactions by monopoly industries had been investigated and dealt with. That the SAR Government has been hell-bent on refusing to conduct studies on legislation is indicative of its oblivion to the actual needs.

With regard to the policy on energy, we call for the establishment of an Energy Authority to formulate objectives for the long-term development of the energy policy in Hong Kong and to duly monitor the work of various energy companies, with a view to consistently promoting and implementing the liberalization of the energy market. When monopoly, oligopoly or franchise prevails in the public utilities, the Government should endeavour to enhance the transparency of the operation of the companies, improve their accountability and monitor the fees and charges of their services, in order to protect public interest. After 2008, the scheme of control agreements of the two power companies will be revoked. The Government should actively take forward the interconnection of the two power companies and further study the feasibility of interconnection with the South China region, with a view to opening up the electricity market in phases and properly making preparations for the introduction of competition to the market.

Madam Deputy, with regard to food recall, Secretary Dr York CHOW had undertaken to expeditiously enact legislation on mandatory food recall when he took office. The Democratic Party very much supports this. A few years ago when new food safety and environmental hygiene departments were established to take over some of the functions of the two municipal councils, the then Secretary Mrs Lily YAM had undertaken to enact such legislation expeditiously. Regrettably, this issue has been shelved with her departure, and the policy has since been stalled. It was only until Secretary Dr CHOW — the third Secretary — took office that I could see the matter taking a turn for the better. The Democratic Party considers that only when a comprehensive law on mandatory food recall is in place can the existing food safety system become sound. Under the existing law, even though the food produced by a particular manufacturer is found to be problematic, the manufacturer is not duty-bound to recall the food, and the Government can only deal with such cases by way of negotiation and persuasion. The Democratic Party holds that there is room for improvement in this regard.

Moreover, I also urge the Secretary to expeditiously enact legislation on mandatory nutrition labelling. The Secretary is a doctor and he should know only too well that a comprehensive system of nutrition labelling will help the public and the chronically ill to make informed and proper choices of food, and only in this way can the benefits of preventive medicine be brought into play and the overall medical bill of society reduced. For this reason, I urge Secretary Dr York CHOW and the Government to draw up a timetable and implement statutory nutrition labelling in three years.

**MR LI KWOK-YING** (in Cantonese): Madam Deputy, in the wake of the ravages caused by SARS last year, the Government set up the Centre for Health Protection (CHP). The people of Hong Kong all have a very high expectation for the CHP and they hope that much can be done by the CHP in terms of the detection, notification and control of infectious diseases. However, there has been delay in the notification of a Japanese encephalitis case in a child in Sha Kong Tsuen, Lau Fau Shan and an outbreak of fever among child patients in Caritas Medical Centre. The events are alarming as they remind us of the many inadequacies in the prevention of infectious diseases.

Madam Deputy, the public still remembers vividly what happened in Ward 8A in the Prince of Wales Hospital last year and the tragedies caused by poor communication between the Hospital Authority (HA) and the Department of Health. However, the authorities have not learned a lesson from these events. At the beginning of this month, there was an incident of a group of young patients in Caritas Medical Centre who developed fever. At first it was announced that there were 19 infections, but the number has grown to 28 now and one has died from the complications. But the Caritas Medical Centre reported the death to the CHP only two days after the patient had died. What is more worrying is that it was only 12 days after the outbreak, that is, yesterday, that the Caritas Medical Centre activated the Green Alert infectious disease response and implemented further preventive measures like isolating the infected patients and imposing restrictions on visitor entry.

Obviously the way in which the incident has been handled by the HA and the CHP as well as their efficiency fall far short of public expectations. It is also unacceptable. At this time of winter, when there may be an outbreak of infectious diseases like SARS, avian flu, and so on, at any time, both the HA and the CHP should stay on alert. A speedy review of the notification system should be made. Loopholes in activating the epidemic prevention mechanism should be plugged. Various health care institutions should be aligned to stay on alert. All of these will bring the due functions of the CHP into real play.

Madam Deputy, the incidence of a local case of Japanese encephalitis at the beginning of this month suddenly dawns on us that pathogens for the disease exist in Hong Kong. Should sanitation or mosquito pest deteriorate, there are great chances of a massive outbreak. The Government often says that the best way to prevent the spread of Japanese encephalitis is to keep the environment clean and control the mosquito pest. But what we can see is the Government saying one thing while doing half of the job.

It is common knowledge that mosquitoes are a major insect pest in the rural areas. This is not just due to the luxuriant vegetation growth there. The greatest problem is the absence of a sound sewage system in such areas. As a result, waste water is not properly treated and so mosquitoes and other pests breed. Information from the Government shows that of the 955 villages in the New Territories, only about 100 have sewage systems built by the Government. For the other some 800 villages, they only have a rudimentary sewage scheme or they have to rely on private sewage treatment facilities. The Government's

neglect of infrastructure in the rural areas is a potential time bomb in environmental hygiene which may lead to an epidemic outbreak at any time. So the Government is obliged to speed up the works on the drainage systems in such areas and those which will improve the environment. This will provide a clean and healthy environment to residents.

Moreover, the Government remains very indecisive regarding the use of vaccines. Not only does it have no clear stand on vaccination against Japanese encephalitis in humans but it also cannot decide whether to vaccinate pigs. Evident in the vaccination of chickens against avian flu, vaccination is a successful measure against infectious diseases. It is surprising to learn that there is no registered vaccine in Hong Kong against Japanese encephalitis for use in pigs. Even if pig farmers want to reduce the risks of their livestock from catching Japanese encephalitis, they are not prepared to bear the risk of using unregistered drugs. But whenever there is an incidence of Japanese encephalitis, pig farmers are often unjustly attacked for not paying attention to sanitation. So no matter it is in the interest of public health or helping pig farmers raise their pigs healthily, the Government is obliged to formulate a policy on vaccination expeditiously in order that the chances of animal-to-human transmission of infectious diseases can be reduced further.

Madam Deputy, in recent years there has always been discussion on the topic of health care financing and it is regarded as the best solution to our health care system in tatters. It is true that health care financing can open up new resources for health care services in Hong Kong, hence it should receive great attention of all sectors. But it is no solution to all problems. We cannot just talk about financing and do nothing to change how health care services are positioned in the public sector or to continue using "Rolls Royce" grade health care facilities and set-ups. It is because with the ageing of the population and an ever-increasing number of the chronically ill, even if a consensus is reached on a health care financing proposal, the additional resources available will not be able to foot the public medical bill over the long run. As a result, resources will be wasted and the public will suffer. Therefore, the DAB always considers the best solution to problems in the health care system is to reposition public health care services, iron out problems in health care services and foster co-operation between the public and private sectors. Only when these are achieved that it would be constructive to talk about health care financing. We hope that the Health, Welfare and Food Bureau will come up with a new direction in

repositioning public health care services so that society may know the way forward for public health care services and discussions on financing arrangements can benefit.

Madam Deputy, I would like to conclude by discussing the professional development of Chinese medicine. Recently, the DAB has received a lot of complaints from graduates of Chinese medicine, saying that they do not have opportunities of clinical practice and there is no channel of professional training, hence their further development is impeded. Now both students and graduates of Chinese medicine find their future outlooks grim. This has a lot to do with the absence of proactive efforts by the Government to formulate a comprehensive policy for the development of Chinese medicine. Notwithstanding government regulation of practitioners of Chinese medicine in recent years which has contributed to the recognition of their professional status, the absence of any assistance has denied the development of Chinese medicine in Hong Kong a direction. If the *status quo* remains, it will be hard for the profession to develop in Hong Kong. Talks about building a hub for Chinese medicine and a Chinese medicine port would only be nonsense uttered by an idiot. The DAB hopes that the Government will really attach importance to the development of Chinese medicine in Hong Kong and take studies on the subject to a higher level. I will propose a motion on the topic two weeks later, by then I will discuss the topic in greater details.

Madam Deputy, I so submit

**MR JEFFREY LAM** (in Cantonese): Madam Deputy, Hong Kong has weathered many storms and crises in recent years, and there is a tendency of polarization of views in society. There is less harmony and our attention has been distracted. As a result, we have not been able to focus on identifying ways of reviving our economy, thus unable to fully benefit Hong Kong people.

Therefore, I would like to urge the Chief Executive to devote more coverage of the policy address to measures that can promote the economic development of Hong Kong; to tie in with the advantages brought about by CEPA and the Individual Visit Scheme; and to enhance the assistance to nearly 400 000 small and medium enterprises (SMEs). We must know that, SMEs account for 98% of all local enterprises, forming a major pillar of the economy

of Hong Kong. If we render assistance to them, it is equivalent to assisting Hong Kong in creating more job opportunities, thereby making the market more prosperous and benefiting the general public as a whole.

All along, many operators of SMEs have been telling me frequently that they have financing difficulties in business development. The SME funding schemes launched by the Government with a funding of \$1.9 billion have helped many dynamic and innovative enterprises. Unfortunately, most of the money in the funds has already been taken up, resulting in a stretched financial situation of the schemes. In order to support the development of SMEs, I demand the Government to further inject capital into the four funds, namely, the SME Loan Guarantee Scheme, the SME Export Marketing Fund, the SME Training Fund and the SME Development Fund. In the meantime, flexibility must be exercised in the vetting and approving process and the application criteria of the funds must also be relaxed. In view of the fact that many Hong Kong businesses have established production plants in the Mainland, they should also be eligible to apply for such funding schemes, so that their business development can be helped.

Apart from helping Hong Kong businessmen explore their market, I also hope that the Government can step up its overseas promotion campaigns, so as to attract more foreign investments. For example, the facilitation of mainland businesses setting up operations in Hong Kong is a new economic impetus that cannot be underestimated. It can bring into Hong Kong massive capitals, technology and skills and job opportunities. Let us imagine this. If many mainland enterprises make use of Hong Kong as their springboard to the international market and set up their exports headquarters in Hong Kong, then people from different walks of life, be they senior managers, renovation workers or low-skilled workers like tea ladies or cleansing workers, will all stand to benefit. This type of cross-industry benefit will benefit people from different strata of society.

As a matter of fact, Hong Kong now enjoys the benefits from various measures such as CEPA, the Individual Visit Scheme, the co-operation and development framework of the Pan-Pearl River Delta Region, which is also known as "Nine plus Two". All these have put Hong Kong businesses in a more favourable position in tapping the mainland market, in comparison with their counterparts from other places. Hong Kong businessmen, who are traditionally flexible and shrewd, are poised to grasp such good opportunities.



However, many businessmen, especially operators of SMEs with relatively limited resources, often tell me that they do not know the new measures too well, and their understanding of such issues as mainland legislation and taxation are also limited. As a result, they are often involved in trade disputes, thereby affecting their business development. Besides, when Hong Kong businessmen take part in trade exhibitions or conduct business in overseas countries, they are often subject to impolite or unfair treatment. All these reflect that there is insufficient support for Hong Kong businesses in development in either the Mainland or overseas countries.

Therefore, I propose that the Government should set up an association, with official and unofficial representatives, for reconciliation of trade disputes between Hong Kong and mainland parties. It will provide Hong Kong businessmen with support in the earliest instant when they encounter problems out of the territory, especially when they are involved in legal or personal safety issues. Besides, the roles and functions played by offices of the TDC in China and overseas countries should be strengthened. Apart from helping Hong Kong businessmen understand the fast-changing trend in the world market, they should also help them grasp the local ways of life and in particular the local business culture, thereby enabling them to give full play to their abilities.

On the whole, I think the Government should remove the restrictions for SMEs. Instead of interfering with their operations by visible control measures, such as introducing the minimum wage legislation and distorting the operation of the market, the Government had better strive to enhance the competitiveness of businessmen, thereby making the market more prosperous and achieving full employment for everyone. Only in this way can we find the solutions to the problems of unemployment and the disparity between the rich and the poor. Besides, efforts should also be made expeditiously to repeal certain laws that may stifle the development of Hong Kong. For example, estate duty is a major stumbling block in Hong Kong's development into a high-quality assets management centre. I hope the Government can heed the opinions of the general public and remove this outdated tax as soon as possible.

Madam Deputy, I understand that the SAR Government is obliged to offer more assistance to the most needy in society. However, apart from directly formulating policies for aiding the poor, the Government should actually adopt a

more proactive approach by stimulating the economic development, and help the SMEs by implementing some timely measures, so as to enable them to set their targets at the global market while consolidating their home operations in Hong Kong. If the SAR Government can really achieve the objectives of leaving wealth with the people as well as promoting people-based governance, coupled with the self-strengthening spirit of Hong Kong people, it can definitely promote the prosperity and stability of Hong Kong.

With these remarks, I support the motion.

**MS MARGARET NG** (in Cantonese): Madam Deputy, I would like to extend my gratitude to Dr YEUNG Sum for moving this motion, so that this Council can have an opportunity to openly express its expectations for the policy address. I shall focus my discussion on the following points:

- (1) The issue of the right of abode of Hong Kong residents' children born in the Mainland has been dragging on for many years, resulting in many family tragedies in both Hong Kong and the Mainland. All these were attributable to the fact that the SAR Government had made up the statistics in May 1999 of a possible influx of 1.67 million mainlanders to Hong Kong, which led to the request to the National People's Congress (NPC) for an interpretation of the Basic Law, thereby bringing about the consequences which have dealt severe blows to the fundamental institutions of Hong Kong. As proved by facts now, there were serious errors in the data presented at that time. The person who has created the problem should be responsible for solving it. We hope the Chief Executive can do something to show that he will strive to solve this problem thoroughly, thus redressing the injustice done to such families and comforting them for the pains they have suffered.
- (2) Safeguarding the judicial system of the SAR is of the utmost importance to the confidence of people in both Hong Kong and the international community. Recently, there has been widespread concern about the possible reciprocal enforcement of judgements between Hong Kong and the Mainland. People in both Hong Kong and the international community have much less confidence in the

legal system of the Mainland than that of Hong Kong. If the judgements of mainland courts can be enforced in Hong Kong, the protection accorded to the assets of Hong Kong people and international investors in Hong Kong will obviously be affected. In the mean time, many people do not have much confidence in whether the judgements of Hong Kong Courts can be enforced in the Mainland. So with regard to this suggestion of reciprocal enforcement of judgements, many problems still exist. I hope the Chief Executive can give us an undertaking that this suggestion will only be further considered after he has first discussed it in great detail with the legal profession.

I also hope that the Chief Executive can pay due attention to the fact that the cut in expenditure has already affected the operational efficiency of the Courts. In order to save resources, four magistracies had already been closed or combined, so the waiting time for setting down of hearings of cases has been prolonged. The work pressure of High Court Judges has kept on increasing. Given the existing resources, they also have to take up all kinds of additional work outside the Court, such as providing responses to discussions raised by Members of this Council, establishing a working group to review the operation of the existing Labour Tribunal and proposing more than 30 improvement measures. We are very grateful to the judicial officers for having undertaken this task. But this was done by the Judges with their own spare time. The Judiciary is independent of the executive authorities and the legislature. This is exactly the reason why we are particularly concerned about the situation, and would like to take the initiative of adopting some measures to protect it.

- (3) I have specially requested to speak on behalf of the other three Members of the Article 45 Concern Group on people's aspirations for constitutional reforms. Two days ago, in a Constitutional Affairs Panel meeting, Mrs Selina CHOW, who is also a Member of the Executive Council, said clearly that the Government knew it very well that the vast majority of the people wanted to have universal suffrage for the elections of the Chief Executive and the Legislative Council in 2007 and 2008. I hope that the Chief Executive can explicitly confirm this fact. As this is the fact, the

Chief Executive should furnish us with an official reply in the policy address on how he would respond to this call for democracy. Would the addition of a batch of new members to the Election Committee, or several new seats to each of the two groups of this Council, be sufficient as a response?

The four of us will not change our stand of supporting the implementation of universal suffrage in the elections in 2007 and 2008, and we have already reiterated the reasons many times. We feel that any piecemeal patch-up reforms are not only useless to improving governance, but also simply an insult to the people's intelligence and affection for both the country and Hong Kong.

The Chief Executive must respond to the following issues in his policy address: Does the Government admit that a serious governance crisis has already emerged? Does he agree that the unsatisfactory governance and poor social harmony are attributable to the lack of a popular mandate for the Chief Executive and the fact that the people's voice cannot dominate the situation because the minority can always veto the opinions of the majority in the Legislative Council? And is it true that the confrontational relation between the Executive Council and the Legislative Council is caused by the Government's stubborn insistence on an excessively executive-led style of administration? If these problems are valid, the Chief Executive must explain how piecemeal patch-up proposals can solve such problems.

It is speculated that the Government will introduce a "mainstream proposal" in the middle of 2005. I hope that the policy address can explain clearly why a proposal that runs counter to the majority view of the people should merit the support of this Council. Thank you, Madam Deputy.

**MRS SOPHIE LEUNG** (in Cantonese): Madam Deputy, next year will be a crucial year for the textiles and garment industry because the quota system which has been implemented for half a century will be completely phased out on 1 January 2005. It will mark the beginning of a new era of free trade and, at the same time, also signify the rapid intensification of global competition. However, I would like to point out that this will be a crucial moment not just for the industry I represent, but for the overall economy of Hong Kong as well

because the textiles and garment industry still brings about foreign exchange earnings amounting to \$70 billion annually and provides 50 000 employment opportunities. If the industry enjoys growth, the overall economy of Hong Kong will be benefited.

The abolition of the quota system will present a significant opportunity to Hong Kong. This is because the textiles and garment industry in China has seen a very strong growth in recent years, but its export quantity has always been restricted by the anti-surge and anti-dumping provisions in the United States and European countries. Hong Kong has played the strategic role of being the flexible buffer for China exports, in that it can absorb the surplus orders from China, and for which further processing can be arranged outside the country. In this connection, special arrangements can be made for buyers to have the goods manufactured in and exported from Hong Kong. The United States has already re-imposed quota restrictions on four categories of goods from China, and more such restrictions will be forthcoming, so the situation has taken on some measure of urgency. Unfortunately, the Government has not provided adequate support to local manufacturing industries, as a result "Made in Hong Kong" garments well-known in the international market have long been denied another opportunity of take-off.

Therefore, the industry hopes that the Government can seize the opportunity and proceed to upgrade our competitiveness and enhance innovation, thereby attaining the goals set by the Chief Executive of making Hong Kong "the fashion centre in the Asia Pacific Region" and "a world class design and fashion centre".

Madam Deputy, these two items were mentioned in the policy addresses of 1998 and 2003 respectively.

Earlier on, the industry suggested the establishment of a border industrial zone to create a high value-added production base for Hong Kong. This is consistent with the following principles mentioned in the policy address of last year, "allowing some competitive traditional manufacturing industries to relaunch locally" and "welcoming the location of high value-added production processes in Hong Kong". I hope the Government can promptly give a specific response in this connection.

Besides, it is also the aspiration of the industry to see the establishment of a fashion design centre with diversified facilities, so as to enhance the competitiveness of the industry. It will enable the industry players to understand what the elements of design are, and how such elements can be incorporated into export products. The industry has submitted many suggestions, and I have also been actively involved in them and I have proposed to locate such a design centre in the industrial area of Cheung Sha Wan. However, six years have lapsed, it is still a proposal on the drawing board. I believe everyone can understand the disappointment of the industry.

We all know that, in the post-quota era, we can no longer rely on "low cost" as our competitive edge. Instead, we must strive for "high quality", that is, we must transform our production into one high value-added production. So we must enhance our competitiveness in terms of design, research and development, production, brand name, and so on. All these require facilitation in terms of relevant government policies. I very much hope that the Government can act boldly to put these ideas into actions, so as to help the industry, one of the mainstays of the local economy, to explore a new world in the post-quota era.

In particular, I hope the Chief Executive can pay due regard to the problem of inadequate supply of low-skilled workers. At the end of last year, I conducted a survey within the industry. From the returned questionnaires, I found that, within a short span of only two weeks, surprisingly there were 200 vacancies in the garment manufacturing industry, for which no suitable candidates could be found. Although we have been working jointly with the Labour Department in organizing recruitment campaigns, we still think that we must face squarely the hollowing-out problem of the manufacturing industries. All along, the industry has been proposing importing low-skilled workers from the Mainland, whereas more higher-level employment opportunities should be left to local workers. However, the Government has been very hesitant. I hope the Chief Executive can seriously reconsider this.

Our industry enjoys a high reputation in the international community, and has been well known for its creativity and trendy touch. In the new era, the post-quota era, the industry needs greater scope to give full play to our creativity. As such, the Government should expeditiously review all possible barriers, such as its policies, legislation, systems, and so on, that may become impediments to our operations.

In this connection, the industry hopes that the policy address can attach some significance to the prospects of the textiles and garment industry in Hong Kong; make specific commitment to the high value-added development of the industry; define a strategic role for the industry in the post-quota era in Hong Kong; and provide extensive scope for its development. In the meantime, we also hope that the Government will not take CEPA as a panacea and exaggerate its strategic effects. This is because the United States and European countries have already adopted a very cautious attitude in preparation for the abolition of the quota system. Some critics say that China will become the major winner after the quota system is abolished. I believe that, Hong Kong has been a partner city of the textiles and garment industry of China for a long time, so it should play a strategic role and share some of the fruits of its economic growth.

Come to imagine this. Asia is the largest service export area in the world, and China is heading in the direction of becoming "the factory of the world", it is only natural that Hong Kong should ride on this trend and become a purchasing hub of the world. This development will help us to achieve the goal of making Hong Kong "the fashion centre in the Asia Pacific Region" and "a world class design and fashion centre", thus pushing the economic strengths of both Hong Kong and the Greater China to a higher level and enabling Hong Kong people to really share the fruit of our economic prosperity, instead of holding the mentality of "people of the same group gaining profits from each other."

However, it is most discouraging to us that, whenever the industry puts forward a proposal, the attitude of the Government always seems to be: As the proposal is put forward by you, you should identify a way of making it work. Recently, the Liberal Party proposed that we should develop casinos, and this has triggered a lot of controversies. Many say that: Why does it seem that the Governments of Hong Kong and Macao have adopted very different mindsets of governance? In comparison, insofar as the governance of Macao is concerned, after their officials have listened to suggestions, they would realistically analyse them, form their own opinions and implement them. But for Hong Kong officials, they want to know everything, and they want to control everything, but they just stop there. It is really different. Earlier on, the Liberal Party submitted a proposal to the Government on establishing casinos on Lantau Island. I hope everyone can use a fresh perspective to examine the issue and identify feasible ways of making it happen, instead of just finding excuses to oppose it.

With regard to the policy address of the coming year, I hope it can accord the highest priority to upgrading the competitiveness of Hong Kong; formulate an economic blueprint for the future of Hong Kong; make readjustments to the unbalanced economic structure; expand our production and export trades; promptly complete the process of our economic restructuring; and strengthen the co-operation between Hong Kong and the Mainland. Madam Deputy, I so submit.

**MR ALBERT HO** (in Cantonese): Madam Deputy, on behalf of the Democratic Party, I speak on our expectations for the economic policies to be implemented by the Chief Executive in the coming year. I would like to first discuss the issue of the elimination of the fiscal deficit.

Although the policy address does not seek to tackle the problem of the fiscal deficit, the financial policies of the Government do have a major impact on its administration in the future. In the past, the Government reduced public spending because of the fiscal deficit, and the burden on the shoulders of the people has obviously become heavier. Therefore, all along the Democratic Party has been requesting the Government not to hasten to eliminate the fiscal deficit by introducing public spending reductions and tax increases that are too substantial. Instead, the Democratic Party thinks that the Government should seek to reduce the fiscal deficit by making more flexible use of its existing assets.

The other day, in our meeting with the Financial Secretary, the Democratic Party presented many proposed measures. I would like to take this opportunity to explain them. First, the Government may draw part of the investment proceeds from the Hong Kong Monetary Authority (HKMA) for use as part of the recurrent revenue of the Government, setting the ceiling at \$30 billion annually. At present, the share of the profit received annually by the Government from the HKMA is roughly between \$10 billion and \$20 billion. In fact, each year the HKMA still has revenue of several tens of billion dollars that can be credited to the Exchange Fund. This amount of money can actually be credited to the Treasury to meet government expenditure. I hope the Government can consider this suggestion as a matter of strategy, and as I said a moment ago, at a time when the economic revival has just started, and when the people are still in dire straits, the Government still sees fit to introduce tax increases and abolish or reduce many public services. In my opinion, how the



Government can make use of the reserve to ameliorate the fiscal deficit problem is actually the best way to test its capability in governance.

Secondly, the Democratic Party proposes that the Government should proceed with the securitization of some of its assets. For example, the government-owned Airport Authority, the Hong Kong Mortgage Corporation, the Tradelink, as well as the realization of its assets through public listing in the stock market upon the merging of the Kowloon-Canton Railway Corporation and the MTR Corporation Limited. With stable incomes and profits, all these government-owned companies are very good investment options. The Democratic Party has some other revenue proposals, including the injection of government multi-storey car parks into a property investment trust fund, the continued issuance of bonds and auctions for the naming rights of public facilities, and so on. If the Government really adopts all these revenue proposals, I believe it will be able to secure additional revenue of about \$30 billion annually in the next few years.

Madam Deputy, the various economic indices, including revenue from land auctions and stamp duty, all indicate that the Government will be better off this year than originally envisaged, and our economy will also be gradually turning the corner. The Democratic Party thinks that the fiscal deficit of the year will be less than \$42.6 billion, the original estimate at the beginning of this year. Therefore, the Democratic Party thinks that the Government should actively make preparations for the long-term development of Hong Kong. Apart from eliminating the fiscal deficit, it should also provide assistance to the poor. So, another theme I shall speak on is aiding the poor.

(THE PRESIDENT resumed the Chair)

The disparity between the rich and the poor has become increasingly serious. Press reports on Hong Kong's Gini Coefficient occupying the fifth position in the world are no longer newsworthy. More and more families cannot rely on the money they earn from work to maintain a basic living for themselves. Not only do we have to uphold social justice, but we also have to fulfil our legal obligations under the International Covenant on Economic, Social and Cultural Rights. We cannot tolerate the situation in which so many people

are leading a highly affluent way of life, while some people are still living in extreme poverty with no dignity at all. Besides, the elimination of poverty has a significant bearing on the sustained stability of the society as a whole and its long-term economic development. As such, the Democratic Party demands the Government to address squarely the poverty problem, and strive to assist the poor to get rid of poverty. More importantly, we should prevent the sustained poverty, or even cross-generation poverty, of poor families.

The Democratic Party thinks that the Government should accord the highest priority to the setting of a poverty line and the establishment of an interdepartmental committee on aiding the poor, so as to determine the specific number of people living below the poverty line and to formulate various policies and measures to eliminate poverty. In doing so, we shall be able to provide them with the assistance they deserve. We also hope that we can give them opportunities to receive education and training, so as to enhance their working abilities, or even competitiveness, in society. Finally, the Government should ensure that children of poor families can receive suitable education, so as to enable them to master work skills, or be able to grasp the opportunity of moving up the social ladder by way of education. This will prevent poverty from extending to their next generation.

The Democratic Party strongly demands for the immediate withdrawal of the measure which has just been implemented to reduce the Comprehensive Social Security Assistance (CSSA) payments for the elderly and the disabled. We also propose that the allowances for children of poor families and families receiving CSSA be increased. To be specific, we propose that each child from CSSA recipient families who is attending school should be provided with an annual extra-curricular activity allowance of \$3,000, so as to ensure that they can enjoy normal development.

Madam President, Hong Kong has to tackle problems in many different areas in the future. In order to be able to do that, we need a government with credibility. Yet, unfortunately, our Government suffers great deficiency in this regard. Therefore, we must strive for the expeditious implementation of a democratic system. I believe that the Government should not resist this trend of democracy.

**MR ANDREW LEUNG** (in Cantonese): Madam President, the annual policy address is a vehicle for the Government to announce its major policy objectives and directions for the coming year. I have great expectations for the Chief Executive's policy address in the coming year because, with the emergence of some early signs of recovery, the economy of Hong Kong is gradually reviving. However, this does not mean that it is plain sailing ahead. In fact, there are still a lot of problems we must face squarely, and there are still a lot of difficulties we must tackle. For example, the competitiveness of our neighbouring countries and regions has already improved so much that they have long posed as threats to Hong Kong. As such, the Government must have the determination and the wisdom to lead us to take these challenges.

First of all, I think the Government must strengthen its communication with the Legislative Council as well as the major political parties. Meanwhile, the various political parties should also seek to co-operate with each other — to strive for a consensus while tolerating the differences of each other — so as to consolidate the strengths of the executive authorities, the legislature, the various industries and the people. In doing so, we can create a better investment environment and promote a good overall environment for attracting more investments and economic activities, thereby enlivening the economy of Hong Kong. In this way, all strata of society can enjoy the fruits of economic success.

At present, the economic situations of both Hong Kong and the Mainland are very good, with opportunities emerging everywhere. However, there is still much room for improvement in terms of policy actually. As Mr Jeffrey LAM said just now, the SMEs in Hong Kong are also facing lots of difficulties. We must do something to help the SMEs, so as to enable them to identify business opportunities during this period of economic recovery. In order to cope with the global trend, Hong Kong has already transformed into a high value-added knowledge-based economy. But for the brand names in the manufacturing industries which we have successfully built up in the past, there is still room for development, particularly with the advantage of the zero-tariff policy, together with business opportunities emerging in the Pearl River Delta (PRD) Region and the Pan-PRD Region. Therefore, we should expeditiously attract more Hong Kong businessmen to relocate their investments back to Hong Kong so as to provide more employment opportunities for various strata of society. The Government should take the lead in enhancing the structure of industries;

formulate anew industrial policies, so as to promote the development of local creative industries and high value-added industries; and encourage traditional industries with foreign exchange-earning capability to upgrade and become high value-added industries.

If Hong Kong is to be developed into an innovation and technology centre, it must motivate private organizations into investing in research and development (R&D). I hope the Government can formulate practical and effective measures to encourage private companies to increase their investment in R&D, so as to make the hard and soft infrastructure facilities of Hong Kong complement with each other. I must stress that many of our competitors in neighbouring regions are making use of tax concessions to encourage investment in R&D. So the Government should actively consider granting the private sector with a triple tax allowance which is a deduction equivalent to 300% of the total expenditure on design and R&D. Apart from stimulating the interests of private companies in R&D, this policy can also train up more scientific research talents, thus creating more high value-added posts for the younger generation. In the past, we had been suggesting to the Government that it should expeditiously drive Hong Kong's development in the direction of product design, to build up and promote the unique label of "Made in Hong Kong" as well as to establish a "fashion and design centre" as soon as possible.

The shipping and logistics industry of Hong Kong is one of the local pillar industries, while the container terminals and the cross-boundary transportation industry between the Mainland and Hong Kong provide over 10 000 posts. However, the throughput of the container terminals has shown a slackened growth in recent years. On the other hand, the port of our neighbour, Shenzhen, has shown substantial increases in its throughput. This shows that the wide margin by which our Hong Kong port has been leading is narrowing gradually, and the rate of this narrowing process has reached an alarming point. By the standards of an international port, the quantity of goods processed through it must reach a critical mass before its operation can achieve cost-effectiveness. Otherwise, the overall operational efficiency will plummet, and the throughput of our port will drain away at an alarming rate. Therefore, I suggest that the Government must expeditiously adopt practical measures to improve cross-boundary freight transport efficiency. For example, we should strive to provide greater convenience in border clearance for both passengers and goods under the Guangdong-Hong Kong co-operation mechanism. New measures such as co-location of immigration and clearance facilities (that is,

clearance by the Customs and Excise Services and border control services of the two sides can be conducted at the same location) should be considered, so as to improve the clearance efficiency. Other measures include reducing terminal handling charges (THC); fighting for the cancellation of the policy of "four-up four-down"; making investment in the construction of a logistics park, increasing the transparency of the charging mechanism of the THC, as well as rationalizing the charges through the market mechanism in order to enhance the competitiveness of the port of Hong Kong. All these measures must brook no delay.

Madam President, many Honourable colleagues from the Liberal Party mentioned earlier that estate duty is an outdated tax which is a serious stumbling block in Hong Kong's development into a high-quality asset management centre. The abolition of estate duty will not just enable the sound financial market in Hong Kong to seek further development, but also create more high value-added posts, thereby making Hong Kong Asia's wealth management centre.

I think the Government should also formulate an industrial policy for environmental recycling activities, so as to encourage the development of the recycling industry. This will not only create more posts in Hong Kong, but also provide many opportunities to the people. Moreover, it will also improve the environment. Through levying an environmental tax to change the spending habit of consumers, the Government can speed up the development of the recycling industry.

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

**MR PATRICK LAU** (in Cantonese): Madam President, many Honourable colleagues have mentioned Macao earlier. I think Hong Kong people also want Hong Kong to be in the same situation as Macao: Civil servants can enjoy a pay rise and we can have tax cuts. However, Hong Kong is Hong Kong. In fact, for us professionals, the most important thing is to have more work. As Dr KWOK Ka-ki said, if the professionals do not have any work, they cannot gain any experience — a situation that could even deny them the chance to sit for professional examinations.

In the area of planning, I think the Government should, apart from formulating long-term planning blueprints, at the same time attach some significance to policies on in-community development. At present, many medium or small projects are shelved or cancelled due to the fiscal deficit. This will affect the progress in improving the community environment. I hope the Government can expeditiously relaunch these projects so as to cope with the ongoing development of the communities.

Besides, I hope the Government can actively promote flexible planning and development in different communities with reference to their respective characteristics, thus doing away with the monotonously standardized planning patterns in the various communities. And in the process of promoting this development, the Government may consider enhancing the functions of District Councils in order to make use of the latter's advantage of local knowledge, thereby facilitating the smooth implementation of the planning of communities with special characteristics. In the meantime, in planning urban redevelopment, the Government should encourage developments that fit in with the special characteristics of the different communities in order to realize the ideal community planning model. In order to achieve this, I think the planning details of each community should be attached with an urban design plan, so as to enable the Government to make proper co-ordination in formulating the relevant policies, in particular, a suitable balance should be struck among the various aspects such as the conservation of the environment, preservation of antiquities and monuments and economic development, and avoid the emergence of any policy conflicts.

Earlier today I asked the Secretary when the pedestrian promenades and tree planting scheme will be implemented as these are significant facilities that can improve the environment of the communities. I believe that the improved facilities with special characteristics will not only enhance the sense of belonging of the people and improve their mental health, but also make the people more aware of the significance of environmental protection, promote local community economy and create job opportunities.

Madam President, apart from planning, I think the policy address should continue to implement measures of streamlining the structure of the Government, so as to prevent it from becoming bloated; efforts should also be

made to ensure good communication among different departments, thereby avoiding duplication of work and wastage of resources; and the approval process should be streamlined so as to prevent the healthy development of the market from being impeded by too many barriers. Take the construction industry as an example. If a developer or an architect wishes to launch a construction project, he has to seek approvals from many different departments, and each time he has to explain the whole project once again to each of the different departments. This would lead to a lot of unnecessary administrative costs, thereby pushing up the construction costs. The Government often says that the construction costs incurred by developers in erecting buildings are always very high. In fact, the Government should review the relevant policies to examine how the administrative burden for both the developers and the Government can be reduced, so as to reduce the construction costs and make the projects cost-effective. I hope the Government can act expeditiously to streamline its framework and speed up the time required in processing the planning and approvals of development projects and simplify the administrative arrangements, thereby really achieving enhanced productivity. This objective was actually one of the undertakings made in the policy address of last year. But one year has lapsed now, has any progress been made? I hope the Government can face this problem squarely and honour its relevant undertaking as soon as possible.

Madam President, many people are very much concerned about the education reform policies. I strongly support the "3-3-4" education system. I hope the policy address can portray this clearly and ensure that a proper balance can be maintained in the course of implementing such policies and education reforms, so that it would not affect too many serving teachers.

Madam President, the Chief Executive mentioned in the policy address of last year that, due to various reasons, some of the policy objectives could not be achieved such as, as mentioned by me just now, streamlining the structure of the Government, reviewing urban renewal policies and the disposal of the remaining HOS flats, and so on. I hope the policy address of this year can give the people a clear account of the relevant policies, measures that have been delayed, and future development directions and policy implementation timetable. Thank you, Madam President.

**MR RONNY TONG** (in Cantonese): Madam President, I am very glad to see that Chief Secretary for Administration Donald TSANG is present today in this Chamber to listen to the detailed analyses made by Honourable colleagues on policies in different areas, and the many improvement proposals made by them. However, it is also my hope that Mr TUNG could also be present in this Chamber, or watching this meeting in the comfort of his home over the television because what I want to say is not about the strengths or weaknesses of any individual policies, but just one remark, "Mr TUNG, under your leadership, we have taken the wrong direction."

Every time when Mr TUNG discusses various matters of Hong Kong, be they about democratic development, financial or even livelihood issues, his response is invariably, "Hong Kong is undergoing economic restructuring. Once our economy improves, all the problems will be solved." This has gone on for seven years. Everyone in Hong Kong knows this remark very well, and it has become one of the most oft-quoted lines in social exchanges. However, this remark does reflect the governance mindset of the SAR Government, and also illustrates the miserable aspect of the recent development in Hong Kong society. Does Mr TUNG realize that the gap between "the haves" and "the have nots" has become increasingly wide. "The haves" become increasingly unsympathetic and uncaring, whereas "the have-nots" become more and more desperate and helpless.

As we take a look at our society, we have some enterprises which have made substantial profits but still insist on launching massive layoffs; we have some rich and famous entrepreneurs who still wish to avoid paying tax or fulfilling reasonable social obligations. We do not have an overall dependable social culture or a lasting mechanism that enables some aspiring persons with leadership and a commitment to Hong Kong to enhance the quality of our society.

Last Friday, when I met with Mr TUNG, our discussion touched on the significance of a high-quality society. He said, "If we can restore our economy to normal conditions, talented persons will emerge." I am sorry, Mr TUNG, you are wrong. We do not need businessmen who possess superb talents but are uncaring to society. We do not need highly competent persons who are knowledgeable but unwilling to make any social commitment. We have too many of such persons in Hong Kong already. Every day, they are telling Mr TUNG not to put additional social burden on their shoulders, or they will withdraw their investments out of Hong Kong. I would like to ask Mr TUNG,



during these seven years, has he ever thought about this when he is all alone: As this is a place where they can make profits, will they really leave? Where else in the world can they make money so easily?

I am not saying that the economy is unimportant, but the quality of a society is even more important. As a leader in society, Mr TUNG has a vision of building up a society which aspires for democracy, respect for the rule of law, fairness, impartiality and justice, instead of creating a cold, uncaring business heaven. During these seven years, Mr TUNG has been managing all kinds of issues by taking economic goals as his primary objectives and making business operations as his main focus of attention. Do you still remember, in the right of abode case, the SAR Government said that, due to the possible influx of 1.67 million people into Hong Kong, which may undermine our economy, it had acted in such a way that led to the breaking up of many families and even attempted suicides?

I am not sure if it has ever occurred to Mr TUNG that this society needs your leadership in developing a kind of caring culture with commitment to society? Mr TUNG, you are duty-bound to explain to the people that if we want to solve the fiscal deficit, take care of the underprivileged, improve the medical services for the elderly and nurture the talented young ones, we must make a certain commitment. Not only tax cuts should not be proposed, but we should instead try to identify ways of broadening the tax base. We should strive to establish a fair, impartial and just society; we should respect the dignity of workers, so we should not give the workers an insulting pay for the sake of profiteering consortia. We should also have a fair business environment to enable us to seek further improvement through competition. Conducting business operations in an oligarchic style is like killing the chicken to get the eggs. It will only push society to the brim of the international market. It is not in line with our ideal.

I would like to tell Mr TUNG: Only a democratic and pluralistic society can facilitate the emergence of a united and lively people. A politically divided society with confused values and never-ending arguments will force talented and competent persons to leave the territory and emigrate to other countries. In the end, this Pearl of the Orient will lose its lustre and become dim. Mr TUNG, under your leadership, we have trodden on the wrong path. During these seven years, we have departed increasingly further away from our ideals. My expectation for your policy implementation is: I hope you can realize early that

only a high-quality society can make us take pride in it and call it our home. Thank you, Madam President.

**DR FERNANDO CHEUNG** (in Cantonese): Madam President, first of all, I would like to thank Dr YEUNG Sum for giving us this opportunity to discuss our expectations for the policy address. The disparity between the rich and the poor in Hong Kong has worsened to an unacceptable extent. Mr Albert HO mentioned just now that Hong Kong's wealth gap ranks fifth in the world. In some other international ratings, Hong Kong even ranks the third in the world. These are by no means honourable records. The present disparity between the rich and the poor in Hong Kong is just slightly better than that of the extremely poor countries of Honduras in Central America and the Central African Republic in Central Africa. If we take a look at the advanced economic development in Hong Kong and our per capita income now, I can only use the word "shameful" to describe our present situation.

In such an affluent city of Hong Kong, many grass-roots people have plunged into a deep abyss of misery just because of poverty. As they lack access to the essential social services, they fall into a state of helplessness and isolation. We have read about many suicides and family tragedies which are caused by poverty and unemployment. We come across such press reports nearly every day. Is it not clear that these are their angry accusations of the cruelty and injustice in society?

The blood of human beings is not to be taken lightly. Our Chief Executive who loves his people as dearly as his own children, and those senior officials who have received the instruction of "sensing the urgency of the people", may we implore you to really imagine what had once been on the minds of those desperate people who had suffered a lot and eventually killed themselves?

In the policy address which will soon be released, I hope that the Chief Executive can fill it up with his true feelings and enthusiasm; that it can reflect his determination, boldness and energy; and that he can lay a foundation for the long-term peace and harmony of Hong Kong.

Most important of all, we must break the myth of the so-called "positive non-interventionism", which is inherited from the colonial era.

The prime culprit of the wealth gap problem in Hong Kong is to the long-standing imbalance in the policies of the Government. Firstly, the Government has always exercised favouritism towards major corporations in all kinds of arrangements with public utilities, property developers and chain operations of retail businesses. Favourable measures include guaranteed profits for franchises, extremely low profits tax, and so on. These measures have enabled the consortia to reap excessive profits, and as a result of their high-speed accumulation of wealth, they eventually become *de facto* monopolies. The tax levied simply fails to achieve reallocation of social resources. The specific approach the Government should take is to actively study the possibility of making upward adjustments in profits tax.

Secondly, the statutory rights of Hong Kong workers are more backward than their counterparts in many different countries and regions. The Government's tolerance of employers' behaviour directly leads to the imbalance in labour relations, rendering grass-roots employees totally unable to protect themselves. They fall prey to pay cuts, additional working hours and layoffs. This all directly gives rise to a situation in which the poor become even poorer. Therefore, the specific measure the Government should adopt is to protect employees' right to collective bargaining and prescribe a minimum wage and maximum working hours for grass-roots workers.

Furthermore, in the face of the critical and pressing poverty problem, we should implement active and specific measures to aid the poor and eliminate poverty. At the same time, the Government should liaise with the non-government organizations and the academics, so as to formulate with some foresight the various criteria related to poverty and protection and to review and design the social security system in a comprehensive manner. The specific proposals are: the Government should restore the CSSA rates to the level prior to its reduction in 2003; and the Government should also expeditiously establish an interdepartmental committee on aiding the poor with the participation of non-government organizations and academics, which should study the possibility of establishing a poverty line and the standards, so as to ensure that the people are provided with the protection of a basic livelihood, formulate policies and proposals, and require and encourage the enterprises to jointly shoulder the social responsibility.

The efficiency of the Hong Kong Government has become increasingly low, and all the reforms are progressing at an exceedingly slow pace. So it is

only natural that the effect should be so bad. This is an inevitable consequence of any highly centralized political system. Now Hong Kong has already been reunited with the Motherland, but many people within our Government still hold a mindset inherited from the colonial days, that is, distrusting the judgements and abilities of the people and continuing to rely on the unscientific and loose advisory system, which actually facilitates the "black box operation" of the officials. How can such a government win the acceptance of the people? Let us take the politics in the districts as an example. The Government has gradually tightened the resources and power accorded to the District Councils, and the two elected Municipal Councils have also been scrapped. As a result, all issues, major or minor, have been brought under the control of the Government, which led to the expansion of its establishment, and consequently its lower efficiency as well as slower responses to the aspirations of the people on livelihood issues. This approach is contrary to the major trend of city administration in most cosmopolitan cities of the world. For modern cosmopolitan cities, apart from devolution of authority over municipal issues, districts with direct elections can have greater involvement in such matters as district planning, construction and investment, land administration and education, and so on. All such authorities will be vested with the municipal governments or the communities. Due to the small district administration and a high level of democratic involvement, the policies adopted are usually more flexible and transparent, and people's grievances can be better redressed.

Therefore, I propose that the Government should facilitate the growth of a civil society, and sincerely trust the people. The first step the Government should take is to open up all levels of advisory committees and gradually allow the public to take part democratically in the discussion and formulation of policies; to liaise with civil and academic organizations in making reference to the outstanding district management models of cities, so as to formulate new reform packages for district administration; the Government should devolve certain power and resources to elected councils in the districts, thereby ultimately implementing a democratic political system in the districts.

I strongly think that, in the interest of a better tomorrow for Hong Kong, these are the major working targets in which democracy shall blend with people's livelihood and improve people's livelihood, apart from the fight for elections of the Chief Executive and the Legislative Council by universal suffrage.

Madam President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, the Chief Executive made the following remark in his speech delivered on 23 August this year in the Hong Kong Economic Summit, "This summit is indeed an occasion to reflect on where Hong Kong has been and to prepare for the challenges ahead. When we look back on the past seven years, it's hard to believe what we've been through: the bursting of the asset bubble, the collapse of the property market, years of deflation, the erosion of personal wealth, high unemployment, consumer pessimism, reduced public revenue and SARS."

Madam President, obviously, Mr TUNG understands perfectly well the various kinds of difficulties that Hong Kong society has been facing during his seven years of governance. However, this is where the problem lies: When Mr TUNG releases his policy address in January next year, he will have entered the second half of his second term of office. I feel that, if he is a responsible leader, he should proceed to lay a foundation for the work to be undertaken by the third Chief Executive, so as to enable Hong Kong to steer itself out of the shadow of his governance, thus giving us a new starting point for our future development. This is my greatest expectation for the policy address to be delivered by Mr TUNG in the beginning of next year.

As a matter of fact, if Hong Kong people want to get rid of "what we've been through", as described by Mr TUNG, over the past seven years, I think we should by no means rely on the theme of Mr TUNG's policy address delivered at the beginning of this year: Allowing the community to take a respite and build up its strength. I recall that many Honourable colleagues and I stressed in that debate that, by "allowing the community to take a respite and build up its strength", it simply meant that the Government would be adopting a passive and "couldn't-care-less" attitude, instead of address positively all sorts of difficulties we were facing. In fact, I remember that we were then still living under the threat of SARS and our unemployment rate was still high, but the present situation is still the same. However, at that time, Mr TUNG did not mention in his policy address how best job opportunities could be increased. Instead, he proposed to slash 7 000 temporary posts. He was taking a path contrary to the needs of society, making us feel that the Government was rubbing salt into our wounds or not giving us a helping hand even when we were drowning. If this Government continues to act in this way, how can Hong Kong have any prospects, development and hope?

If the policy address for the coming year continues to employ the strategy of "allowing the community to take a respite and build up its strength", we are really worried. When the new Government assumes office in 2007, how can it have high hopes and optimistic views of the situation and development of Hong Kong? We think that in order to improve the livelihood of the people, the Government should be more active in making investment in society. Of course, what we mean by "society" is not the development in the West Kowloon Cultural District (WKCD), as said or stressed by the Government. We hope that the Government can put forward some solutions in the policy address to solve the difficulties faced by us in our daily lives. In the meantime, the Government should identify a clear positioning of Hong Kong in our future economic development.

I can recall that, two weeks ago in this Chamber, in an official response to the debate on "the disparity between the rich and the poor", Secretary Dr York CHOW told us that the overall size of our working population in the third quarter of this year had grown by about 84 000 people over the corresponding period of last year. He also said that the Government had made substantial investment in various aspects such as education, employment, housing, elderly care, the low-income persons and the disabled persons, and so on. It seems that the Government has already done a lot of work. However, if the Government has really done a lot of work, I cannot help ask these questions. Why do we still have 600 000 or 700 000 persons living in abject poverty? Why does our Gini Coefficient still stay at a high position? Why does our society have a lower social mobility than before? Is it because our Government has failed to meet the needs of society in allocating its resources?

We have been stressing for a long time that the Government has the responsibility to create more job opportunities and it should identify ways of doing so, so as to protect the rights of our workers. In particular, the Government should create reasonable working conditions for them. Only by doing so can we reduce the welfare expenditure of the Government. In the past, the Government had reiterated that its annual expenditure on Comprehensive Social Security Assistance (CSSA) amounted to over \$17 billion, which accounted for 8% to 9% of the government expenditure. In fact, if we can better utilize government resources, we may be able to reduce the number of CSSA cases. For example, if we can suitably create posts, there will be less

people relying on CSSA or other forms of social security. Therefore, I think the Government should think positively in this direction and examine why our employment size has been shrinking. This is how we should face our problems in society.

We understand that the key to our economic development lies in the identification of a proper direction for such development for Hong Kong. If we have the chance of listening to the complete speech delivered by Mr TUNG in the Summit, it is not difficult for us to find out his strategy for the overall economic development of Hong Kong, which can be summarized in four words, that is, "leveraging on the Mainland". Certainly, we cannot deny that Hong Kong must achieve more economic integration with the Mainland in our future economic development. However, we must realize clearly one question. When Hong Kong works together with and competes against provinces and cities in the Mainland, how can we excel and succeed in the process? How can Hong Kong become the world city of Asia? Actually how can we achieve this goal? If all we can do is just to "leverage on the Mainland", I think it will only make others doubt whether we still possess the vigour. If we cannot do anything other than relying on others, will this help the future development of Hong Kong?

In fact, most important of all, under our present economic integration with the Mainland, the most pressing problem we have to solve is how best to make our workers, especially the low-skilled workers, continue to be employed and continue to survive. In order to solve these problems, we must on the one hand make some of our manufacturing industries relocated back to Hong Kong. On the other hand, we must develop our own strengths, for example, we must develop the Chinese medicine or green industries, which were mentioned by Mr TUNG in the past. These are all favourable directions of development which can enhance the employment opportunities of Hong Kong workers.

The prevailing trend of development in Hong Kong makes us think that, if we want to lead Hong Kong forward, the success depends on whether there is any improvement to our constitutional system. If there is no reform to our constitutional system at all, I worry that our Government will meet even greater difficulties in operation in future. This is because we can see that the Government has experienced great difficulties during the past seven years in its

administration and implementation of policies, which is attributable mainly to the inadequate credibility of the Government. If the Government wishes to enhance its credibility, it must strengthen reforms to the constitutional system and return the political power to the people.

Madam President, I so submit.

**DR RAYMOND HO:** Madam President, the Government Economist, Mr K C KWOK, has recently told the press that an increase of 7.5% in Hong Kong's Gross Domestic Product this year should be attainable. This is obviously good news to the people of Hong Kong. At least, our Government can no longer use the poor economic condition and its precarious financial position as an excuse for its inaction.

Despite the Chief Executive Mr TUNG's repeated assurances, the recurrent funding for public works projects has not been forthcoming, while the thaw of 160-odd projects previously undertaken by the two defunct municipal councils is still not in sight. This was exactly what I told him when I met with him last Saturday. In addition, I urged him to give young professional staff in the Government permanent rather than contract positions, as the latter arrangement will create a serious succession problem within the professional grades sooner or later. I also drew his attention to the importance of the development of waste recycling industry. The Government should provide necessary encouragement and incentives, such as the provision of cheaper land, to this relatively new industry.

Indeed, immediate government actions are required in many other areas. The relatively high unemployment rate of the local construction industry, standing at 16.3%, requires the immediate action of the Government. Launching of works projects of various scales, including those of the two former municipal councils, will help boost employment and speed up economic recovery. Meanwhile, the Government should dish out more Category B and Category C projects to ensure that a constant volume of public works projects will be implemented in the future.

Riding on the robust economic recovery, the Government should revitalize railway development which has obviously become slack. After rounds of studies and discussions, a decision is yet to be made on the Shatin-Central Link. Other projects, such as the Kowloon Southern Link and the Northern Link,



envisaged in the Railway Development Strategy 2000, remain no more than conceptions. Not so long ago, there were some discussions on the West and South Island Lines proposed by the MTR Corporation Limited, but the Government hesitated following strong opposition from some sectors with vested interests. The Government has also been swaying in a road project in the same area, namely Route 4 extending from Kennedy Town and Aberdeen via the coastline. No conclusion has been made to the project, despite the fact that it has been discussed since 1996 when I was the Chairman of the Transport Advisory Committee, and was strongly supported by the District Councils. When making decisions in transport plans, the Government should avoid being distracted by oppositions driven by sectoral interests. Indeed, the interests of the whole community must come first.

In a related subject, I would also like to draw the attention of the Government to the rigid requirements of the Environmental Impact Assessment Ordinance (EIAO). The inflexibility of its implementation has not only caused much delay to public works projects, but has also caused great difficulties and unnecessary extra costs to many projects, which will ultimately fall on users in the community. For instance, in the Public Works Subcommittee meeting on 22 January 2003 which I chaired, we approved three projects, that is, the Deep Bay Link, the Yuen Long Road Widening project and Road T3 in Sha Tin, consisting of almost \$1.1 billion worth of noise barriers. I wonder if these heavy costs could have been avoided with better planning and less rigid requirements of the EIAO. I suggest that the Government should review the EIAO as soon as possible.

Now, I would like to comment on a separate issue which is about the electricity supply market of Hong Kong, as the Scheme of Control Agreements signed by the Government with the power companies will expire in 2008. I hope that the Government will, after negotiating with the power companies, come up with arrangements for the post-2008 era to ensure that the public will continue to enjoy reliable and adequate power supply at reasonable price levels.

Last but not least, I would like to appeal to the Government to consult the Civil Service on policies affecting the latter. As far as I know, many civil servants do not oppose blindly to all government projects which affect their pay and service conditions. What they are hoping for is that the Government can communicate and consult them beforehand with adequate transparency.

With these remarks, Madam President, I so submit. Thank you.

**MR ALAN LEONG** (in Cantonese): Madam President, the governance problem is definitely the most pressing problem Hong Kong has to tackle now.

The relationship between the legislature and the executive authorities is very strained. Civil servants are caught in the middle of a tug of war between two power centres, always finding themselves in a dilemma, unable to do their work to the best of their abilities. On the other hand, the Government has acted in an arrogant manner, refusing to accept any advice. It has simply failed to establish a partnership relation with the civil society on issues related to the sustainable development of Hong Kong. As a result, it cannot achieve any consensus on all kinds of issues with the stakeholders. Conflicts that lead to internal depletion happen frequently, whereas constitutional reforms that may solve the problem of "ineffective administration and disharmony" have not shown any sign of progress. Owing to all this, the morale of Hong Kong people has sunk to a low level, and we have not been able to do our work as effectively as we may have desired.

The policy address is a document outlining the administration programme of the Chief Executive. So it is only natural that Hong Kong people should hold earnest expectations for it — hoping that the Chief Executive can put forward solutions for the Government to re-establish "a good administration and harmony". But what upsets us most is: I am afraid the Chief Executive will disappoint us once again in this regard. I believe he will simply reiterate that universal suffrage in the 2007 and 2008 elections is out of the question; that we cannot demand the Central Government for a timetable for introducing universal suffrage; that all we can do is to do some patch-up jobs over some trivial issues.

I am afraid he will not be able to give us even the least undertaking that the precious land resources will be allocated in a reasonable manner, so as to balance the interests of the various parties. On the one hand, the Government can impose an extra burden on the underprivileged by cutting their CSSA payments just for saving several tens of million dollars. On the other hand, while having no transparency and no public participation, it could award a land development project which is worth tens of billion dollars by way of a private grant, which will cause a substantial loss in public revenue. It really makes us sigh with regret.

Recently, a committee led by the Chief Secretary for Administration ignores the opposition of the people, the cultural sector, the professionals and Members of the Legislative Council in deciding to award the rights of the West Kowloon Cultural District (WKCD) to a single consortium, and the consultation has to be completed in six short weeks, and the information released is very minimal. Such a dogged insistence, if applied in the fight for the introduction of universal suffrage in 2007 and 2008, will definitely lead to great strides of progress in democratization. The unusual determination of the Government has brushed aside the opinions of the people, wasted social resources and insulted the intelligence of the people. The gravity of public anger triggered by this issue is no less severe than that caused by the enactment of laws to implement Article 23 of the Basic Law. Nor is it different from such earlier cases as the reclamation of the Victoria Harbour and the award of land for the Cyberport.

The Government claims that it is set to build a landmark for Hong Kong. This mammoth structure will stand at a most prominent position of the Victoria Harbour, and it could easily become the worst eyesore. The Government insists on constructing the largest canopy in the world, which will stand at a height equivalent to that of a 40-storey building, cover an area as large as the stretch from the Sun Hung Kai Centre in Wan Chai to the Victoria Park, and occupy a central location in the Victoria Harbour. The necessity of this canopy is very much in doubt, and it has now even become the only excuse for the Government to adopt single-tender model.

I very much worry that the Government has already chosen at an early stage to limit the choices to the three screened-in proposals, thereby substantially restricting the room for public participation and discussion. It is absolutely impractical for the Government to require the public to digest in six weeks a so-called cultural project that shall straddle 30 years. It simply leads to the allegation that the Government is trying to muddle through. This approach of pre-setting limitations and conducting the exercise in great haste is basically not a genuine consultation.

The area occupied by this piece of land situated in a prime site of West Kowloon is exceedingly large: It is as large as 40 football pitches. However, even before its plot ratio is set, it is decided to grant the land lease under the category of "other uses", which is most unusual. This arrangement ensures that the Town Planning Board has no way of interfering with it before the land lease is granted; whereas its supervision over the planning details in future can only be

minimal. It is simply opening a door of convenience for the developer, who will be at liberty of doing whatever it wants. There is really no reason why the Government needs to grant the land lease to the developer in such great haste. We are really puzzled by the imminent nature of the project and the great hurry involved in implementing it.

The Government says that the WKCD is primarily an arts and cultural project. However, all that we can see at the moment is just proposals for some colossal hardware development, while its cultural contents are missing. The arts and cultural sector has strongly opposed the approach of implementing this project. However, the Government has chosen to ignore all such views.

Madam President, if the administrator acts in a reckless manner or likes to do grandiose things to impress, he may end up leading the project towards wrong planning — making incorrect estimations in population policy, housing, community facilities, transportation, space density, social services, and so on. It will give rise to countless mismatch problems and losses, the consequences of which can be far-reaching. As a Chinese saying goes, "A single wrong move makes one lose the whole chess game."

I believe no one can guarantee that the Government would not dream up some more fantasy projects after the Cyberport, the WKCD and the Hunghom Peninsula. Next time, the Government could well be granting the land of the former Kai Tak Airport or even the 12 conservation areas by way of another private treaty grant. Why can the Government not mastermind the overall planning of the district, plan, manage and operate the entire cultural district on its own, conducting sales of lots by auction, thereby allowing more developers and organizations to take part in competition or operation?

Madam President, Hong Kong people are willing to sit down and talk, and attach great significance to communication. I very much hope that the policy address of Mr TUNG can really indicate a willingness to establish an alliance with the civil society, to abandon his top-down mentality, to allow the public to participate in policy-making, be ready to accept suggestions and build up a harmonious relation with the people, thereby enabling Hong Kong to take off once again. Thank you, Madam President.

**MR HOWARD YOUNG** (in Cantonese): Madam President, with regard to next year's policy address, Members of the Liberal Party representing different sectors have already presented their suggestions in various policy areas. I shall focus my suggestions on the tourist industry which I represent.

In fact, regarding subject matters on tourism development, I have discussed them in past policy address debates or on some other occasions. So it is not necessary for me to spend too much time on such matters, and I shall only discuss them briefly. For example, the Government should further relax the restrictions imposed by CEPA on travelling; enhance the scope of development of local travel agencies in the Mainland; extend the Individual Visit Scheme to more remote provinces and cities in the Mainland; implement the co-location of immigration and clearance facilities; adopt more relaxed measures for countries and regions which have not secured visa-free treatment for their people visiting Hong Kong; regarding the hotels, the Government should speed up the progress of regrant premium arrangements for hotel projects or the progress of allocating the land required; increase the supply of hotel rooms; develop more sightseeing spots with special characteristics; speed up the implementation of more infrastructural projects, such as the cruise terminal, the Aberdeen development project, and so on. In the past, we have kept on bringing up such proposals and I am not going to repeat them here. I just hope that we can hear some news about the implementation of some of these projects in the coming policy address.

I would like to take today's opportunity to make some supplementary remarks with regard to certain possibly controversial subject which was raised in our meeting with the Chief Executive — the suggestion of establishing casinos on Lantau Island. In fact, this subject is not entirely new. I recall that about two years ago, when representatives of the tourist industry met with the Chief Executive, we already raised this subject. At that time, he ruled it out right away, telling us not to mention this to him anymore in future. This was his immediate reaction there and then. In the last term of the Legislative Council, that is in June this year, when I moved a motion on developing Hong Kong's tourist industry, I also mentioned this suggestion briefly, that is, setting up some small gambling venues in hotels. However, it did not induce any substantial reactions. We propose to establish gambling facilities, that is, a casino resort on Lantau Island, because we want to develop a diversified tourist market, so as to enhance the attraction of the local tourist industry. In fact, people in the industry have to a certain extent reached a consensus because 55% of visiting

tourists come here for shopping. At present, we have the Ocean Park, the Peak, and we shall also have the Disneyland in future. However, tourist spending in other areas is not really substantial. Some have even pointed out that there are actually not too many activities for tourists in the evening. Sometimes, tourists cannot even enjoy television programmes in their hotel rooms, because such programmes are totally incomprehensible to them if they speak neither Cantonese nor English. That was why we put forward this idea in the hope of enhancing the attraction of our tourist industry. The gambling facility or casino we propose to set up is not just a gambling venue, but a tourist facility which centralizes all sorts of pleasurable and entertainment activities, just like the Lost City in South Africa. Some Members may have visited it before. In it, there are performing venues, in addition to casinos, and it is situated in the middle of a desert. Of course, we also have Las Vegas, which is so very famous. To tourists, such a facility does have appeal, which offers them more choices, thereby extending their stay in Hong Kong. As a matter of fact, the staying time of tourists in Hong Kong has been shortening, and it may shrink further in future after Macao has completed the construction of more facilities.

We may take a look at overseas countries. For example, in Morocco, casinos there do have contribution to tourism in the country. The casinos we propose to set up are open to tourists only, and they will not promote any gambling culture in the local community. As such, there is no need for religious and educational organizations to worry about this. In fact, there are similar precedents in overseas countries. I recall that, more than a decade ago, I visited Hungary which was not yet open and still practised socialism. Casinos were already established in the country, but they were open to foreign tourists only. In this regard, other countries are more open and have been developing faster than we are.

Why do we think the related facility can boost local employment opportunities? Let me quote a simple example. On a plane carrying over 300 passengers, it requires the service of more than 20 front-line cabin crew members. So, the ratio is about 1:17. As for travel agencies, a certain sight-seeing coach may carry 40 passengers, whereas a coach of other models may carry 20 passengers; and in both cases, only one guide is required. However, in a gambling facility, a front-line attendant may serve 10 to 20 guests, and all such attendants are not required to possess very high skills or professional expertise. As such, it can provide a large number of job opportunities. In

comparison, the financial services industry, another pillar industry, provides job opportunities only for people with very high educational qualifications.

On the issue of constructing casinos, Singapore, a major competitor of Hong Kong, is also considering the issue now. We should adopt an open attitude and consider the benefits to be brought about by casinos to the economy, employment situation and government revenue, instead of just thinking about the negative side of "gambling". In fact, Malaysia, a country with a population consisting of mostly Muslims who are very conservative in their thinking, has long established its famous Casino de Genting, a tourist project with great attraction.

Madam President, I would also like to discuss another issue which is about the aviation aspect, since the Government has just released a consultation paper on the privatization of the airport. It has caused great repercussions in the aviation sector. Although this issue will be discussed in the Economic Services Panel next week, I expect the Chief Executive will also mention this in his policy address. While practitioners in the travel industry will not be so optimistic as to hope that the Chief Executive will introduce any fee reduction, they just hope that the increases in fees, if any, will not be so excessive as to adversely affect the attractiveness of the airport of Hong Kong.

Finally, regarding the sales tax, many Members of the Liberal Party have already pointed out that the administrative costs of collecting this tax will be very high, and we hope that the Government can take this factor into consideration.

Thank you, Madam President.

**MISS CHOY SO-YUK** (in Cantonese): Madam President, due to the time constraint, I do not intend to present a long checklist of work here. Instead, I would like to make some suggestions to the Government from the perspective of principle on major policies in the two aspects, namely environmental protection and home affairs. In this way, I hope the Government can see both the micro as well as the macro views of the issues.

First, in order to consolidate Hong Kong's position as an international financial and commercial centre, it is absolutely necessary for the local business sector to follow the international trend closely by making the fulfillment of the

social and environmental responsibility of corporates one of the policies of the respective companies. Only in this way can the local financial market keep on attracting the inflow of global capitals, without being left behind by other financial centres. In order to promote the work in this regard, it is necessary for the Chief Executive to communicate with heads of major corporations and call on them to shoulder their social obligations by blending their business operations with environmental protection. This will prevent them from going too far in their pursuit of profits, which may lead to the recurrence of the shocking Hunghom Peninsula incident in which some residential buildings were said to face the fate of demolition even before anyone has ever lived in them. In order to promote this concept, it is necessary for the Government to consider making some regulations to require listed companies to release periodic social and environmental commitment reports, whereas public enterprises have to formulate their respective objectives in fulfilling social and environmental obligations as well as the progress of work.

Of course, in the course of requiring enterprises to fulfil their social and environmental obligations, the Government has to make itself a model by taking the lead in promoting the green concept, including further promoting green production and consumption. For example, in launching the green value-added scheme in various departments and establishing the green purchasing policy, the Government should require the departments to give priority to local recyclable products when they purchase all kinds of goods and materials. Apart from helping Hong Kong to build up its own environmental recycling industry, it can help reduce the expenditure incurred by the Government in the disposal of waste materials. Besides, the Government should strengthen its own environmental audits mechanism. Apart from ensuring that the designs of government buildings are compatible with environmental and energy conservation principles, the Government should make use of renewable energy in such buildings as far as possible. Insofar as the design of buildings is concerned, we should also conduct studies to examine if it is possible to make use of renewable energy. For example, the utilization of solar power or wind power to generate electricity may reduce our reliance on conventional electricity. Facilities inside buildings such as lighting, air-conditioning and even other office equipment must also adhere to the objectives of conserving power and being recyclable, so as to reduce the depletion of global resources.



Even if we have secured the co-operation of the enterprises and the Government, the implementation of environmental protection will not be successful if the public is not actively involved. Therefore, how we can effectively convey the concept of sustainability to the people is the key to the success of environmental protection work. For this reason, I hope the Government can, in the light of the unique circumstances in Hong Kong, conduct a discussion with different sectors of society as soon as possible, so as to formulate a set of regional "Agenda 21", as well as to establish some indices to monitor the progress, by way of quantifying such progress, in achieving sustainability. In the meantime, the Government should draw up an action plan for achieving the objectives.

Apart from implementing some new policies, the Government of the Hong Kong Special Administrative Region (SAR) also needs to improve some existing policies. For example, after many years' of procrastination, the authorities have finally implemented the Landfill Charging Scheme for construction wastes, thus having taken the first step of implementing the "user pays" principle. However, in order to make up for the lost time, and facilitate the more extensive enforcement of the "user pays" principle, the DAB urges the Government to speed up — the Secretary is here — the study on extending the charging scheme to other sources of urban waste and pollution. On the other hand, with the introduction of the nature conservation policy, the Government has adopted a point award system to set the priorities of conservation projects, so as to put forward a specific proposal on conserving the ecological environment of Hong Kong. However, we think that the details are not good enough, though it is still better than having no system at all. I shall depart for Bangkok tomorrow to attend an international conference on the protection of wild species, through which I hope to benefit from more international experience, thus enabling me to contribute more specific suggestions in improving our policies in future.

As a common saying goes, "Before making a judgement on a person, we have to listen to his words and verify them by watching his actions." The Government may say something very idealistic about its policy objectives, but it could just be engaging itself in "some empty talks without any real actions." If the people find out the truth, how can they be convinced? Therefore, I hope the Government can seriously implement all these policies.

Take the monuments at the Central Police Station Compound as examples. The Government has stressed time and again that it intends to preserve the antiquities and monuments. However, earlier on, for the sake of the premium, it decided to conduct a commercial tender in awarding the ownership of the Central Police Station Compound to a successful bidder which might be a private organization. It is like selling the monuments to such an organization. It is hardly acceptable to us. In this connection, I hope the Government can accept the suggestion of the people and change the Policy Bureau responsible for the project from the Economic Development and Labour Bureau to the Home Affairs Bureau which has all along been responsible for preserving monuments. Meanwhile, a more reasonable approach should be adopted by handing over the management rights of monuments to some relevant organizations subject to certain specified conditions. As for the ownership of the monuments, it should be firmly held by the Government, so as to prevent the occurrence of any accidents that may endanger the precious monuments.

Vintage trees are actually as precious as monuments. In order to preserve such valuable "living monuments", I hope the Government can identify the inadequacies of the existing policy for preserving trees and step up the conservation of such highly valuable trees. Meanwhile, I hope the Government can support the private bill to be moved by me for this purpose, so as to afford such trees good statutory protection.

Finally, with the occurrence of the Albert House incident, many owners of private buildings feel that they are under the same threat. It also exposes the Government's tolerance of the long-standing absence of proper management in such buildings.

Madam President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): Madam President, as the saying goes, there is no greater grief than the death of hope. The debate topic today is our expectations for the policy address. Does this mean that we still cherish some hopes? After seven years under TUNG Chee-hwa, many people have stopped cherishing any more hopes. But as a politician, one should be optimistic, or more than this, even a bit fanciful. Devoid of any fancies, one will be unable to

withstand the current enervating political climate and the many discouraging absurdities happening every day.

I remember that in the last debate, Mrs Selina CHOW referred to politics as an art of the possible. But I suppose politics should instead be an art of the impossible. One may well argue that politics is just about the attainment of the possible, but it should be realized that the possible can in fact be attained fairly easily, requiring nothing but an ability to trim the sail in the directions of the winds. No art whatsoever is necessary. Only the attainment of the impossible can be described as an art. The hope of attaining the impossible has driven me to always remain optimistic and hopeful. So what can we expect of Mr TUNG now?

I have a fantasy that Mr TUNG may consider one question during the last three years of his office. What is it? It is the question of legacy, or how he is to be appraised in history. I often ask myself how these seven years or 10 years of TUNG Chee-hwa's administration will be appraised 20 or 50 years later. Perhaps, I should say seven years because I hope that he can change in the next three years.

To begin with, I am sure history will record that over the past seven years, Mr TUNG has been a yes-man, a yes-man of the Central Authorities. The truth of this can be illustrated by the enactment of legislation to implement Article 23 of the Basic Law, and what I find most disappointing is that in handling Hong Kong's own constitutional reform, he has all the time emphasized that since the National People's Congress has already made a decision, we must enforce it. We asked him whether he could convey Hong Kong people's aspiration to the National People's Congress and ask it to change its mind. He said no, stressing that the decision of the National People's Congress must be enforced. To others, he is simply a yes-man who has never said anything or fought for anything for Hong Kong people, and I am sure this is how he will go down in history. Maybe, Mr TUNG will write in his memoirs that he did try proactively to fight for us. But there could be no knowing of this at all. And, there are no signs that he has ever done so because he has always handled Beijing-Hong Kong relations like a yes-man.

Besides, he will also go down in history as a crocodile sanctuary owner specializing in feeding this type of predators, so to speak. How many predators, or how many large consortia, has he fed over the past seven years?

Some examples are the Cyberport and the hundred-billion West Kowloon Cultural District project under discussion recently. There is also the Hunghom Peninsula, which has definitely been sold off cheaply. They are now talking about demolishing the blocks; we must of course voice our objection. These days, everywhere in Hong Kong, the interests of large consortia seem to have become sacrosanct. They are given all sorts of advantages, and the Government focuses all the time on dishing out benefits to these predators. In that sense, is the Government not the same as a sanctuary owner wanting only to feed his predators? With Mr TUNG as the owner of such a sanctuary, Hong Kong has seen the emergence of the poverty and unemployment problems over the past seven years. Mr TUNG's sole concern is the well-being of large consortia, so he dares not do anything to injure their interests, nor does he have the courage to redistribute wealth. Since any attempts to solve poverty-related problems must require the redistribution of wealth to succeed, we can assert that these problems will remain unresolved at the end of the day. That being the case, Mr TUNG may well have to go down in history as a Chief Executive who never did anything to solve the problems of poverty and unemployment during his term of office. Do Members think that Mr TUNG wants to be so described?

I do not think that any politician will ever want to be described as the owner of a predator sanctuary or a yes-man. So, I just fantasize, "Will he change in the remaining three years? Will he really want to do something for Hong Kong before the end of his office? Will he thus change completely?" All these are the questions that I hope can be answered.

On the policy address, there are actually many things and policies to talk about. But to Hong Kong, the most important issue should be governance. If there is no change in the governance of the core leadership, nothing else at all can be changed. I therefore hope that there can be a complete change in this respect.

My first fantasy is about democratization. Mr TUNG has been an undercover of the pro-democracy camp for many years. He has done enough really, for he has managed to rouse all Hong Kong people to fight for democracy. We are deeply grateful to Mr TUNG for making possible the two marches each with 500 000 participants. He has already accomplished his mission as an undercover, and it is time for him to be his true self — that is, if Members agree that he is really an undercover. It is time for him to stand up and fight for democracy. Mine is a pure fantasy. I fantasize that he first acted as an

undercover, that once he become his true self again, he would tell the Central Authorities that there must be democratization and a definite timetable for universal suffrage in Hong Kong — a timetable that sets the dates in 2007 and 2008. Can my fantasy become a reality?

My second fantasy is about him freeing himself from the evil influences of large consortia and really doing something to accomplish one task — I mean, whether or not, in his own words, he can let the common people share the fruit of the present economic recovery. Obviously, if he wants to be a vanguard in the eradication of poverty, he must set down a minimum wage. This is not mentioned in the report. I hope that the Democratic Party can include a minimum wage level in its own version of the policy address next time. Perhaps, I can write up that part for them.

I hope that Mr TUNG can set down a minimum wage, regulate working hours, introduce collective bargaining and restore CSSA rates to their original levels — all these may again be pure fantasies, but I do hope that government officials will not treat them as such in their replies later on. I hope that Mr TUNG can really become a vanguard in eradicating poverty, free himself from the evil influences of large consortia and make explicit attempts to tackle the poverty problem and work for the well-being of the grassroots in Hong Kong.

I so submit. Thank you, Madam President.

**MR JAMES TO** (in Cantonese): Madam President, I shall focus on security matters. Owing to the time constraint, I would only discuss the more important issues relating to the departments involved.

I shall first talk about the largest of all departments, the police. Actually, Mr CHEUNG Man-kwong already asked a question on the police earlier today. According to the Commissioner of Police, because of the need to eradicate the fiscal deficit, the police will not have the resources to deliver some services. Mr CHEUNG Man-kwong's question was on the work of School Liaison Officers (SLOs) of the police. The reply of the Secretary did not state clearly that expenditure would be cut, but I suppose there would be no smoke without fire. Perhaps, the police are just trying to "send out the balloon", so as to stir up some arguments that can work to the benefits of themselves and the Security Bureau in the negotiations on resource allocation. But whatever the case may

be, such behaviour is not at all responsible. Why? Because the whole thing does not stand to logic at all. Even if it is true that SLOs and the Crime Prevention Bureau are not directly engaged in front-line police duties, such a "smart" calculation may still turn out to be a "foolish" one because the reduction of school liaison services may lead to undesirable consequences. As a matter of fact, the police have been doing quite a good job in school liaison. The "brothers" and "sisters" from the police have been playing a very useful role in delivering anti-crime messages in schools. Their work is essentially about competing with triads and bad elements for students. The only difference is that while triads and bad elements can only approach students outside their schools, those police officers responsible for anti-crime education in schools can try to win over students in the course of their work.

The case of the Crime Prevention Bureau is just the same. On the surface, the police seem to be providing services to various commercial and industrial organizations free of charge. But such services can in fact serve to urge these organizations to invest more resources in their security devices and systems improvements, thereby reducing the incidence of burglary and the workload of police officers on beat patrols. Consequently, the "smart" move of scrapping crime prevention work may also turn out to be a "foolish" one that results in more expenditure instead.

There is another department, the Independent Commission Against Corruption (ICAC). A couple of months ago, the ICAC raided a number of newspaper offices for news materials, causing the Legislative Council Panel on Security to take a series of follow-up actions. The most significant issue underlying the whole incident is whether or not the existing legislation can already strike the best possible balance, because as clearly ruled by the Court of Appeal, the existing legislation cannot in fact take account of the public interests in general. Perhaps, we should really do more thinking and conduct more in-depth studies how such a balance can be struck. Seven or eight years ago, I already advocated that no search for news materials must be allowed under any circumstances. I still have reservations about such actions. We can all imagine that there may be a need for such searches under a number of extremely serious and restricted circumstances, but I still have to say that the existing legislation as it stands cannot provide adequate protection to press freedom.

As for the Correctional Services Department, the Government has already announced that it has formally abandoned its studies on constructing a super

prison on Hei Ling Chau. But it must be noted that the problem of prison overcrowding has not actually been alleviated. The Government used to argue that it would not be cost-effective to renovate or restore individual prisons that were archaic, dilapidated, remote and small in size. It also claimed that it would not be cost-effective to redevelop small-sized prisons either. To put it crudely, it will be pointless to do so. We should therefore seriously consider the construction of several smaller prisons — possibly at relatively remote locations, but this is not so important now because lands all over Hong Kong are so expensive these days. The Government may focus its considerations on several clusters of comparatively large prisons instead of any super prison with a capacity of 10 000 or 8 000 inmates. And, although some say that our prisons are still somewhat between overcrowded and not so overcrowded, I still think that they are in fact rather crowded already. I therefore think that in the next few years, we may still need to carry out some "pointless" works in individual prisons. The Government should thus state its intentions very clearly in the next few months, especially in the upcoming policy address, instead of being so capricious all the time.

Another department is the Immigration Department. It seems that the Government has stepped up enforcement against illegal workers recently. The penalty points system and licence revocation proposed by the Democratic Party are of course intended to deter or clamp down on the employment of illegal workers in premises requiring licensing. A year has already passed since we submitted the proposal to the Security Bureau. The Bureau claims that it has to liaise with all licensing authorities because many departments are involved. But if the Government thinks that the proposed measure is feasible, it should proceed with its implementation, so as to further clamp down on illegal workers and achieve deterrent effect.

Another topic I wish to raise is about the Interception of Communications Ordinance, that is, the issue of prohibiting arbitrary and illegal interception as a means of protecting people's privacy and rights. My private Members' Bill was already passed before the reunification. It was also signed by the then Governor, and it has not been repealed so far — the Provisional Legislative Council did not do so, nor did the National People's Congress. It has been seven years since the passage of this Bill, but the Government has still done nothing with it; it has not put it into effect and operation, nor has it introduced any amendments to it. This is nothing but a violation of the rule of law. Although the Secretary has said that there will be a review early next year, I still

think that in view of the significance of the ordinance in respect of rights and freedoms and the rule of law, the Chief Executive should really set down a timetable, so that Hong Kong people's privacy and secrecy of communications can be protected.

**MR ABRAHAM SHEK:** Madam President, a good government should be competent in harnessing difficulties and bringing new hopes to its citizens, which in turn will boost confidence in its governance. Similarly, the expectation which Hong Kong people places on our Government depends on the policy directives stipulated by the Chief Executive in his annual policy address. Year after year, many promises had been made, but little had been fulfilled. To many, this constitutes the root of their discontent and criticism. With regard to my expectations for this year's policy address, I must say that I still have faith in Mr TUNG that he will try his best to give us the best. So, I urge the community to be patient.

Let me share with you some of my thoughts for this coming policy address. First and foremost, I urge the Chief Executive to review the promises which he had made to the people of Hong Kong in his last seven policy addresses. For those which he had not fulfilled, he must draw up an action list in his forthcoming policy address to tell us when he will deliver those promises. This is important for him and for the people of Hong Kong.

Second, it is my hope that the Government will cherish the current economic recovery, give priority to economic development and improve its governance. Controversial issues like education reforms, West Kowloon Cultural hub and railway merger can be given a break to interact more with the various community sectors before coming to a final decision. The Government should gauge the pulse of the whole community by seriously considering the criticisms, be it good or bad, and recommendations of the Legislative Council, the Audit Commission, the Office of the Ombudsman and other watchdogs. If criticisms are valid and constructive, the corresponding departments should respond effectively by conducting reviews and making improvements. The image of an effective, fair, accountable and people-oriented government will be established along this line. More importantly, the public's confidence in the Government can be restored.



Third, the Government should step up its efforts in reviewing existing legislation to improve business environment and stimulate investments. It is time for us to weed out over-bureaucracy in our government system. I still recall that in one of the Legislative Council Question and Answer sessions held early this year, Mr TUNG said that he would seriously review the laws relating to business operation and remove those which are excessively stringent and outdated. But the review seems to have been progressing very slowly, or not taking place.

Fourth, apart from launching capital works projects at an average annual budget of \$29 billion, the Government should commence as soon as possible other planned projects which have had the Legislative Council's green light. This will stimulate economic growth through infrastructural investment. Despite fiscal pressure, infrastructural developments are still of paramount importance because they can enhance Hong Kong's long-term competitiveness. I urge the Government to set up a panel comprising top government officials and industry leaders to implement Private Funded Initiatives (PFI) infrastructural projects. Those would be good for Hong Kong.

Fifth, the Government should firmly implement its commitment to curb the excessive operating expenditure of the Civil Service. A review on the allowances and fringe benefits for the civil servants should be conducted. Certain allowances, tailor-made for the colonial officials in the earlier days, are no longer appropriate and should be abolished. Other fringe benefits which are considered extravagant should be halted or trimmed. A good example is the allowance for the children of civil servants to study overseas. It is outdated.

Sixth, sound government policies will not only benefit the present community, but also future generations. The Government's recent reform proposal of the 3-3-4 model is good and should be implemented as soon as possible. However, implementing such a change entails a massive input of resources. For this to happen, I believe the Government should bear all the additional costs and not the parents. To promote social development by investing in education is the responsibility of this Government.

Last but not least, as a caring society, we should provide more assistance and attention to the elderly and the underprivileged who are poverty-stricken. I hope this year's policy address will maintain the traditional virtues of helping the poor and the disadvantaged in the community. Recently, the Government was

criticized for cutting CSSA payments to the elderly and the disabled. In my view, the Government should expeditiously conduct a thorough review on the existing CSSA scheme and should, if necessary, restore the CSSA payments to its previous level to ease the plight of the needy and ensure that the living standard of vulnerable families will not deteriorate further because of inflation. At the same time, the Government should strictly scrutinize the applicants to avoid abuse and alleviate the public's disgruntlement with the CSSA recipients.

Madam President, some international and local credit rating agencies have forecast our economic growth to be 4% next year, which is lower than this year. In my view, there is no forecast which is perfectly accurate. If our citizens make a concerted effort, the Government can implement an effective and people-oriented governance, and all the political parties will join hands to maintain a harmonious social atmosphere. Thank you.

**MR KWONG CHI-KIN** (in Cantonese): Madam President, the three of us, Legislative Council Members belonging to the Hong Kong Federation of Trade Unions (FTU), have recently met with Mr TUNG to present to him our expectations for the policy address. We have put forward 10 proposals.

The first proposal. We hope that the employment situation can be improved, so that jobs can be provided to do away with the need for welfare assistance. The policy address last year extended the temporary posts created by the Government. The FTU welcomed this very much. We are of the view that the Government should not just continue to create temporary posts but should also turn those for which there is a genuine need into permanent ones.

The second proposal. We hope that the Government can grasp the opportunities brought about by CEPA to revitalize our industries and create job opportunities. It should explore the possibility of land grant concessions and tax concessions for technological research and the employment of local workers, in order to provide incentives to encourage the development of local industries that enjoy on edge. That way, we can bring about a balanced industrial structure on the one hand and foster the creation of jobs in the manufacturing industries, the transport sector, financial services and producer services on the other.

The third proposal. We hope that the Government can set down a minimum wage to solve the problem of "working poverty". Mr WONG

Kwok-hing has already discussed this in detail. I very much hope that the Government can explore this idea as quickly as possible, and that it can accord priority to those individual industries offering the lowest wages.

The fourth proposal. We hope that the Government can impose regulation on reasonable working hours. It should set down a maximum number of working hours and rationalize the number, so as to ensure that there can be sufficient time for employees to rest and pursue further studies.

The fifth proposal. Efforts should be made to promote local culture and local community economy, with a view to creating job opportunities. We are of the view that lots can in fact be done by the Government in respect of monument preservation, ecological conservation and tourism promotion. All the districts in Hong Kong are marked by their unique local colours and cultural features. These can be natural landscape, famous streets, monuments and antiquities, and if they are exploited, they can be turned into most appealing scenic spots. For example, Nga Tsin Wai Village, the Central Police Station Compound and the ecological attractions of Sai Kung are all unique in their appeal, and with just a little bit of planning, we can greatly enrich the variety of our tourism industry. The vigorous development of tourism will attract more tourists, and whether they come from within Hong Kong or overseas, local employment will invariably be promoted as more tour guides, drivers and small business operators will be required, for example.

The sixth proposal. Works projects should be launched to increase the number of posts in the construction industry. Mr WONG Kwok-hing has already discussed this in detail. I shall make no repetition here.

The seventh proposal. The Comprehensive Social Security Assistance (CSSA) Scheme should be reviewed, with thoughts being given to the establishment of a re-employment assistance scheme. The existing CSSA Scheme is not flexible enough, and any upward or downward adjustments of CSSA rates are bound to cause arguments in society. The Government should conduct a comprehensive review of the CSSA Scheme, with a view to formulating a flexible adjustment mechanism that can closely reflect our economic conditions and the actual needs of applicants. Besides, the Government should also set up a separate re-employment assistance scheme to assist the unemployed because the existing CSSA Scheme is unable to effectively assist these people in re-employment.

The eighth proposal. The wealth gap must be narrowed. We maintain that the Government should formulate a poverty line to enable society to ascertain the number of people in poverty, with a view to forming a social consensus on aiding the poor. What is more, the Government should establish a committee on aiding the poor, with members being drawn from the Government, non-government organizations and the academic circle, so that a policy on aiding the poor and eradicating poverty can be formulated.

The ninth proposal. An integrated retirement protection scheme should be established. The existing Mandatory Provident Fund (MPF) schemes are not satisfactory enough. Besides, since the incomes of many employees are very meagre, their contributions will not be enough to support them in old age. The FTU recommends the establishment of an integrated retirement protection scheme with contributions being made by the Government, employers and employees, so as to supplement the existing MPF schemes.

The tenth proposal. A central employee compensation system should be established. Many people engaged in high-risk occupations and self-employed persons do not enjoy protection under the existing system of employee compensation, either because they cannot afford exorbitant premiums or there are no employers to take out any insurance policies for them. The Government should explore as soon as possible the establishment of a central employee compensation fund, one which can cover the entire working population, so that both employees and self-employed persons can enjoy due protection in case they run into any accidents at work.

Madam President, I so submit.

**MR FREDERICK FUNG** (in Cantonese): Madam President, in my view, the Government of the Special Administrative Region (SAR) has all along faced various political and livelihood problems since its very establishment in 1997.

Politically, there are two fundamental issues that the SAR Government must tackle and face up to. The first is the enactment of legislation to implement Article 23 of the Basic Law, and the second is the democratization of the SAR.

The Chief Executive has already announced that the issue of Article 23 legislation will be put aside for the time being. This basically means that the issue will be frozen, and I reckon that it may not be brought up for discussions again during the incumbent Chief Executive's remaining term of office. I therefore assume that the issue has been frozen. In regard to democratization, I am of the view that it is an issue that the SAR Government, the Central Government and even the people of Hong Kong must somehow address. The reason is that under the Basic Law, a review must be conducted to ascertain whether it is necessary to amend the legislation related to the elections in 2007 and 2008.

To the Hong Kong Association for Democracy and People's Livelihood (ADPL) and me, democratization is an issue that can ill-afford any further delay. In this connection, there are three factors to be considered: first, whether or not the conditions in Hong Kong are ripe for the election of the Chief Executive and all Legislative Council Members by universal suffrage; second, whether or not the people of Hong Kong do have such an aspiration; and, third, naturally, whether or not the Central Government consents to the introduction of universal suffrage for the two major elections, or at what time it thinks this should be implemented.

On social conditions, as I mentioned in many past debates, when I was at university, I read many studies conducted by Western political scientists on the socio-economic conditions necessary for the development of democratic political institutions and the co-existence of democracy and a stable society with a sound economy. Many of the statistical findings contained in these studies are worth our reference. In brief, a democratic political system can be implemented in a certain society without causing any instability when there are a sizeable middle class and a relatively high ratio of the following among its people: home owners, automobiles, television sets and refrigerators as well as accessibility to various means of information dissemination and communication, such as telephone, television and the computer and Internet services in recent years. The higher the ratios are, the more suitable it will be for a place to promote democracy. I am sure that when compared with the United States, Britain and Western European countries in the 1960s and 1970s, present-day Hong Kong can only be described as more ready for democratization. The academics concluded on the basis of these ratios that the furtherance of democracy in these countries would not undermine their capitalist or market economies, and that their societies would remain basically stable.

The second factor is the aspiration of the people. Do the people of Hong Kong really aspire to democracy? The numerous incidents in recent years all indicate that the people of Hong Kong would very much like to see the election of the Legislative Council and the Chief Executive by universal suffrage. The two 1 July marches, the many scientific opinion polls conducted by academics and the recent Legislative Council Election, in which more than 60% of the votes were cast for the pan-democratic camp, all testify to this aspiration of the people and their readiness for the introduction of universal suffrage for the two major elections in Hong Kong as quickly as possible.

The third factor, and naturally the most important and indispensable consideration, is whether or not the Central Government consents to the introduction of universal suffrage for the two major elections, or at what time it thinks this should be implemented. It is rather difficult for us to learn about the attitude, intention and viewpoints of the Central Government. But in my view, if we are to obtain the consent and early acceptance of the Central Government regarding the introduction of universal suffrage for the two major elections in Hong Kong, the Chief Executive will play a very critical role because Mr TUNG is our Chief Executive and the representative of the SAR Government. Second, ever since the time before he first took office, he has been second to none among the people of Hong Kong when it comes to maintaining a good relationship with Central Government leaders. In other words, Mr TUNG is best qualified and in the best position to lobby and communicate with the Central Government. Third, as far as status is concerned, being the highest government official in Hong Kong equivalent in rank to a ministerial-level official of the Chinese Government, Mr TUNG plays a very important role, whether because of post requirements or his relationship with the Central Government. He must not decline or refrain from tackling this problem. I therefore wish to make it clear that due to his position and role as described just now, Mr TUNG must lobby the Central Government and reflect to it Hong Kong people's aspiration to the introduction of universal suffrage for the two major elections.

As for livelihood issues, I wanted to speak on many topics at the very beginning, but due to the time constraint, I can only focus on aiding the poor. In the last debate on this topic, I already quoted plenty of background information and statistics on aiding the poor. I shall not dwell on them anymore now. In the last debate, most Members basically supported the establishment of an interdepartmental committee on aiding the poor, showing that Legislative Council Members have already forged a consensus. This means that all of us,

Members of the Legislative Council, do admit the existence of wealth disparity in Hong Kong and agree that a proposal be made to the Government on setting up an interdepartmental committee on aiding the poor.

At this juncture, I must say a few words on alleviating the poverty problem. I shall focus on one point only. I hope that the Chief Secretary for Administration can listen to what I have to say on this, that is, the point on third-sector participation and community strength. By the third sector, I actually mean non-governmental organizations and voluntary agencies. As a matter of fact, the Government has all along committed huge resources to funding organizations in different districts engaged in helping families, elderly persons, youngsters and children currently in receipt of assistance. But these organizations still face a shortage of resources very often, and the arrangement of lump sum grant has hindered them from enhancing the efforts they have been making. I actually want to advise the Government to establish a community development fund from which money can be allocated to District Offices and District Councils according to the seriousness of poverty in their districts. Voluntary agencies in the districts can then apply for provisions from the fund, and the work of aiding the poor can be jointly undertaken by more than one agency, that is, by at least two agencies. For example, in my constituency, there are many private buildings where as many as four or five people have to live in a small room measuring just 40 sq ft or 50 sq ft in area. And, there may be one or two children among the occupants of a small room, so even if they are given a computer, there will be no room to put it. Since elderly centres will be left idle after 5 pm every day, we may well consider the possibility of allowing children to use these places during these periods of time. I still have many more proposals, but because time is running out, I cannot continue. I hope that I can have more time in the future to put forward my proposals.

Thank you, Madam President.

**MR LEE WING-TAT** (in Cantonese): Madam President, due to the time constraint, I shall concentrate on the West Kowloon Cultural District (WKCD).

Since I am still the spokesman for the Democratic Party on planning and lands this year, I am especially concerned about this issue.

A personal interview with the Chief Secretary for Administration is published in a newspaper today. Mr Donald TSANG appeared rather aggrieved during the interview, going so far as to say that people's criticisms against him over the WKCD had raised the issue to the higher plane of principle. He pointed out that had there been any transfer of benefits in this project, the Government would not have formulated so many mandatory requirements and provided so many safeguards.

Mr TSANG's frustrations seem understandable because since Wednesday last week, when the project was formally announced, he has taken showers of flak. The question I want to ask is whether these criticisms are justified. I do not hope that Mr TSANG will treat all these criticisms as mere rows. If there are really no noises in society, what we have will just be a single voice that decides everything, or a single palm that blocks all the light of the sky, so to speak.

From the standpoint of the Democratic Party, we must call a halt to the WKCD project. Why? Because we find that the whole project is ridden by defects, and these defects are just so huge that we cannot possibly allow the project to proceed in its present form. As far as we can see, very little information has been released and the degree of public participation is also very limited. Mr TSANG said on various occasions and in the Legislative Council that the start of discussions on the project could be dated back to 1996. However, the relevant documents show that formal and detailed discussions on the project can at most be traced back to 2001 only, and it can even be said that strictly speaking, they commenced only as recently as 2002 or 2003, or just a year or two ago.

I can recall the terrible experience I had soon after joining the Legislative Council in 1991. At that time, I joined the Subcommittee on the Ten Airport Core Projects. The late Mr Stephen CHEUNG was also a member of the Subcommittee. Once every week, we would have congee and deep-fried dough-sticks in the morning — Ms Miriam LAU, some 10 others and I would eat congee and deep-fried dough-sticks during our meeting every week, which lasted two hours or so each time. At the beginning, I did not know much about works projects, planning and the like. But Mr Stephen CHEUNG engaged us in very thorough and detailed discussions, and our discussions on the core projects spanned as long as three to four years. Having to do this once a week, having



to turn up for a meeting at 7.30 am, was so very unpleasant, despite the congee and deep-fried dough-sticks for breakfast.

In contrast, just for how long have we been discussing this present project? According to Mr TSANG, the discussions have been going on since 1996. But strictly speaking, we have been discussing it for just about two years. For such a mammoth project costing more than a hundred billion dollars, is such a short period of discussions enough? What is more, during our discussions, we may well have been induced to concentrate only on some physical features, such as the proposed canopy. But should we in fact also study the more important issue of how this project can contribute to the long-term development of local arts and culture?

We brought up this question for discussion when we met with Mr TUNG last week. Mr TUNG asked me whether I had read the report of the Culture and Heritage Commission. I replied that I had. Then, he went on to tell me that the report had made more than 100 recommendations and the implementation of several dozens of them had already been underway. I told Mr TUNG that I was aware of this, but I also reminded him that those recommendations were basically on reforming administrative procedures and the rental of venues and facilities. People now seem to think that with the availability of hardware facilities, that is, an ensemble of arts venues and the canopy, there will be a corresponding elevation of Hong Kong people's aesthetic level and ability to appreciate arts and culture. I doubt it. As rightly asked by the cultural sector, have we ever studied and discussed the various aspects relating to the long-term development of local arts and culture? Have we ever discussed the various possibilities open to us? Have we ever considered whether there will really be a corresponding elevation of Hong Kong people's level of artistic and cultural appreciation after the completion of all those venues?

There are already many musical and arts performances in Hong Kong every year, but the attendance rates have been extremely low. Other than the works of some famous Canto-pop singers, our children may not even have any rudimentary knowledge of arts and culture, let alone opera. And, speaking of painters, the only one they know may probably be the painter mentioned by a developer only recently. In many ways, we have failed to start from the basics, just thinking that once some magnificent and splendid hardware facilities are available, a high aesthetic level will follow. Such a way of thinking is simply naive.

On the issue of proper procedures, several Members belonging to the Democratic Party have actually read the relevant documents very carefully to find out more. They have even discussed with the Hong Kong Institute of Architects. The open competition on the design of the Cultural District was named Concept Design Competition. But I can put it very simply that all the decisions were in fact made by one single person, and it was never a concept design competition as such but just a way to realize a predetermined architectural design, or to be precise, a design with a canopy as a mandatory component. Some have questioned whether it is absolutely necessary to build a canopy costing \$4 billion. One morning, when I listened to the radio, I heard a famous talk-show host say, "No one is asking you to pay the \$4 billion. What is the point of all these grumbles anyway?" I really find such a remark very naive. How can anyone say that the \$4 billion is not our money? It is already reflected in the land premium. How can anyone fail to understand something so simple? I cannot understand why the talk-show host could make that remark.

Many people will ask, "\$4 billion is such a huge sum of money. Should we really spend it on constructing a canopy? Or, should we instead set up a cultural and arts development fund with the money, so as to benefit more children?" Actually, I have with me as many as 50 questions. But I know that I will not be able to ask them all now, and I will just give the list to Mr TSANG. Each of these questions was in fact asked in one or more meetings before. It has been pointed out that in the case of many other equally complex cultural and arts projects, a committee was already established during the construction period, and a management committee was set up after completion. But so far, I still do not know what Mr TSANG thinks. I once asked him whether a committee would be established for this project, but he did not give me any reply.

According to Mr TSANG, a "single tender approach" will lead to the advantage of consistency and smooth implementation. I have consulted the architectural sector, and they say that even when the project is broken up into many small parts, they can still be pieced together nicely given a sound overall plan. When I met with Mr TUNG, I told him that even a very small social project could still promote social consensus, harmony and progress if it could be planned satisfactorily and the public were allowed involvement. However, the Government has now sided with unscrupulous business tycoons. On the opposite side are the Legislative Council, the cultural sector, the professionals sector and the general public. What is beginning to emerge is just another social division. I hope that Mr TSANG can consider why no one is on his side

on this particular project. Should he stop before it is too late and call a halt to project?

Thank you, Madam President.

**MR VINCENT FANG** (in Cantonese): Madam President, regarding the Chief Executive's policy address for the coming year, I hope the Government can, apart from making a good job of the constitutional development, can embark on another important task, that is, to create more job opportunities and enable the people to make more money through improving the business environment in Hong Kong and promoting economic development.

This morning, a radio show host called me up to say that the International Monetary Fund yesterday had released a report criticizing the tax base of Hong Kong as being too narrow, and that the Administration should consider introducing a goods and services tax at a time when the economy of Hong Kong was improving. I wish to say a few words on behalf of my constituency, that is, the wholesales and the retail industries, to explain why we regard the goods and services tax as a great peril. I would like to take this opportunity to urge the Government to take the interests of the people to heart, so that it should first examine carefully the bearing on the overall interests of Hong Kong as well as the immediate impact on the people before considering whether it is really necessary to introduce the goods and services tax.

Although the 3% tax is definitely affordable to the high-income group, this is an extra burden on people with medium-to-low-income who have to struggle to provide for the young ones and elderly in their families.

Some academics think that the introduction of the goods and services tax will incur an administrative cost accounting for only 2% of the revenue so collected. However, this figure only covers the administrative costs of the Government in collecting this tax, whereas the facilities and extra costs to be borne by the industries for the purpose have not been included. We all understand that such costs will eventually be transferred by the industries to the consumers. So the costs that will ultimately be borne by the consumers must be higher than the tax stipulated by the Government and they will eventually become the victims.

Madam President, we all understand that it is essential to have a stable society, so is full employment to a stable society. Therefore, I hope the Chief Executive can make maximizing the creation of job opportunities one of his prime considerations in formulating any major policies in the policy address for the coming year.

Besides, the Government has been formulating a lot of new legislation and regulatory measures in recent years, bringing a lot of difficulties to business operation in our industries. For example, the regulation on food labelling was passed in the last Legislative Session, and the consultation is currently held on the requirements for mandatory registration and labelling for specified products with content of volatile organic compound. Once implemented, the latter measure will have substantial implications on the wholesales and retail industries, and may possibly affect the livelihood of a large number of employees.

I appreciate the importance of environmental protection to Hong Kong people. It has never been the intention of our industries not to support the cause of environmental protection, but, as reflected by many multinational companies operating in Hong Kong, if Hong Kong businesses have to subject 98% of imported products to laboratory tests and registration, and may even have to face further possible regulatory measures, the businesses will find it even more difficult to operate in future. This is because, with the exception of California in the United States, where there are guidelines and regulations on the content of volatile organic compound, most European countries do not have similar labelling and registration systems. If other countries or regions do not bother to do extra work for this new legislation, they may reduce the quantity of goods for exportation to Hong Kong. Is this good for the consumers? Will Hong Kong be able to uphold its reputation as the Shoppers' Paradise?

Therefore, I hope the Government can further lift the restrictions and streamline the rules and regulations, so as to create a better business environment with a view to attracting more local, overseas and mainland businesses to operate in Hong Kong, thereby promoting the economic development in Hong Kong and creating more job opportunities.

Finally, I hope that the Chief Executive can strengthen the support for Hong Kong businessmen operating outside the territory, and optimize the functions of more than 10 business and trade offices in different parts of the

world, the Offices of the SAR Government in Beijing and Guangzhou and over 40 Trade Development Council offices all over the world. Special efforts should also be made to strengthen our ties with the Ministry of Commerce in China and to establish a notification mechanism, so that Hong Kong businessmen may have an avenue of assistance when they encounter difficulties outside Hong Kong.

I so submit. Thank you, Madam President.

**MR MARTIN LEE** (in Cantonese): Madam President, it appears to me that a quorum is again lacking now.

**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members to the meeting.

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

**PRESIDENT** (in Cantonese): Now we have the exact number of Members present to form a quorum for the meeting. Mr Albert CHENG, you may speak now.

**MR ALBERT CHENG** (in Cantonese): Madam President, Dr YEUNG Sum's motion is on the expectations of this Council for the policy address. However, I can see that, not only the Members are not concerned about this subject, our officials are not concerned about it as well. The Chief Secretary is all alone here. Where have they gone — the 160 000 civil servants and the 1 000-odd directorate officers under your leadership?

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): Excuse me, Madam President, a quorum is not present again.

**PRESIDENT** (in Cantonese): Thank you, Chief Secretary, and please be seated. Mr Albert CHENG, please sit down also. Will the Clerk please count the number of Members present. (*Laughter*)

(The Clerk, having made the head count, rang the bell and a number of Members returned to the Chamber)

**PRESIDENT** (in Cantonese): A quorum is present again. Mr Albert CHENG, please continue with your speech.

**MR ALBERT CHENG** (in Cantonese): Thank you, Madam President. When we discuss this motion on our expectations for the administration, we really very much hope that the three Secretaries of Departments and 11 Directors of Bureaux will be here in this Chamber, because our discussion on the policy address is related to the implementation of many policies of the Government. However, the Chief Secretary for Administration is here alone all by himself. Where have the other officials gone? But this does not matter, for we do not have much expectation for this policy address. Although we have no expectation for it, I still have to say something.

I have looked up some of the main points made in the motion debate on the expectations for the implementation of policies in the meeting of the Legislative Council on 17 November 2004. I have also read the 2004 policy address and found many "dishonoured cheques" issued by the Government, as many undertakings have not been honoured. So, I would like to tell Mr TUNG through the Chief Secretary for Administration that he needs not prepare the 2005 policy address, for he can just list out the work mentioned in the past seven policy addresses that has not been carried out. With the exception of the "85 000" policy, each undertaking should be reviewed to see if it has been honoured. I think this would be more practical. I have with me now information about the policies proposed by the Government which have all become "dishonoured cheques". It may take too long to read out all of them and so, I will just mention a few.

In the 2004 policy address, the Government claimed that it would examine how to help poor people upgrade themselves and to improve their financial situation. But we do not even see any trace of an anti-poverty commission.

The Government went on to say that the Accountability System for Principal Officials would be reviewed, but the review is nowhere to be seen, and the Administrative Officers have to convene a meeting to urge the Government to expeditiously conduct a review. The Government also claimed that it would strike a balance between reducing the fiscal deficit and safeguarding the people's livelihood, but it turns out that the Comprehensive Social Security Assistance (CSSA) payment for the elderly and the disabled is cut by the Government. Where is the balance? The Government claimed that improvement would be made to the business environment of the financial services industry. But when studying the abolition of the estate duty, the Government is looking into the introduction of a capital gains tax, which is contradictory.

In the 2004 policy address, the Government claimed that opinion polls would be enhanced to grasp public aspirations. But eventually, the Central Policy Unit had commissioned an unknown research company which made a wrong assessment of the number of participants in the rally against the interpretation of the Basic Law and conducted a leading opinion poll in summer this year.

In the 2004 policy address, it was proposed that a Constitutional Development Task Force would be established. The Task Force, which is supposed to faithfully reflect public opinions, has turned out to be the mouthpiece of Beijing.

What should the Government do at the very least in the forthcoming policy address?

First, it must not issue "dishonoured cheques" anymore. All the undertakings in respect of its policies must be honoured. There must be no replica of the "85 000" policy, which was taken as lapsed since it had not been mentioned anymore. In the implementation of policies, sound approaches should be adopted, rather than adding fuel to fire and throwing public coffers down the drain. Besides, no policy which is contrary to the Government's undertaking should be introduced to delude the public.

With regard to policies on the economy and industries, the Government said in the 2004 policy address that the Financial Secretary would merge and reorganize several committees under his charge to establish a high-level body, in order to streamline procedures and improve regulation. What has been done to

date? So far, only an Economic and Employment Council has been set up. The Government also said that it would establish a task force under the chairmanship of the Financial Secretary to comprehensively co-ordinate the planning and development of major infrastructure projects on Lantau. Although this task force is set up, the ecology on Lantau has been subject to severe threats. The Government said that it would actively plan and support the hosting of more world-class events in Hong Kong and organize more cultural activities with local characteristics, and that it would step up collaboration with the Mainland, in particular, the Pearl River Delta (PRD), to promote tourism. However, after the Harbour Fest, there is only the World Trade Organization Ministerial Conference to be held next year. We have not seen any concerted effort by the PRD and Hong Kong to promote tourism. In fact, with regard to policies on the economy and industries, there are still many "dishonoured cheques" issued by the Government.

In respect of public finance, the Government claimed in the 2004 policy address that it would strike a balance between reducing the fiscal deficit and safeguarding the people's livelihood, and let the community to take a respite. But what has been done? The Government has even cut the CSSA payment for the elderly and the disabled and refused to make concessions.

Besides, on the improvement of governance, the 2004 policy address mentioned the need to improve the Accountability System for Principal Officials, focus on the political work and strengthen the linkage with the community. What has happened now? The Administrative Officer grade convened a meeting on 16 November 2004 urging the Government to expeditiously review the Accountability System for Principal Officials. It was also mentioned that the structure, organization and composition of some 500 advisory and statutory bodies would be streamlined. But so far, these advisory and statutory bodies have not yet been streamlined and they are still dominated by pro-government members. Indeed, in respect of the improvement of governance, there are many "dishonoured cheques" issued by the Government.

On constitutional review, the Government claimed in that policy address that it would establish a Task Force, headed by the Chief Secretary for Administration, with members including the Secretary for Justice and Secretary for Constitutional Affairs, to seriously examine these issues, particularly those concerning the understanding of the relevant provisions of the Basic Law, and to consult the relevant authorities of the Central Government. In this regard, what



has the Government done? Yes, the Government has set up the Task Force, but this has eventually led to the interpretation of the Basic Law by the Standing Committee of the National People's Congress and now, the Task Force has become the mouthpiece of Beijing.

Moreover, in respect of education and medical care, the Government claimed in the Policy Address that a new education system made up of three years of junior secondary, three years of senior secondary and four years of university education would be introduced for extensive public consultation. The Government has published the consultation document, but has at the same time introduced "Liberal Studies" as a compulsory subject, which has aroused another controversy.

Furthermore, with regard to welfare, employment and anti-poverty measures, the Government said in the 2004 policy address that it would further examine how to help poor people upgrade themselves and improve their financial situation. But so far, as I have just said, the anti-poverty commission has not been set up, making the systematic studies of anti-poverty policies impossible.

More "dishonoured cheques" will be revealed if I go on, and if I say too much about them, it may only bring embarrassment and frustration. My conclusion is that the year 2004 is drawing to a close, but the Government has still failed to honour many of its undertakings. It has even introduced policies which are contrary to its previous undertakings. If the Government wishes to re-establish its credibility, it must not indiscriminately issue "dishonoured cheques" in the coming year. Issuing such cheques indiscriminately will lead to bankruptcy of its credibility.....*(the buzzer sounded)*

**PRESIDENT** (in Cantonese): Mr CHENG, your time is up.

**MR ALBERT CHENG** (in Cantonese): The so-called strong executive-led administration is just a joke. Thank you, Madam President.

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

**MR MARTIN LEE** (in Cantonese): Madam President, I wish to say a few words on the Judiciary and legal aid. They are both extremely important to Hong Kong. In terms of the rule of law, Hong Kong fares far better than all other cities in our country. First of all, I wish to talk about the handling of cases by Judges. Very often, the work of a Judge is not confined to the courtroom. As a matter of fact, many a time, after listening to the facts of a case, after listening to the statements presented by the counsels of both sides, a Judge will have to start writing up the judgement, and this usually takes a very long time.

I once worked as a Deputy Judge for two months, so I know that if a Judge does not start writing up the judgement immediately after hearing a case — I mean, even if he delays the work for just a little while — then it will be very difficult for him to do so afterwards, because very soon, another case, or even yet another case, will be waiting for his handling. Unfortunately, however, some Legislative Council Members are so overly concerned and they want to know the actual amount of time, the number of hours, for example, spent by a Judge in the courtroom every day. Consequently, the Court very often finds it necessary to record the number of hours spent by Judges in the courtroom. But these Legislative Council Members have overlooked the time spent by Judges on writing judgements in the chambers or at home, in the small hours and during weekends. Since the workload of the Court is very heavy, Judges must hear cases in the courtroom all the time, so they cannot possibly take leave for a day or two to write judgements; speaking of which, they cannot enjoy themselves even if they do have a holiday. I therefore want to say something for Judges. We must not place undue emphasis on the time spent by Judges in the courtroom but should give them more time for work instead. A Judge, for example, may have spent two weeks hearing a certain case and he intends to write the judgement over the weekend, but if he cannot finish the job over the weekend, he will face difficulties because a new case will be waiting for him the following Monday. I therefore hope that Judges can be given more time. Or, more Deputy Judges should be appointed, so that Judges can have more time for writing judgements. The reason is that in case there is any unreasonable delay, everybody will suffer. People often say that justice delayed is justice denied.

The High Court has recently set up a court information centre. I have gone there for a look, but I must say that it is not quite so adequate because it is just all about the input of data requests and the retrieval of information. Very often, what people want is some kind of face-to-face legal advice. This is

precisely what the information centre cannot provide. Since the information is intended for the provision of legal advice to people with no legal representation, we hope that some trainee barristers and trainee solicitors can offer advice to people at the centre on a voluntary, that is, free-of-charge, basis. I believe many trainee barristers and trainee solicitors will be happy to do so.

So much for this. Now I wish to say a few words on legal aid. Currently, if the financial resources of a person amount to more than \$169,700, he is not entitled to legal aid unless he applies for assistance under another scheme, that is, the Supplementary Legal Aid Scheme (SLAS). Under the SLAS, a person's financial resources may exceed \$169,700 in value but still, the level of \$471,600 must not be exceeded. However, under the SLAS, no legal aid will be granted in cases involving libel and election petitions. Those who have been election candidates will know that sometimes, after a certain candidate has won in an election, one of his rivals, that is, one of the other candidates, may still file an election petition, in which case he will have to pay the huge costs of legal representation. Besides, legal aid also plays a vital role in libel cases. Nowadays, some plaintiffs will only sue a particular writer instead of the newspaper he works for, in which case this will become a case against an individual. He will likewise find it hard to bear the legal costs. I consider that the SLAS should at least provide assistance to these individuals.

Under the existing SLAS, legal aid is available only to plaintiffs of cases involving personal injuries or death, or those who suffer damages as a result of medical, dental and legal professional negligence. I think it is the right time to extend the scope of the SLAS, with a view to giving assistance to more people. As a matter of fact, I was the first proponent of this Scheme; the Government accepted my proposal. It was initially estimated that a funding of \$2 million would be enough. It turned out that the funding was really adequate, and now the Scheme even carries surpluses. I therefore think that an extension of the Scheme should now be considered.

Madam President, many people in Hong Kong and the Mainland often compare Hong Kong with Shanghai. I cannot go to Shanghai now, and I have never been to there for years already. From television and my friends, I have learnt that Shanghai is really very prosperous, thriving very fast. Therefore, in terms of wealth, I suppose Shanghai will probably overtake Hong Kong in no time, particularly because there is one thing in Hong Kong that is lacking in

Shanghai — our Chief Executive, who has hindered our progress. I therefore hope that everybody can respect the spirit of the rule of law in Hong Kong because all places in China cannot compare with us in this respect, or we can even say that they are lagging far, far behind. I do not understand why the Chief Executive is unwilling to praise Hong Kong for that. Perhaps, he may be a bit ashamed because he requested the Standing Committee of the National People's Congress to interpret the Basic Law. I hope that the SAR Government can shape up and turn this City of the LI Family into a city upholding the rule of law.

**MR CHAN KAM-LAM** (in Cantonese): Madam President, with the strong rebound of Hong Kong's overall economy resulting from the intensification of the whole series of economic measures adopted by the Central Government to support Hong Kong and also from the improvements in external economic circumstances, it can be said that Hong Kong has finally survived its worst of times. As people's confidence in their financial prospects increases, they have also become increasingly vocal on social harmony. Madam President, before us now is actually a very good opportunity. The Government should capitalize on the good prospects and opportunities brought about the economic recovery and adjust some of its policies in the light of changing circumstances, so as to maintain our economic stability and ensure our sustainable development. In the following part of my speech, I shall mainly discuss our expectations for the policy address this year from the perspective of housing.

The overall housing policy is still the greatest concern of society today. In the private property market, the number of negative equity assets has gone down to roughly 20 000, with prices even exceeding the levels before 1997 in some cases. For public housing, the situation is most satisfactory as an applicant now only has to wait two years for the allocation of a unit. However, the realities just do not allow us to be over-optimistic.

To begin with, the Hong Kong Housing Authority (HA) intends to reduce the volume of public housing construction in the future. In the next five years, the volume of public housing construction will just be 84 000 units, which is 14% less than the figure announced last year. The Democratic Alliance for Betterment of Hong Kong (DAB) has some reservations about this decision. The construction and management of public housing is the fundamental duty of

the HA. Currently, wages are still low; the number of low-income earners is ever increasing; and, people are still caught in severe hardship, so it can be envisaged that the demand for public housing will remain very enormous in the future. By reducing the volume of public housing construction over the next five years instead of injecting more social resources for the purpose, the Government is in fact ignoring the housing needs of the underprivileged. This may lead to a crisis of social instability.

Madam President, we do understand that the HA has been facing an acute fiscal deficit in recent years. But there should be other means to alleviate the fiscal deficit, and it is not advisable to curtail the volume of public housing construction. The HA has already endorsed the resumption of the sale of public housing units and the divestment of its retail and car-parking facilities in 2004-05. It is already mid-November, so the DAB urges the Government to implement the latter as soon as possible. The Tenants Purchase Scheme introduced in 1998 was basically well-received, enabling many employees to fulfil their dreams of becoming property owners. This reminds me of this line from a poem: "How can there be a thousand houses for all poor scholars, so that they can all be filled with delight again?" The scheme was undoubtedly a benevolent policy very much welcomed by the people. Unfortunately, following the financial turmoil, the Government announced the suspension of the sale of public housing units in 2002 in a bid to arrest the decline of the property market. We are of the view that the sale of public housing units will only cause extremely slight impact on the property market. Basically, public housing tenants must have undergone a means test, and they are all low-income earners, so even if the Government does not introduce the sale of public housing units, it is still highly unlikely that they will buy any private housing units. That being the case, the demand and supply situation in the private property market will not be affected to any great extent. What is more, the sale of public housing units will not only help the HA to resolve its immediate financial difficulties, but will also provide the authorities with the resources required for continued public housing development and enable those from the lower strata of society to fulfil their dreams of home ownership. There will thus be a win-win situation, so why not go ahead with the sale? We in the DAB therefore urge the Government to resume the sale of public housing units as soon as possible. As regards the divestment of retail and car-parking facilities, the DAB is of the view that besides increasing the revenue of the HA, it will also enable the HA to pool more resources for discharging its function of providing subsidized housing. The

only point to note is that in the course of implementation, the authorities should make proper arrangements for the affected employees to be transferred to the new employers. The authorities should also make active arrangements for communication and dialogue between the new management companies and the affected shop operators, so as to avoid any complications.

As for the property market, we all know that there is in fact one potential problem — the re-emergence of speculation. Recently, the prices of many property developments have already exceeded the levels in 1997, and the prices of some ordinary properties have even risen drastically after being advertised as "Six-star luxurious residential properties". It appears that there is now a property boom, but some property agents have told us that there have not been too many transactions, and this is a clear sign of speculation. Consequently, the DAB strongly urges the Government to watch out for any unhealthy signs of development in the market, so as to avoid the formation of any "mini" bubble.

Madam President, I so submit. Thank you.

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

(No Member indicated a wish to speak)

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): Madam President, first of all, I wish to thank Dr YEUNG Sum for moving this motion today, so that Members and I could hear the valuable input of Members on this motion. In particular, the green booklet published by the Democratic Party concerning its expectations for the policy address has set out the stance of the Democratic Party on various policies systematically. Although much of its contents is highly controversial and can probably lead us to bankruptcy, however, it is still worthwhile to examine them.

The Chief Executive mentioned in the policy address of 2004 that the Government would, on the basis of equality and mutual respect, strengthen its dialogue and co-operation with the Legislative Council, so they would better understand and be able to exercise a more positive influence on the position, policy intent and objectives of the Government. Therefore, the annual policy address delivered each year is the best occasion to realize this idea.

The policy address delivered by the Chief Executive is the blueprint of administration for the Hong Kong Special Administration Region (SAR) each year. The Chief Executive will identify the prevailing problems with a view to leading the general public in a common effort to take the development of Hong Kong to a new level. Honourable Members are representatives of public opinion, we will naturally give audience to and attach importance to opinions expressed by them. In fact, the Chief Executive has been meeting and consulting Members on the contents to be included in the policy address next year. Since there are many newly-elected Members this year, these meetings will be highly conducive to strengthening communication between the Chief Executive and new Members and to exchanging views on different policy areas.

Madam President, I must stress that the SAR Government supports the passage of this motion. Members' conduct of rational discussions on the administration of the Government and presentation of incisive views will certainly serve as a channel of communication and will lead the community to better harmony. The Government is ready to pool collective wisdom and intensify communication and mutual understanding with various sectors in society through the Legislative Council and other channels, so that we can assist the Chief Executive in compiling a policy address conducive to the development of Hong Kong, which will be delivered in January next year.

As I pointed out in responding to a similar motion proposed by Dr YEUNG Sum last year, the Government is obliged to gauge carefully the views expressed by 60 Members of the Legislative Council coming from different background, and to identify the views which are consistent with the interest of the community as a whole, and use the same as the basis of administration. Also, even consensus may be reached on certain aspects of administration, the Government still has to consider the priorities of policies to be implemented and the specific problems in implementation, as policies that merit examination and implementation are indeed numerous. In addition, the Government faces a fiscal deficit. It must therefore exercise stringent control over public expenditure in order to achieve a budget balance over the medium term. Setting priorities for individual options carefully is thus particularly difficult, in addition, it would be equally difficult for us to make all strata and sectors in society feel satisfied with our decisions. However, we will carefully decide if

individual proposals should be implemented and the priority that they should receive. It is a responsibility the Government cannot shrink and we will fulfil it.

Thank you.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum, you may now reply and you have four minutes 50 seconds.

**DR YEUNG SUM** (in Cantonese): Madam President, first of all, I thank the 40 colleagues who have spoken on my motion. I am very grateful to them.

In response to our debate in the past few hours, the Government has only made a few remarks casually, and in fact, we do not find much substantive contents in its response — Mr Martin LEE just reminded me that the Chief Secretary for Administration had spent less than four minutes on his reply. The Chief Secretary for Administration, who represents the Government, has merely said a few words perfunctorily. What I consider most astonishing is that while the Chief Secretary for Administration was holding our "alternative policy address", he may not have read it in detail, for he had outrageously said that our proposals might lead to a bankrupt economy in Hong Kong. Madam President, the Chief Secretary for Administration really needs to be more cautious in his speech, for he speaks for the Government, and his remarks will be cited in the press, and it will be reported that the Chief Secretary for Administration had said that the alternative policy address of the Democratic Party might cause the Hong Kong economy to bankrupt. I really find such remarks utterly regrettable.

Madam President, I have listened attentively to Members' speeches, and I have jotted down notes on the speech of each Member. I wish to particularly point out that of the 40 colleagues who have spoken, Members from the Liberal Party, the DAB and the Alliance have made little mention of the West Kowloon Cultural District development project. But friends in the democratic camp, such as Mr Alan LEONG, and the Democratic Party have made some very severe criticisms of the project. Although the canopy is transparent, the entire process of the Government's consultation is a gross instance of black box



operation. The cultural sector, the architectural sector and the engineering sector, including property developers, have expressed very strong views. The consultation conducted by the Government will span six weeks only, which is obviously inadequate. However, the Democratic Party will not argue with the Government on the length of the consultation period, because we basically think that the entire project warrants reconsideration. So, we have decided to form a panel of consultants, and we will submit an application in the name of the Democratic Party to the Town Planning Board for planning of the project from scratch. If the attempt fails, we will petition for a judicial review, and we will raise funds for that purpose. We will also work in concert with other members of the cultural sector and professionals. We hope to voice the wish of the people concerning this very important cultural landmark to both Hong Kong and the world, with a view to ensuring that the project will live up to its spirit.

Moreover, many colleagues, including those from the Hong Kong Federation of Trade Unions, Ms LI Fung-ying, and friends in the democratic camp, are very concerned about the work to aid the poor. They hope that the Chief Executive will make undertakings and commitments in the policy address for the coming year, and set up a committee on aiding the poor, and to draw a poverty line for Hong Kong through this interdepartmental working group. We very much hope that with the support of all Members, including Mr Abraham SHEK, we can urge the Government to reconsider adjusting the Comprehensive Social Security Assistance payment back to the rate on 1 June 2003 before reduction. I hope the Chief Executive will pay special attention to these few points. On the Liberal Party's proposal of building a casino, the Democratic Party has reservations about it at the present stage. We do not wish to encourage gambling, and although the relevant activities will be geared for tourists, the proposal would bring certain social effects in any case.

Here, I wish to thank Members once again for speaking their minds freely on this serious and solemn topic. I am very grateful to them, and I hope the Chief Executive has heard to our voices. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr YEUNG Sum 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.

**PRESIDENT** (in Cantonese): Second motion: Enhancing the safety of railway and road traffic. Mr Andrew CHENG.

### **ENHANCING THE SAFETY OF RAILWAY AND ROAD TRAFFIC**

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

Madam President, recent discussions on railway and various means of transport are no longer confined to fare increases or reductions. On the contrary, they have to do more about road traffic safety, which is more relevant to our personal safety.

Since the beginning of this summer, the two railway corporations have recorded 70 to 80 railway incidents of varied scale. In other words, news about railway incidents would be heard almost every other day. While it was unfortunate that a railway incident occurred this morning, it was fortunate that no one was hurt. Even so, the cumulated delay caused by railway incidents have exceeded 1 000 minutes. Furthermore, hundreds of thousands of commuters have been affected. The social cost incurred as a result of the failures on the part of railway corporations is incalculable.

There have been great reverberations in the community as a result of the delays in train services, speeding by minibuses and several recent casualties. Life is precious. It is a great pity that some members of the public have lost their lives for nothing just because some other people have failed to comply with traffic laws.

Actually, in addition to railway and minibuses, other means of transport carry potential pitfalls too. Road traffic safety in Hong Kong has been overshadowed and called into question by such pitfalls as speeding by private motorists, the absence of seat belts on school buses and the exceedingly long working hours of bus drivers.

Madam President, I have proposed this motion today in the hope of dealing with the safety of railway and road traffic in Hong Kong in a comprehensive manner. I have therefore made 10 recommendations in the motion, hoping that the Government can address this problem. I hope the passage of the motion can illustrate that road safety and the lives of all citizens are taken seriously by this Council.

Actually, in the wake of numerous railway and minibus incidents, I have noticed that the Secretary's attitude toward different means of transport seems to be different. After the occurrence of successive accidents involving minibuses, the Secretary commented with great dissatisfaction that the driving-offence points (DOP) and the number of red light cameras had to be increased. As we fully agree with these suggestions, they have all been included in my motion. Yet, despite the Secretary's great dissatisfaction with the constant disruptions and delays in railway services, she had demanded the railway corporations to do nothing more than submitting reports after reports. I do not believe the Secretary will not consider taking more proactive action until railway casualties are reported. However, I simply do not comprehend why the Secretary has failed to make recommendations other than the submission of reports. As the Secretary has not mentioned it, I hope to put forward several directions for consideration in the light of today's motion.

The immediate response of the two railway corporations after the constant delays in their services was apology. The public will certainly understand if delays have been caused only once, or twice. After three, four, five or even 50 or 60 delays, how can the public be expected to have the tolerance to pardon all these so-called apologies?

One of the recommendations of the Democratic Party is to conduct independent investigations. We understand that the MTR Corporation Limited (MTRCL) has commissioned an independent — considered independent by the MTRCL — body to conduct an investigation into the spate of incidents. And the latest development is the MTRCL has set up a task force to examine railway

operations and review if it is necessary to increase the number of inspections for its railway system in the light of the numerous incidents that occurred recently. We certainly appreciate the response of the MTRCL. Today, the MTRCL has even launched 20 or so initiatives. However, we are of the opinion that, in order to give the public a thorough account, the findings of the investigation must be open, fair, honest, and acceptable to the public. Furthermore, the Government should commission an independent investigation body to conduct investigations into the successive railway failures.

Madam President, as regards conducting a study on amending the ordinances of the two railway corporations, under section 9 of the Mass Transit Railway Ordinance (MTRO), the MTRCL shall maintain a proper and efficient service at all times during the franchise period in accordance with the Ordinance and the operating agreement. In section 16, it is further spelt out that, if there has been a substantial failure by the MTRCL to discharge an obligation under the operating agreement and there has been a default by the MTRCL, including such incidents as a substantial breakdown of the service, the Government may impose fines on the MTRCL. As for the Kowloon-Canton Railway Corporation Ordinance (KCRCO), it is expressly provided that the Kowloon-Canton Railway Corporation (KCRC) is required to provide an efficient service without specifying what it means by default. Nor is there any provision for fines.

Madam President, judging from the two Ordinances, there is an absence of a clear and objective criterion for measurement as to the meaning of an efficient service and the definitions of failure to discharge an obligation under the operating agreement and default. Even if the MTR and KCR continue to experience delays, it seems in the eyes of the Government that there is still no violation of law. On the one hand, the Government merely asks for an explanation and on the other, the railway corporations merely continue to submit reports and sit on the matter.

As the public and the Government seem to be divided over the effectiveness of the service provided by the railway corporations, it is imperative for the MTRO and the KCRCO to be amended to clarify the definition of "effective service" and "default". The Democratic Party would like to suggest the authorities to make reference to the DOP system prescribed in the Road Traffic Ordinance with a view to setting up a points system for disruptions or delays in railway services. Once a disruption or delay exceeding eight minutes

is found to be caused by the railway corporation itself, it shall be deemed to have failed to provide an efficient service, and this shall become proof of default. The points system will use one quarter as a basis. Should 10 points or more be accumulated within a quarter, punishment could be imposed. According to the proposal conceived by us, the punishment should not be restricted to fines. Verbal or written warnings may be included as well. Mr LAU Kong-wah has mentioned the issue of warning letters, for instance, in his amendment today.

Nevertheless, fines can be one of the punishments. Actually, there are precedents of imposing fines in other countries. Since the passage of the Railway Act in 1993 in Britain, more than 100 railway companies have appeared on the market. Railtrack, being the largest railway company, is responsible for railway operation. However, it has become a cause of public complaint because of constant delays in its train services. In 1999, the then commissioner responsible for monitoring railway proposed that the company ameliorate its problem of delays within a year, with 12.7% being set as target of improvement, or the company would be fined. Although the frequency of delays has consequently been reduced by 10%, the target had yet to be reached. The company was subsequently fined as much as 7.9 million pounds in 2002.

Compared with the pecuniary penalties we have recently proposed, the penalties in Britain are obviously far heavier. According to the current provisions of the MTRC, even in the event of major faults or violation of the operating agreement by the MTRCL, as construed by the Government, a fine of merely \$10,000 to \$50,000 will be imposed. But I have no intention to revise these amounts of fines for the time being. In our opinion, the establishment of a system should not be focused on punishment, and punishment should not be imposed for the sake of it. Instead, we seek to enable the two railway corporations to raise their awareness of the importance of railway safety through a punishment system and thus improve the quality of railway services, thereby minimizing the inconvenience caused to commuters and the adverse impact on traffic.

Madam President, although the two railway corporations have claimed in one voice that outsourcing has not affected the quality of their services, the public seems to have a different feeling, in particular about the MTRCL. Since the outsourcing of some of its work procedures, the MTRCL has seen a constant

increase in the number of incidents. We have also learned from the meeting with the management of the MTRCL that the quality of the outsourced services is doubtful. Consequently, the MTRCL has taken back the relevant work procedures, and the maintenance work is now carried out by the MTRCL itself. For these reasons, we worry that the outsourcing of services by the two railway corporations will result in longer working hours, reduced expenditure on maintenance, and lower quality in terms of train parts. The breaking of a railway track for unknown reasons should also be seen as an alarm. We do not want to see the Government remaining feeling dissatisfied with the services provided by the two railway corporations while not taking any practical actions.

In order to rescue public confidence in the MTRCL, I proposed to Mr C K CHOW, Chief Executive Officer of the MTRCL, in a meeting yesterday that the MTRCL should consider offering fare concessions by lowering fares by 10% during a specified concessionary period, in order to demonstrate the MTRCL's willingness to compensate the commuters for their losses in terms of time and money. It was however most ironic that he could only promise free rides for elderly holders of Octopus cards on the Elderly Day this Sunday. This is the only response from the MTRCL.

Madam President, another highlight of my motion is about how best to upgrade road traffic safety. In this respect, we must not lose our vigilance. I have made seven recommendations in the motion. I have to stress that I have no intention to pinpoint individual industries, such as minibuses, school buses, or franchised buses. Actually, the safety initiatives proposed therein should have been studied or implemented a long time ago, in order to reduce the number of traffic casualties. Let me cite the proposals applicable to all drivers as an example. All such proposals as increasing the driving-offence points for the offence of jumping red light, installing additional red light cameras on traffic lights, and studying the feasibility of installing countdown displays can surely help upgrade road safety.

On the other hand, we propose to convert red minibuses to green minibus operation. Despite the Government's incentives, we consider that the safety of drivers and passengers will be better protected after regulatory measures are imposed, as salaried drivers will no longer need to drive at an excessive speed regardless of their own safety. In particular, there are currently only 1 000 or

so red minibuses in Hong Kong, and the licence prices have become extremely high owing to speculation. As a result, many minibus drivers have to bear exorbitant car rentals. In order to achieve a certain income level, they naturally hope that they can complete each trip in no time so that they can do more business. This is extremely dangerous to road safety. Another example concerns the installation of safety belts on school buses. It is definitely the hope of all parents that school children can travel on school buses safely. For the sake of the lives of the next generation, any cost consideration should take a secondary position. Even if the cost will partially be passed on to users, I believe parents are prepared to bear a larger share to ensure the safety of their children.

Madam President, insofar as the safety of franchised buses is concerned, we had discussed in the panel and subsequently passed a motion dealing mainly with hours of duty by introducing some amendments to the Guidelines on Working Schedule for Bus Drivers issued by the Transport Department. The exceedingly long hours of duty laid down in the Guideline had posed a problem. It was found that bus drivers responsible for operating such a giant vehicle on the streets had to work up to 14 hours daily, with their hours of driving reaching 11 hours. Such exceedingly long hours of duty are certainly dangerous to road safety. For this reason, I have proposed amending the Guidelines to reduce the maximum hours of duty to 10 hours, and the maximum hours of driving to eight hours. We would like to particularly stress that we have met with numerous labour unions who expressed the hope that the amendments to the Guidelines this time would not affect their daily wage and thereby reduce their income. As such, I stress that this discussion is confined to the level of road safety and transport policies only. I hope the amendments to the Guidelines, if implemented, can reduce the hours of duty. At the same time, the Panel on Manpower should ensure that the livelihood of these drivers will not be affected consequently.

With these remarks, I beg to move.

**Mr Andrew CHENG moved the following motion: (Translation)**

"That this Council expresses regret about the frequent disruptions or delays that have occurred in recent months in the railway services provided by the MTR Corporation Limited and the Kowloon-Canton Railway Corporation, which affected railway commuters; furthermore,

as the recent spate of serious traffic accidents involving public light buses (PLBs) have caused casualties, the safety of school buses has long been a matter of public concern, and the excessively long working hours of drivers of franchised buses have also aroused public concern about the safety of buses, this Council urges the Government to adopt the following measures to enhance the safety of railway and road traffic:

in respect of the safety of railway –

- (a) to appoint an independent investigation body to conduct independent investigations into the disruptions or delays that occurred between July and October 2004 in the two railway corporations' train services;
- (b) to study amendments to the Mass Transit Railway Ordinance and the Kowloon-Canton Railway Corporation Ordinance to stipulate clear criteria in respect of defaults by the two railway corporations, and to introduce a demerit points system for disruptions or delays in train services, whereby penalties may be imposed on the railway corporations concerned when the demerit points they incur exceed the prescribed limit within a specified period;
- (c) to comprehensively review the impact of outsourcing maintenance works on the train services provided by the two railway corporations;

in respect of the safety of road traffic –

- (d) to amend the Road Traffic (Driving-offence Points) Ordinance to increase the driving-offence points (DOP) for the offence of "failing to comply with traffic signals" under the DOP system;
- (e) to install red light cameras at all traffic black spots which have a high incidence of red light jumping;
- (f) to explore the feasibility of installing countdown displays on the traffic signal system;



in respect of the safety of PLBs –

- (g) to study legislative amendments to require the mandatory installation on all PLBs of a speed display device with recording function;
- (h) to study the conversion of all red minibuses to green minibus operation so as to facilitate the regulation of their operation;

in respect of the safety of school buses –

- (i) to explore the feasibility of installing seat belts for all school buses; and

in respect of the safety of franchised bus operation –

- (j) to consider revising the Guidelines on Working Schedule for Bus Drivers issued by the Transport Department, which should include the following:
  - (i) the maximum hours of duty (including all breaks) per day should be reduced from not exceeding 14 hours to 10 hours;
  - (ii) the hours of driving duty per day should be reduced from not exceeding 11 hours to eight hours;
  - (iii) the timing of meal breaks for drivers should not deviate from the normal biological clock of human beings; and
  - (iv) duty schedules should be issued to drivers at least seven days in advance."

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

**PRESIDENT** (in Cantonese): Ms Miriam LAU and Mr LAU Kong-wah will move amendments to this motion respectively. Their amendments have been

printed on the Agenda. The motion and the two amendments will now be debated together in a joint debate.

I now call upon Ms Miriam LAU to speak first, to be followed by Mr LAU Kong-wah; but no amendments are to be moved at this stage.

**MS MIRIAM LAU** (in Cantonese): Madam President, Hong Kong is a city of extremely high mobility, with a daily average of 12 million passenger trips on public transport. Of the wide range of means of public transport, railway plays a vitally important role, accounting for 30% of the combined daily passenger capacity of all means of public transport. It was precisely for this reason that the number of passengers affected by delays in train services was particularly high. The railway corporations should therefore make every possible effort to avoid any delays. However, in view of the existing limitations of the railway system technology in the world, a completely fault-free railway is simply impossible. We should therefore look at the services provided by the two railway corporations with a pragmatic attitude.

First of all, let us look at some facts. According to the information provided by the MTR Corporation Limited (MTRCL), a monthly average of 25.6 delays of five minutes or more were recorded in the first 10 months of this year. In terms of frequency, this is 25% lower than the rate in 2003, and 61% lower than that in 2002. Members will find that, broadly speaking, this year actually compares lower than any of the past four years in terms of the monthly average of delays. As for the Kowloon-Canton Railway Corporation (KCRC), a total of 16 delays of eight minutes or more were recorded in the first nine months of this year. With the combined delays representing 0.06% of the total journey time, this rate is slightly lower than that of last year. At the same time, the KCRC has shortened its alert mechanism from 20 to eight minutes. Therefore, the incidents required to be reported by the KCRC now may be more than before.

Having said that, in view of the relatively extensive impact of the delays in services provided by the two railway corporations, the successive occurrence of incidents recently is unacceptable to the public. We express regret about the occurrence of these incidents too. In our opinion, it is imperative for the Government to urge the two railway corporations to spare no efforts in upgrading the safety and reliability of their service. At the same time, some

members of the public are extremely concerned about the aging problem of the MTR system, given that the MTRCL has operated for nearly 25 years. As such, whenever incidents occurred, the public simply could not help wondering whether they were caused by the ageing of the system. According to my knowledge, the MTRCL has commissioned Lloyd's Register Rail, an internationally renowned railway expert, to conduct a full review of the MTRCL. I very much hope that the expert report will make recommendations on the necessity of upgrading maintenance, preventive measures need to be taken, and areas requiring special attention with a view to assisting the MTRCL in reducing possible failures.

I am aware that the MTRCL has announced today the establishment of a high-level internal task force to implement a series of improvement measures and further strengthen its maintenance and repairs and the procedures for handling incidents. This move is very positive and merits our encouragement. As it will probably take three months for the expert report mentioned earlier to complete, the establishment of this high-level internal task force to conduct the review will certainly help enhancing safety.

Mr Andrew CHENG considers punishment the best solution and that only through punishment can the two railway corporations upgrade their safety and reliability. I agree that punishment is warranted if disruptions or delays in services are caused by negligence or default on the part of the two railway corporations. However, they will probably feel that they have been punished without a good reason should punishment be invariably imposed without asking about the causes of disruptions or delays. As a fail-safe design is adopted by both railway corporations, a safe brake will be applied on trains whenever any special problems, whether caused by passengers, spare parts or computers, are detected by the systems. The principle of this design is that safety shall always come first. For the avoidance of accidents, the trains will definitely halt without consideration of whether delays will be caused. This is because delay is merely a secondary consideration, while safety is always the prime concern. Hastily imposing punishment for delay in service could be counter-productive, as railway operators might, for the sake of avoiding punishment for delay, take safety lightly. This is the last thing all Members would wish to see.

Apart from punishment, are there any other solutions? British Railways has introduced a Management Incentive Plan. Under the Plan, the management

will receive bonus when a basket of performance of the railway services provided meets certain indicators (including a public performance indicator for measuring the punctuality of trains). In 2003-04, the punctuality of British trains was merely 81.1%. However, the management was already given bonus for meeting the indicators. Of course, this does not mean that we should be following in the footsteps of Britain. The performance of Hong Kong railways has now reached 99.9%. Even if the two railway corporations have reached a punctuality rate of 99.9%, we still believe they can do better. However, can punishment improve their services?

Madam President, in regard to the safety of public light buses (PLBs), Mr Andrew CHENG has called on the Government to study legislative amendments to require the compulsory installation on all PLBs of a speed display device with recording function. Actually, his proposal happens to coincide with the 10 recommendations made by PLB bodies (mainly red minibuses) earlier and is among the seven improvement measures proposed by the PLB bodies. Other proposals include: considering mandating serving minibus drivers to attend a safe driving course within a specified period to receive training; mandating display of the number of the Transport Complaint Unit's hotline and the hotline shall be manned by designated persons; legislating the display of driver identity on PLBs to facilitate the lodging of complaints against PLB drivers by the public so as to achieve a monitoring effect and a deterrent effect on the drivers; support by the PLB trade for installing red light cameras at traffic black spots and crossroads; promoting the PLB Safety Charter to enhance driver awareness of safe driving; expeditiously introducing Euro III or IV short wheelbase minibuses to speed up replacement of minibuses so that more minibuses operating on the roads are equipped with seat belts.

On the other hand, Mr LAU Kong-wah has called on the Government to consider tightening up the conditions for issuing the PLB driving licence and raising to five years the requirement of three years for which an applicant should have held a private car driving licence. At the present stage, there is no evidence illustrating that PLB safety can be greatly enhanced by tightening the licensing requirement. On the contrary, I hold that the Government should expeditiously study and implement the seven recommendations made by the industry. I believe this is more effective than tightening the licensing requirement.

In regard to school bus safety, the safety record of school buses is generally satisfactory. Last year, for instance, the accident rate of school buses accounted for merely 0.3% of the overall accident rate. However, as the passengers of school buses are mostly young children, we must keep up our relentless efforts in improving school bus safety. Actually, the subject of installing seat belts on school buses has been discussed in the Panel on Transport for a couple of years. But owing to technical problems, it is simply not suitable for seat belts to be installed on certain school buses. In some cases, rashly installing seat belts will, on the contrary, be dangerous to school children. Insofar as this issue is concerned, although arrangements will be made as far as possible, the matter must be studied carefully and no hasty decision should be made.

As for the safety of franchised buses, there is for the time being no information indicating any causal relation between the hours of duty of local bus drivers and bus accidents. It is therefore simply unnecessary to draw a connection between the maximum hours of duty and safety in an arbitrary manner. Actually, the daily working hours of drivers in some overseas places are longer than those of the drivers in Hong Kong.

Madam President, trains, PLBs, school buses, franchised buses and other means of transport carry a large number of passengers every day. In addition, with such vehicles as private cars, vans and container trucks operating on the roads every day, the causes of road traffic accidents are varied. Even with the 10 proposals raised by Mr Andrew CHENG and the seven recommendations mentioned by me earlier, together with other proposals possibly to be raised by other Members, it is still impossible to exhaust all the causes of traffic accidents.

While I agree with some of the proposals raised by Mr Andrew CHENG and Mr LAU Kong-wah, I have reservations about certain of them. Similarly, Members may support certain parts while hold reservations about others. At the same time, they have their own opinions too. The amendment proposed by Mr LAU Kong-wah has precisely illustrated this point. In view of the limitations of the motions of Mr CHENG and Mr LAU, I have proposed an amendment to discard the "Christmas-tree" approach of the original motion by deleting all the trivialities. Instead, we call on the Government to put some measures into full implementation and Members to pool collective wisdom by expressing diverse opinions. Actually, our goals are cognate. We consider it most imperative that the Government be issued a consistent message, that it must

address the safety of railway and road traffic and implement comprehensive measures.

Madam President, I so submit.

**MR LAU KONG-WAH** (in Cantonese): Madam President, with so many traffic incidents recently, this autumn has indeed been a troubled one. Just earlier today, service disruptions occurred all at the same time in three major railways — the Mass Transit Railway (MTR), the East Rail and the Light Rail Transit. Faced with the frequent railway incidents, passengers are totally helpless. We cannot help asking, "Is it really impossible to solve the problem?" Commuters are now extremely worried, not knowing when they will encounter a similar accident, when they will be "hit" and when their rice bowls will be smashed as a result. I was recently invited to a radio programme. During this programme, a railway commuter phoned in and said that he had been dismissed for returning late to work after being held up by an MTR incident. We actually asked the MTRCL to account for the spates of incidents, but its reply was so very brief and simplistic: The incidents had nothing to do with system ageing, manpower shortage and outsourcing. However, it was unable to give any specific causes. This is very strange. In the reply of the MTRCL, some of the problems were described as isolated incidents, and it was also said that it was only normal for service disruptions to occur. We can of course understand that the occurrence of common problems is normal. But can we describe the bursting of smoke and the rail crack as common problems? And, is it normal for these problems to occur one after the other within such a short span of time? I am afraid not.

Men do fall ill. It is normal for a person to feel dizzy, to have influenza or to catch cold occasionally. But when the heart, the liver, the kidneys and the lungs of a person all go wrong, can we still say that the person is just having common illnesses? When the heart, the liver, the spleen, the lungs and the kidneys all go wrong at the same time, can we still say that a person is just having fortuitous health problems? These problems must be squarely addressed. We are pleased to see that the MTRCL has conducted a physical recently and released its examination report earlier today, putting forward some 20 improvement measures. We approve of and welcome these measures, but we also think that the most important point is whether these measures can yield the desired results. We do not wish to see the occurrence of any more incidents

soon afterwards, just tomorrow or the day after tomorrow, for example, because any further incidents will offset the improvement brought about by the 20 measures.

Madam President, when it comes to minibuses, the tragic accident that occurred in North Point recently has sounded the alarm and shocked the entire community. Actually, just several years ago, there was a similar accident in Sha Tin. Over the past few years, society as a whole, this legislature and the Government have been working together, trying to formulate some measures to prevent the recurrence of this type of accidents. Unfortunately, an accident has occurred again. Many of the measures implemented in the past few years, such as the installation of speed display devices, are all intended to ensure drivers' compliance with safety requirements and raise passengers' vigilance. But it is a pity that in many cases, the speed display device is tampered with and reduced to a bogus device unable to achieve the desired purpose. And, very often, even when a passenger warns a driver against speeding or requests him to slow down, he will just ignore the passenger. What is more, even though we have enacted a law requiring the installation of seat belts on minibuses, it may still take five or six years before seat belts can be fitted on all minibuses. It is therefore obvious that the measures we have worked out so far are simply unable to achieve the desired purpose.

In the small hours these days, in just 10 minutes, passengers can reach Kwun Tong from Tsuen Wan, or Sha Tin from Mong Kok, or Chai Wan from Kennedy Town. Many a passenger may still be shocked by scenes of drivers speeding and jumping red lights when they toss and turn in their sleep in the middle of the night. The police have decided to carry out raids, but is this measure much too belated? I think that the motion proposed by Mr Andrew CHENG today is very timely because it urges the Government and the transport industry to attach importance to road traffic safety. Some of the points raised by Mr Andrew CHENG should of course be studied very carefully, but since he only says that studies should be conducted, I think these points can still be accepted. One example is the introduction of a demerit points system for the MTRCL. I once consulted the MTRCL on the feasibility or otherwise of such a system, and it advanced a viewpoint in reply, one which I suppose must be considered very seriously — a repairs and maintenance worker wanting to avoid penalty may hurry along in great haste, thus overlooking some small details, and this may result in a serious accident. I think that we must consider this viewpoint very seriously. What is more, it is also doubtful whether the

adoption of a certain timeframe as a yardstick of measurement can really enable us to uncover some serious problems. That being the case, I think the best way will be the issuing of warning letters. But all will have to depend on whether the Secretary is prepared to exercise such a power. If she is really going to exercise this power, she will face a conflict of roles, because on the one hand, she is the monitoring authority, but on the other, she is also a member of the MTRCL Board. Actually, we can already see such a conflict of roles now. I therefore hope that a moment later, the Secretary can clarify her role in dealing with the series of recent incidents — whether she acts as the monitoring authority or as the operator. Besides, the Secretary should also clarify whether she is determined to issue letters of warning. This is what she must at least do.

Madam President, my amendment contains several proposals, one of which involves increasing the number of penalty points for jumping the red light to five, so as to bring the penalty for this offence on a par with that for careless driving. Some professional drivers claim that the proposed increase in penalty points will exert very heavy pressure on them. I think pressure is just like a double-edged sword. The point is that once a driver — not only a minibus driver — sits in the driver's seat, he is no longer free to do whatever he likes. The pressure on a driver comes from the need to ensure passenger safety, and to ensure the safety of pedestrians. A law-abiding driver will never fear any increase in penalty points. But such an increase will definitely deter unscrupulous drivers to a great extent. As to the installation of speed display devices, I suggest that external indicator lights should also be installed to enable monitoring by law enforcement officers. This will facilitate law enforcement. The proposal on raising the requirement on driving experience, that is, on increasing the years of experience from three to five, is mainly intended to enable the minibus trade to have drivers with richer driving experience, so as to enhance passenger safety.

Madam President, all measures and penalties may well be of secondary importance only. I think the most important and fundamental question is whether or not drivers can increase their safety awareness. If the safety awareness of drivers is not enhanced after all these efforts, errors will still occur. All the accidents caused by drink driving, tail-gating and night-time speeding are invariably related to safety awareness. That is why I suggest that the Government should launch a massive road traffic safety campaign. During the SARS outbreak last year, the Government made a series of publicity efforts and



these succeeded in raising people's awareness of personal hygiene and health. I hope that the recent spates of traffic accidents can serve to remind drivers of the importance of road traffic safety.

Madam President, in our youth, we used to hear a "Road Safety Song". I can still remember this song even today, so let me just sing it to you here: "Don't run but always watch before you walk 'cause the road is dangerous as a tiger. Obey the traffic rules. Priority to safety is the key to longevity." I believe that many Members will still remember this song because we were all brought up in those years. But the vigilance conveyed by this song is long gone, and there is no longer any such publicity. I very much hope that the wisdom of the Secretary can enable her to think out some measures to raise drivers' safety awareness. Thank you, Madam President.

**MR LAU CHIN-SHEK** (in Cantonese): Madam President, as rightly put by Mr LAU Kong-wah, whenever we ask the two railway corporations whether their frequent service disruptions are due to system ageing, their answers are invariably "no". Whenever we question them whether their service disruptions have anything to do with a shortage of repairs and inspection workers, their answers are also "no". Whenever we ask them whether the outsourcing of their services is a cause, they will invariably reply in the negative. Since they deny practically all possibilities, are they saying that all this is the punishment imposed by God?

I hope the MTR Corporation Limited (MTRCL) and the Kowloon-Canton Railway Corporation (KCRC) can realize that if they try to explain away every incident as an isolated accident but then incidents continue to occur, people's confidence in them will only diminish. I also hope that they can realize that people have wanted to travel on the MTR and the KCR mainly because railway services are more reliable than the various means of road transport such as buses, minibuses and even taxis, the journey time of which is very difficult to estimate. If service disruptions of the two railways persist, to the extent of affecting their reliability, people going to school or work, or people going shopping or to the movies, will all be affected to varying degrees. They will not find it value for money to travel on the two railways; they will think that if they do so, they will be paying money to buy sufferings. They may even think that the two railway corporations want to oppress wage earners, as service disruptions may smash their rice bowls.

Madam President, the people of Hong Kong have sacrificed a lot for various railway projects, such as the extension of the KCR East Rail and the construction of the Light Rail and the West Rail. Huge amounts of public money have been spent. During the construction periods, people had to suffer various nuisances in their daily life and the business of the affected shop operators also plummeted. Besides, the MTRCL and the KCRC are also given the rights of superstructure development. Consequently, if the reliability of railway services cannot be guaranteed, people will be very disappointed and upset.

Madam President, there are many ways to enhance railway and road traffic safety. And, I support most of the proposals put forward in the motion today. However, in the final analysis, the two railway corporations must realize that they must take service reliability as their primary task instead of simply saying that since their trains have to travel so many miles a day, service disruptions are just inevitable. To quote a line spoken by Andy LAU in a government API, "Service like this just isn't good enough."

I believe the Government is obligated to appoint an expert working group as soon as possible to conduct a comprehensive review of the hardware and software of the two railway corporations, including their systems operation and maintenance, outsourcing supervision, manpower deployment and even their corporate management cultures and decision-making processes. Thank you, Madam President.

**MR ABRAHAM SHEK:** Madam President, safety is normally not a major concern for Hong Kong commuters, until a recent spate of transport vehicle accidents and train service breakdowns occurred. Now, many are wondering what has possibly gone wrong with our public transport system which has always been reliable and efficient, as well as an infrastructural envy of our competitors in the region.

As public concern about safety grows, community pressure for more vigorous remedial action is mounting. Even among us legislators, some have recommended punishment in appropriate situations. Unless these demands are properly addressed, people will not feel reassured that transport services are running at the highest safety standards, or that adequate regulations are in place.

Having said this, I do not believe that the public has lost faith in our transport system. The present regulatory regime may have room for improvement, but I find no fundamental defects in it.

The problem with the two rail networks, particularly the Mass Transit Railway (MTR), is that they have so far failed to offer satisfactory answers to the basic question of what went wrong in these recent breakdowns. In the MTR's case, investigation reports by both the MTR Corporation Limited itself and the Hong Kong Railway Inspectorate have found that none of the faults were systemic. Even though various measures have been subsequently implemented for improvement, none of them seem to have any effect. Train services have continued to be disrupted for different reasons, and to the frustration of commuters, most have happened during peak hours.

I support the calling in of external experts to conduct independent investigations. However, I note that both railways have respectively engaged independent professional bodies to do the job, and their reports are expected in early 2005. As a result, I do not think that it is necessary for the Government to commission another investigation body, since it would obviously be a duplication of what the railway companies have already done and are able to do.

I support the idea that the Government should engage the two railways to work towards creating a set of criteria which clearly defines faults and spells out liabilities. However, we should also not rush towards scrapping the present mechanism and replacing it with a demerit points system which could paralyse the railway. Can we afford to have no railway services for even an hour? No, we cannot.

As a word of caution to the Government, these railway corporations are created for the provision of safe, efficient railway services, but they have now become mega property developers, making billions of dollars of profits out of projects. Have they diverted their attention, time and energy to making profits out of property development, rather than running safe railways? This is a question which the two corporations have to answer.

As for bus and minibus operators, Madam President, their primary worry is to ensure that their employees are driving safely and properly on the road. Cutting the working hours of drivers will not solve any problem but create new ones. Indeed, the average working hours of our local bus drivers are

comparable to their counterparts in the Western countries. As some drivers unions have suggested, the high accident rate might have been caused by a combination of other reasons, including inappropriate bus routing, illogical and inefficient staff deployment, as well as increased workload due to cost-cutting measures in recent years. However, these issues largely involve commercial matters which should primarily be resolved through negotiation between bus operators and their employees. In a free market economy like Hong Kong, the most a government should do is to ensure that bus companies will not shut their doors to their employees' reasonable demands during the negotiation process, and that public interests are being adequately taken into account.

But evidently, the improper driving of public light bus (PLB) drivers is largely motivated by financial factors. Drivers hope that the few minutes saved from jumping red lights and accelerating to high speeds will make them earn more through increased trips. If we tie a driver's level of insurance premium payment to his or her driving record, that would perhaps act as a deterrent to more reckless driving.

After all these recent incidents, I believe that more PLB owners will take their own initiative to install speed display devices. Market force will display its power. Passengers no doubt will be prepared to sponsor those who have installed the device. Ultimately, all PLBs should follow suit. Red minibuses and green ones serve different purposes. The merger of the two operations may create more chaos than solve existing problems.

I firmly believe that good driving manner comes from education rather than penalty. The suggestion of amending the Road Traffic (Driving-offence Points) Ordinance to impose heavier driving-offence points for the offence of "failing to comply with traffic signals" should not be considered as an isolated issue.

As a former railwayman, I believe that both our railway systems are among the world's finest. They may not be perfect, but they are reliable and efficient, and are built in accordance with a fail-safe method which guarantees safety. I recommend that the Honourable Andrew CHENG and the Honourable LAU Kong-wah take more MTR and the Kowloon-Canton Railway to and from their Legislative Council Office.

Finally, Madam President, I hereby support the Honourable Miriam LAU's amendment but oppose both the original motion and Mr LAU Kong-wah's amendment, the verbosity of which are superfluous and if passed, would be a mockery to our effective and efficient transport system. Thank you, Madam President.

**MR WONG KWOK-HING** (in Cantonese): Madam President, recently, a spate of traffic accidents causing deaths and injuries has occurred in Hong Kong and frequent failures have also occurred in the railway systems. This situation has aroused concern. Problems in road traffic safety will cause delays to passengers if they are minor ones but will cost lives if they are serious. Certainly, we have to condemn rash and careless drivers and the authorities in charge of the railways and urge them to step up efforts to draw the attention of the industry to safety. However, more importantly, the Transport Department (TD) has never taken the calls of the transport industry seriously by taking on board the proposals on improving road traffic safety put forward by the industry. Therefore, what warrants even fiercer condemnation is the indifference of the TD towards the industry and what is more, we strongly demand that the Secretary and the TD take the views and demands of the industry seriously.

A number of industry groups such as the Motor Transport Workers General Union and the Container Transportation Employees' General Union have requested the TD to install vehicular countdown displays on traffic lights on a trial basis, so that professional drivers can have a better idea of when the traffic signal will change, with a view to enhancing driving safety. These groups have lobbied for such a measure for nearly 20 years, however, the TD is still turning a deaf ear and even refuses to consult motorists in Hong Kong on this proposal, or any consultation for that matter. It can be seen that the TD does not attach any importance to the views of the industry at all.

Moreover, since the TD has published all traffic light black spots in Hong Kong, why does it not install red light cameras at all these locations at an early date, but seeks to make remedies only after a serious accident has happened? Does this reflect on the rigidity of the TD in crisis response?

Madam President, as far as franchised buses are concerned, some bus companies are exploiting the loopholes in the Guidelines on Working Schedule for Bus Drivers drawn up by the TD to cut costs indiscriminately. The drivers are made to work harder and they have to keep on working even when the vehicles have been made inactive; the wages of workers are reduced at will; the recruitment of permanent workers has been halted and contract workers are recruited instead. Moreover, the management does not heed the reasonable requests of drivers and routes and shifts are assigned carelessly and instances of dangerous practices known as "route-hopping" and "vehicle-hopping" have occurred. Furthermore, drivers cannot take their meals according to the human biological clock and they have to take breakfast at lunchtime and dinner as late-night snack. The practices of the so-called "route-hopping" and "vehicle-hopping" mean that a driver can be assigned to work on a number of bus routes or even to drive different models of buses in one single shift. The drivers, in order to fit into the deployment arrangements made by the bus company, often have to sacrifice their rest time. As a result, passenger and traffic safety are put in direct and serious jeopardy. On this, the TD can hardly shirk its responsibility for the failure to discharge its supervisory duty.

On the other hand, on the question of the working hours of bus captains, I am of the view that labour unions and bus drivers should be thoroughly consulted. Why do I say so? This is because at present, the basic salary earned by bus captains can hardly sustain the livelihood of their family. According to the labour unions, from 1999, the bus companies concerned have reduced the salary for new recruits from \$8,000 to \$6,000 and some bus companies have adopted the contract system for all new recruits. Since the contracts are of two-year duration and the salary of bus captains has been reduced, the livelihood of bus drivers has become very difficult. On the one hand, they have to try to earn the original amount of income to support their family and on the other, they have to find as much time as possible to take a rest. As a result, they are subjected physically and mentally to impalpable but tremendous pressure. In fact, this situation has sown the seeds of traffic accidents. I believe that the TD, in turning a blind eye to the exploitation of the loopholes in the Guidelines on Working Schedule for Bus Drivers by bus companies and to the transformation of bus captains into sweatshop workers and the exploitation of their rights, cannot shirk the responsibility over its failure to discharge its supervisory duty.

Madam President, concerning the railways, the MTRCL, since its listing, has been constantly outsourcing its repairs and maintenance work in order to present a decent account. The employees of the MTRCL have seen a steady decrease in number over the years, from 7 537 employees in 1999 to 6 629 in 2003, representing a decrease of over 10%. Those responsible for projects and planning have even been reduced by over 56%, from 918 to 402 staff members. All these are the stark facts. The service area of the MTR has been continually expanding in the past few years, so why has its manpower not increased but on the contrary reduced? How can this be so wonderful? This is precisely the undesirable consequence of outsourcing. It is difficult to monitor the quality of outsourced services. Often, it is after an incident has occurred that an investigation is conducted to determine whether it is in the head, the feet, the heart or the lungs that a problem has occurred. In fact, the significant reduction in manpower is precisely the cause of the spate of incidents that happened on the MTR. However, when the Panel on Transport of this Council convened its meeting, it is a great shame that the Hong Kong Railway Inspectorate under the relevant Policy Bureau has assumed a questionable attitude. I felt that it was more like the defense lawyers for the railway corporations than the watchdog of the public. In fact, in the debates of the Panel, I criticized the Hong Kong Railway Inspectorate under the relevant Bureau of its attitude.

The Government, as the major regulator of the operation of the two railway corporations, has all the more reason to conduct a comprehensive review and an evaluation of the effects of outsourcing repairs and maintenance work on the train services of the two railway corporations.

Madam President, to sum up, I believe that the various problems, no matter in road traffic safety or railway safety, have all arisen because of the ineffective supervision carried out by the government departments concerned. Therefore, they can hardly shift the blame and must be severely criticized. I hope that the Government can respond with actual improvement measures to the strong demands of the industry and the Hong Kong public. Thank you, Madam President.

**MS LI FUNG-YING** (in Cantonese): Madam President, a safe, reliable, efficient, well-managed transport system is one of the vital elements contributing to Hong Kong's success. Insofar as this system is concerned, safety is of

paramount importance. Therefore, any measure that can enhance road traffic safety should merit our support. However, as a representative of the labour sector, I am concerned about, besides road and traffic safety, whether such measures can really protect professional drivers or consideration is given merely to the working conditions and environment of the drivers without protecting their jobs and income. Therefore, I hope the Government can fully consult the transport industry before implementing any measures to raise road traffic safety, and make a decision after balancing public interest and the interest of the industry.

In order to reduce traffic accidents, ensure the safety of passengers and establish an image as a "safe city", the Government should urge public transport operators to conduct a full review of the services currently provided and corporate management, as well as formulating effective improvement measures. In particular, there must be no delay in implementing improvement measures involving the two railway corporations responsible for providing major mass transit services. However, I have reservations about the necessity of stipulating clear criteria on defaults by the two railway corporations and introducing a demerit points system for disruptions or delays in train services. Given that Hong Kong's railway systems are highly computerized and automated, front-line staff have limited autonomy and responsibility with respect to disruptions or delays in train services. It will be unfair to front-line staff if they are to eventually bear the pressure under the demerit points system. I am worried that, under this system, the staff will face both internal and external pressure, and railway services will also be affected as a result. As such, can the implementation of the system achieve the desired effect?

In regard to road traffic safety, I oppose the arrangement of requiring drivers to work long hours. This is because not only the personal safety of drivers and their health are affected, other road users and pedestrians have to bear the risks associated with traffic accidents involving professional drivers suffering from fatigue. For these reasons, I supported a motion (pinpointing a complaint lodged by the New World First Bus Company Staff Union about exceedingly long working hours of drivers) proposed by Mr Andrew CHENG at the end of last month in the Panel on Transport calling for improvement to the working hours of the staff of bus companies. However, I have to admit that the request for limiting working hours alone is not comprehensive enough. Working hours and wages have always been the two sides of the same coin. Professional drivers work long hours, often because their basic wages are low.



When we hope professional drivers can work reasonable hours, we have to guarantee that their income and living standard will not fall abruptly as a result. After the meeting of the Panel on Transport, some bus unions and bus drivers did reflect to me their concern about the immediate impact on their income after limiting their working hours and the adverse consequence of encountering difficulties in maintaining their livelihood.

The shortcoming of raising a proposal to limit working hours without mentioning income protection is reflected in both the original motion proposed by Mr Andrew CHENG and the amendment proposed by Mr LAU Kong-wah today. Although both Mr CHENG and Mr LAU agree that working hours should be limited subject to the prerequisite of not affecting the livelihood of professional drivers, and Mr CHENG has also made a clarification in his speech to this effect, I believe the worries of the professional drivers can still not be dispelled.

In his amendment, Mr LAU Kong-wah has suggested the Government to consider tightening up the conditions for issuing public light bus (PLB) driving licence and raising to five years the requirement of three years for which an applicant should have held a private car driving licence. I oppose this proposal because I think there is no direct connection between raising the number of years an applicant is required to hold a driving licence and improving road traffic safety. Even though some applicants have held a private driving licence for many years, they can still expose themselves to a high risk of traffic accidents if they demonstrate a bad driving attitude and poor awareness of safety. On the contrary, even though drivers holding a driving licence for fewer years are less experienced in driving, their chances of traffic accidents can still be reduced if they demonstrate a good driving attitude and awareness of safety. Furthermore, given that the unemployment rate is still standing high, tightening the conditions for issuing the PLB driving licence will obviously hinder the applicants from seeking employment and not necessarily be conducive to the overall interests of Hong Kong.

Madam President, I so submit.

**MR TAM YIU-CHUNG** (in Cantonese): Madam President, the successive occurrence of a number of serious road traffic accidents has caused numerous casualties over the past three months. At the same time, the two railway corporations have reported frequent breakdowns, with the MTRCL having more

than 30 and the Kowloon-Canton Railway Corporation (KCRC) more than 40. The fall in the quality of railway services, being a major mass carrier, will not only cause the public enormous inconvenience, but also arouse public concern about safety.

The Government has recently commissioned an overseas expert to feel the pulse and conduct an examination of the MTR in a bid to identify the cause of the failures. At the same time, the Democratic Alliance for Betterment of Hong Kong (DAB) has recently met with the front-line engineering staff of the MTRCL to listen to their views. We have gathered from their views that there is grave concern about the quality of repairs and maintenance. Their views have now been sorted to enable the Government and the MTRCL to address and actively resolve the problem.

Let me first cite the MTR as an example. The recent occurrence of numerous failures has demonstrated a falling tendency of the MTR in terms of its quality of repairs and maintenance. There are three vital elements affecting the quality of such: system co-ordination, the effectiveness of outsourcing repairs and maintenance work, and the quality of repairs and maintenance personnel.

First, system co-ordination. The MTR system is composed of numerous subsystems. As different systems have varied service lives, there must be a run-in period, or even some minor modifications, when replacement is implemented so as to bring about full co-ordination between the old and new subsystems. In the course of running-in and modification, a large amount of resources are required to enable the new system to transfer and master the technology properly. However, according to the front-line engineering staff, the management of the MTRCL have wishfully believed that they need not worry anymore after the system repairs and maintenance work is outsourced. Furthermore, resources are rarely allocated for the purposes of training and system familiarization.

Secondly, outsourcing of repairs and maintenance work. For safety consideration, the KCRC has required that all front-line and regular repairs and maintenance of train cars and infrastructure be handled by its own staff. The MTRCL has, on the contrary, constantly expanded its scope of outsourcing. For instance, the repairs and maintenance of all the trains at its Tseung Kwan O Depot has been outsourced. From their practical experience, the MTR staff hold that there is a gap in terms of the knowledge of outsourcing contractors and their grasp of technology with respect to co-ordinating the various subsystems of

the MTR system. On the other hand, the MTRCL has not been able to monitor the outsourced repairs and maintenance work in a direct and effective manner, thus affecting the quality and ability of its monitoring. Because of the huge differences in pay, outsourcing contractors have found it hard to fully guarantee the quality of the front-line staff employed by them.

Third, even the engineering staff of the MTRCL have doubts about their company's repairs and maintenance strategy, manpower resources strategy and such policies as staff training arrangements. This has also directly contributed to the fall in the quality of the relevant staff.

As regards its repairs and maintenance strategy, the MTRCL has, in recent years, vigorously promoted the "multi-tasking" concept. Responsible staff are required merely to perform the most simple restoration work, yet a staff member is required to look after different systems simultaneously. As a result, the MTR staff have changed from "specialists" to "jacks of all trades". In the event of a breakdown, the responsible staff will generally restart the system by pressing the "Reset" or "Reboot" button to put the matter to an end. They will rarely forward the case to the technical support team for further follow-up action of performing in-depth restoration or debugging work. The subsequent loss of information will render future restoration even more difficult. Moreover, the fact that the problem is still unresolved means that another breakdown can be expected when the same situation arises in future. Furthermore, such a "multi-tasking" strategy will hinder the staff from further grasping technology and acquiring experience.

Regarding its manpower resources strategy, the MTRCL has, since the commissioning of the Airport Express, stopped recruiting repairs and maintenance staff, despite the addition of the Tseung Kwan O Extension. At the same time, there has been a gradual drain of expert and well-experienced staff because of the voluntary departure scheme, natural retirement or resignation. As its new repairs and maintenance strategy has failed to nurture new expert talent, the MTRCL has been going downhill in grasping new technology. Further outsourcing repairs and maintenance projects will only reduce the opportunities of staff in acquiring experience and grasping technology in an in-depth manner. When it comes to training, we can see that both the training and repairs and maintenance departments are running counter to their original objectives in deployment of resources. While the training department has re-allocated a portion of its training resources to consultant services in order

to make more income, the repairs and maintenance department has wholeheartedly devoted its energy to outsourcing all its system maintenance work. Only very limited resources are thus put aside for technology transfer. Consequently, there is a gap between the functions of the entire training programme and the practical needs. As a result, it is difficult to upgrade the overall quality of repairs and maintenance.

As the operational safety guaranteed by the MTRCL is not without breakdowns, the Government must not lose its vigilance just because the management of the MTRCL has reiterated that "the safety of passengers is not affected at all times". The Government must, in the light of the valuable opinions expressed by the MTRCL staff, urge the MTRCL to improve its repairs and maintenance strategy and manpower training programmes as early as possible, with a view to minimizing breakdowns, preventing accidents and protecting the safety of passengers.

**MR JEFFREY LAM** (in Cantonese): Madam President, the transport network in Hong Kong has always been renowned for its high degree of development and reliability and it is also the hallmark of Hong Kong as a metropolitan. Unfortunately, in view of the spate of incidents that have happened on the two railway systems within a short span of several months, and coupled with the several serious traffic accidents that have happened of late, I believe it is high time the Government reviewed the present transport system.

Concerning the railways, the two railway systems have in fact been in service for over 20 years. The greatest concern of the public is whether, in view of the recent spate of accidents, the systems as a whole are showing signs of ageing? How serious is the problem? Is it necessary to revamp the equipment introduced in the past? Is the entire code of management also in need of rewriting? While the MTRCL has commissioned independent experts to conduct an investigation, the KCRC has been slow to act. I believe it is also necessary for the KCRC to conduct an in-depth investigation in this regard and to give an account to the public as soon as possible.

Since punishment should be imposed for mistakes and rewards awarded for merits, I believe if the two railway corporations fail to mend their acts, then they should receive punishment. According to the existing legislation, if the performance of the two railway corporations is persistently below standard, a

fine of not exceeding \$10,000 each day can be imposed. However, throughout the years that the two railway corporations are in operation, they have never been penalized, so the penalty has become almost non-existent. Therefore, the Government need only make good use of the power vested by existing legislation to supervise the two railway corporations in improving their service. In view of this, I do not approve of the proposal in the motion to establish a demerit points system for the two railway corporations. Punitive measures are usually negative in nature. Excessive punishment may even create undue pressure on front-line staff, thus leading to more mistakes and an unhealthy vicious circle.

Recently, the two railway corporations have been constantly subjected to criticisms and each incident was extensively covered by the mass media. I sympathize with the staff of the two railway corporations, who are subjected to tremendous pressure. I hope that the senior managers of the two railway corporations, apart from re-establishing morale so that their staff can deliver the best performance, should also set an example by making inspections personally at the front line, rather than merely reading reports. Not only do they have to make inspections on platforms, they also have to delve into sections responsible for repairs and maintenance to understand if the co-operation between front line and support staff is smooth. Furthermore, they have to listen to the views of staff more often and show their commitment and determination in improving service.

As regards the services provided by other modes of transport, I agree with the proposal in Ms Miriam LAU's amendment, that it is necessary to work in concert and in co-operation with the transport industry. I have worked closely with the transport industry for as long as seven years in the Transport Advisory Committee and visited such places as repairs and maintenance centres and control centres. I deeply felt that as a group, they cared very much about public interest. For example, 10 public light bus associations have earlier on taken the initiative to propose seven safety measures which include installing speed display devices, expediting the introduction of public light buses with safety seat belts, enhancing the complaints system, and so on. It can be seen that they have great sincerity in enhancing road safety. Instead of laying down a heap of regulations and arguing with the industry over them, it would be better to enhance communication and co-operation, encourage various trades and industries to

fulfil their duty and draw up safety codes. Only in these ways can the accident rates be effectively reduced at root. I also call on the industry to expedite the full-scale implementation of these measures.

To improve road traffic safety, I believe there are three major factors: one being self-regulation by the industry, the other being the Government's strict fulfillment of its monitoring duty. The police can also step up enforcement under the existing regulatory regime, so as to achieve a deterrent effect. The last one is to launch effective publicity to raise the safety awareness of the public. It is only by a combination of these three factors that a safe, well-developed and efficient transport network can be developed.

With these remarks, Madam President, I support Ms Miriam LAU's amendment.

**MR CHEUNG HOK-MING** (in Cantonese): Madam President, recently, the MTR Corporation Limited (MTRCL) stressed repeatedly that the 10-odd incidents that had occurred in the past month or so were isolated incidents. Even though it has engaged an independent consultancy from the United Kingdom to investigate the causes of this series of accidents, it still maintained its position that the incidents were isolated. Such a service attitude of "brazening it out" is unacceptable in present-day Hong Kong. As a matter of fact, the recent spate of incidents in the two railway systems not only occurred in different systems and on different lines, the scope of problems also varied from the braking system, signalling system, platform control to track management. What causes the greatest doubt is: Why did problems also occur in some recently commissioned lines, such as the Tung Chung Line and the Tseung Kwan O Line? Is this because the repairs and maintenance standard of the MTR is declining, or is this because the MTRCL as a listed company, wishing to save money and be accountable to its shareholders, has outsourced its repairs and maintenance work without effecting any effective monitoring, thus leading to such undesirable consequences? Or is the MTR system, with a history of 20 years, showing signs of ageing? I believe it is necessary to wait one more month for the completion of the report by the independent investigation company engaged by the MTRCL before there will be a more definite conclusion. However, I believe this series of accidents were definitely not simply isolated incidents.

Madam President, many people say that the success of Hong Kong hinges entirely on a society with the rule of law and a system that dispenses commensurate rewards and punishments. This is one important element in maintaining the rule of law in a society. Under the existing Mass Transit Railway Corporation Ordinance, the Government of the Hong Kong Special Administrative Region (SAR) may, in the interest of safety, give directions in writing or require the MTRCL to carry out works to ensure public safety. If the MTRCL fails to comply with the requirement, it is liable to a fine of \$10,000 each day. However, the SAR Government said in reply to a question from the Legislative Council last month that the MTRCL had maintained an average of 99.5% of passenger journeys arriving on time and of train service delivery and had exceeded the requirements of the operating agreement. Therefore, at present, the relevant penalty in the legislation needs not be invoked. This raises doubt as to whether the Government is excessively biased in favour of the MTRCL for even though it is evident that the MTRCL has made mistakes, the Government is still following a rigid system and has given up a proven reward and punishment system. This can hardly convince the public.

I consider that the Government should consider subjecting the two railway corporations to a demerit points system, in the line of the existing driving-offence points system designed for motorists, and require the two corporations to lay down clear criteria on what constitutes a failure to fulfil their duties. If the number of points given reaches a certain level, then they have to accept punishment. Only in this way can the benefits of a distinct reward and punishment system come into play and service quality of the two railway corporations be further enhanced.

Furthermore, apart from the recent series of accidents involving the two railway systems, a spate of serious traffic accidents involving public light buses have also occurred, arousing grave public concern about the "midnight expresses" that result from speeding by public light bus drivers and what is more, dangerous acts of jumping the red light committed by drivers in disregard for their own safety and that of passengers. Such acts of jumping the red light in disregard of personal safety and other people's safety can in no way be tolerated. Therefore, I support the proposal of installing red light cameras. However, the locations of such installations should not be restricted to traffic black spots with a high incidence of red light jumping. I believe this measure should go one step further and cameras should be installed at all locations where

red light jumping has occurred, so that offenders are given appropriate punishment to strike home the importance of a system of distinct reward and punishment.

According to the information provided by the authorities, in last year alone, the number of accidents involving red minibuses translates into one in every four minibuses being involved in an accident, so red public light buses have become the forerunner in accident rates among various types of vehicles. This reflects the need to step up supervision of red public light buses. I hope the Government will examine in detail what measures will enhance the supervision of red public light buses. For example, retraining on safe driving skills can be offered under the existing driving-offence points system to drivers who have broken the law and caused accidents, so as to raise their awareness of safe driving, or reward schemes can be launched to offer rewards to encourage drivers who demonstrate good driving skills and a high awareness of road safety, so as to draw the attention of business vehicle drivers to the importance of safe driving and protect passenger safety.

Madam President, many motorists have pointed out to me that, from their driving experience, there are many pitfalls on the road, for example, sudden change in speed limits, lack of clear signs, uneven road surface, and so on. In the past, the DAB organized an activity to invite the public to report pitfalls on the road and quite a lot of information in this regard was collected. For example, on 18 June last year, an accident resulting in death and injury occurred when a novice driver mistakenly entered an Autopass lane and swerved his vehicle out of nervousness. The vehicle ploughed into a waiting area, causing one death and one injury. Therefore, it is necessary for the Government to take the problem of pitfalls on the road seriously and conduct a full-scale review and make improvements, so as to protect the safety of motorists and other road-users.

Madam President, I so submit.

**MR KWONG CHI-KIN** (in Cantonese): Madam President, the subject under debate today is a broad one and a number of Members have already expressed their views. I only wish to talk about my views on two points. The first has to do with the outsourcing of the repairs and maintenance work of the MTR. Mr WONG Kwok-hing has also raised this point. Staff of the MTR have relayed to us that the accidents on the MTR are attributable to a great extent to the



outsourcing of much of the repairs and maintenance work. As a result, problems in the quality of works have occurred. It is most worthwhile for the Government or the MTRCL to conduct an in-depth investigation to examine if the outsourcing of work has really jeopardize safety and if there is any problem with the quality. In addition, has any problem occurred in the supervision carried out by the MTRCL? Has it been inadequate? It is indeed worthwhile for the Government to conduct an in-depth investigation and step up the supervision in these areas.

The second point that I wish to raise is the working hours of bus drivers. Ms LI Fung-ying has already talked about this in great detail and I also agree with her views. Mr Andrew CHENG requests in his motion that the maximum hours of duty per day should be reduced from 14 hours at present to 10 hours. Madam President, I have some reservations about this point. Although as a Member representing the labour sector, I should support a reduction in the working hours of employees, however, as Ms LI Fung-ying said, we cannot separate the issue of the working hours for drivers from the issue of their income. As far as I know, the basic salary of bus drivers is at present very low. They have to make ends meet by working overtime to obtain the allowances. If the Legislative Council simply reduces the hours of duty from 14 hours to 10 hours, has consideration been given to the effect on drivers' income? Such a move will affect their livelihood. Therefore, it would be better if Honourable colleagues can consider this prudently. Since the income of bus drivers enjoys no protection under the present mechanism, we have reservations about the proposal to simply limit the maximum hours of duty. Of course, if bus companies or the Government can guarantee that the income of bus drivers will be sufficient for their living, then we will not have any particular view on the proposal to reduce the hours of duty.

Madam President, I so submit.

**MR LI KWOK-YING** (in Cantonese): Madam President, recently, there has been frequent occurrence of accidents involving modes of public transport, with the MTR reporting failures almost every day. The problem with public light buses (PLBs) is even more serious — repeated traffic accidents involving PLBs have caused serious casualties. The focus of my speech today is on road safety. Of course, it is imperative to propose policies and initiatives to improve road traffic safety for the purpose of preventing traffic accidents. However, the

mere formulation of isolated policies and measures in disregard of the importance of publicity and education could only offer stop-gap solutions, but do nothing to prevent the frequent occurrence of traffic accidents.

As such, the Administration should take a more forward-looking approach by starting from education. Only through enhancing the awareness of road-users, including drivers, passengers and pedestrians, of road traffic safety in a comprehensive manner can temporary as well as permanent solutions be found.

Actually, a serious traffic accident that occurred last month has fully reflected the importance of education on road traffic safety.

I believe Members will still recall that a serious traffic accident in which two red minibuses collided on King's Road, North Point, because of red light jumping has caused two deaths and 18 people injured. This incident has reflected the irresponsible driving attitude of the drivers involved. For the sake of making more, they have resorted to jumping red light and speeding in disregard of the safety of passengers. From another angle, this accident has all the more reflected the importance and urgency of enhancing education and publicity on road traffic safety.

In all fairness, we very much appreciate that the PLB trade is facing difficulty in doing business due to competition from railways and buses. At the same time, the drivers of PLBs, particularly red minibuses, can only "gain more by working harder". However, can some minibus drivers use this as an excuse to "compete with each other in jumping red light and scrambling for passengers" for the sake of doing more business? Worse still, the number of the unemployed has risen because of the economic slump in recent years. Many people holding a driving licence for just three years have been driven to change employment as a driver. Their lack of experience in driving commercial vehicles and poor awareness of safety has led to more traffic accidents.

To tackle this problem, the Government may as well consider tightening up the conditions for issuing the PLB driving licence and raising to five years the requirement of three years for which an applicant should have held a private car driving licence to ensure that the applicants have adequate driving experience. From whatever angle, this measure will have a positive effect on road safety.

More often than not, drivers are the main culprits of traffic incidents. It was found by an expert team commissioned by the Government last year on traffic safety measures that many traffic accidents could be attributed to human factors. It is even more shocking to find that 65% of the traffic accidents in the past decade were associated mainly with drivers. These data do remind us of the importance of improving the driving attitude of drivers.

While the driving attitude of professional drivers warrants our attention, the awareness of ordinary drivers on the road of traffic safety must not be neglected too. For instance, the drink-driving problem has tended to worsen. In the past three years, the number of traffic accidents causing casualties because of drink driving has continued to rise. The figure of 2003 alone is 88% higher than the figure of 2001 in comparison. In order to tackle this problem, strengthening law enforcement is inevitable. However, it is even more important to educate the public on the seriousness of drink driving. While directing the spearhead entirely at drivers, we must be objective and fair at the same time, because the undesirable trend of speeding has sometimes been prompted by the passengers who are in a hurry. Owing to their huge demand for high-speed minibuses, some drivers have risked breaking the law by speeding.

For these reasons, apart from pinpointing drivers with poor professional ethic, it is also necessary for the Government to educate those people who care for nothing but convenience and delay not to take those vehicles which hold no regard for public safety and to come forth to report to the police with a view to curbing this undesirable trend. To give the passengers an objective criterion to judge whether a driver has committed speeding, the Government should examine the feasibility of mandating the installation on all PLBs of a speed display device. The device can not only facilitate law enforcement officers in performing monitoring, but also facilitate the public in reporting speeding drivers. According to the "supply and demand" principle of economies, whenever there is supply, there must be demand; whenever there is demand, there must be supply. It is impossible to resolve the problem with "death-dash van" by pinpointing just one of the parties without educating drivers and passengers altogether.

As for ordinary pedestrians, educating the public to observe road traffic safety rules and regulations is essential. Of course, adequate pedestrian aids should be provided as a complementary measure. For instance, more pedestrian aids can be provided at heavy traffic spots to ensure pedestrian safety.

As far as I understand it, the Transport Department (TD) has offered some skill enhancement courses for professional drivers. Of the nine different courses, six focus on upgrading drivers' driving attitude and skills of providing service. The Government may, on this basis, consider injecting more resources to step up its work of educating professional drivers. In doing so, the Government can not only ensure novice drivers to develop proper driving attitude, but also guarantee the quality of veteran drivers.

In addition to education, matching measures to step up and dovetail with law enforcement can definitely double the results with half the effort in reducing traffic accidents. For instance, the police may deploy more manpower to take photographs of vehicles in case of speed violation, or install red light cameras at all traffic black spots, with a view to combating the problem of speeding. The TD may also strictly enforce the legislation requiring all newly registered minibuses to install safety belts to examine if any offenders have escaped unpunished. Strictly speaking, the deterrence of the relevant legislation cannot be strengthened to achieve a warning effect unless the authorities concerned spare no efforts in law enforcement.

In brief, for the purpose of reducing traffic accidents, education, publicity and law enforcement enhancement are vitally important, in addition to the formulation of various policies and initiatives.

Madam President, I so submit.

**MRS SELINA CHOW** (in Cantonese): Madam President, Ms Miriam LAU has already talked about why she proposed an amendment on behalf of the Liberal Party and she has also expressed her views on the issue of road traffic safety in general. In my following speech, I wish to focus on matters relating to the railway.

Recently, each day, when members of the public commute to and from work, the words that they hear most often are, "Due to a disruption in train service, there will be a delay". However, when you are anxious about going to the office and are afraid of being fired by the boss on account of being late, on hearing this sort of announcements about service disruption, I believe you cannot help but ask fumingly, "Why do the trains break down so often? How can this be!"

With limited land and a large population, Hong Kong has always attached great importance to the development of various modes of mass transit. The East Rail of the KCRC has an average ridership of 822 000 per day and 110 000 for the West Rail, whereas the figure for the MTR is the highest, with a daily average of almost 2.2 million passenger trips. In other words, whenever the MTR or KCR has any major or minor service disruption, it will cause delays to a large group of people and will cause losses to society and the economy as a whole.

Take as an example the recent spate of incidents involving the three railway networks of the two railway corporations. From July to October this year, in a short span of some 100 days, as many as a total of 84 incidents occurred, causing service delays of 1 100 minutes and 400 minutes respectively. I believe that given the inconvenience caused to the public and the wide repercussions, this situation is unacceptable. Therefore, I agree that we should express regret on the frequent occurrence of incidents involving the two railway corporations.

However, next I wish to talk about how the safety of the railway and the reliability of service can be enhanced. The Liberal Party believes that the two railway corporations should invite railway experts to investigate in detail the causes for the spate of incidents, since it is necessary to clearly identify problems that may exist, from such minor things as machine parts to major aspects like routine maintenance and inspection procedures or whether there is any problem in the system. An investigation report should be submitted as soon as possible to put the mind of the public at ease. Take as an example the tragic railway accident that occurred in the United Kingdom on 10 May 2001 involving Phoenix Satellite Television presenter Tanya LIU. The accident investigation report found that the cause lay in the improper positions of the four nuts of the switch and this caused to the tragedy on that day.

Although the MTRCL has engaged an independent expert team to conduct investigations on the incidents, the Kowloon-Canton Railway Corporation (KCRC) has been slow to act and has not yet conducted any investigation of this type. It is relying on its own system to deal with the problems. In the West Rail, for example, which will have been in operation for almost a year soon, incidents still occur frequently. This is unacceptable. We believe that it is also necessary for the KCRC to commission independent consultants to examine

in detail the safety of its systems and the reliability of its services, so as to make appropriate improvements.

The Liberal Party considers that in order to oversee the two railway corporations more effectively, the authorities can consider assigning their own officers to carry out on-site supervision of the repairs and maintenance work carried out by the two railway corporations and to put into practice the improvement recommendations, so as to prevent the constant occurrence of incidents on the two railway systems.

In order to reduce accidents to a minimum, the Liberal Party believes that the two railway corporations can review its present practice of outsourcing repairs and maintenance work, however, the purposes served by outsourcing cannot be ruled out. This is because the companies responsible for the outsourced work also possess the expertise on railway repairs and maintenance, but such efficiency can be further boosted. We hope that the two railway corporations can review their management systems and establish better ones to strengthen their supervision on the quality of outsourced work, so as to raise safety and service standards.

Madam President, some views hold that in order to enhance railway safety, heavy-handed measures have to be adopted, for example, a demerit points system should be adopted to penalize any railway corporation providing poor service. However, we believe that there is not much point in adopting such an approach. This is because it is necessary to sort out how points should be given, at what number of points punishment should be imposed and whether the problem can be considered to have been solved after punishment has been imposed. In view of this, we have reservations about this proposal. Furthermore, at present, relevant legislation targeting the service standards of the two railway corporations is already in place. It is prescribed by the Mass Transit Railway Ordinance and the Kowloon-Canton Railway Corporation Ordinance that the Government may direct the corporations to carry out remedial work if the corporations fail to correct their mistakes or their performance is below standard. If the Government still finds it unsatisfactory, and that the failure is persistent in nature, a fine not exceeding \$10,000 per day can be imposed.

In other words, if the authorities want to impose any punishment, they can do so without resorting to giving demerit points. The point is, the Government

has never drawn the mighty sword that it has prepared for the supervision of the railway corporations. The Secretary for the Environment, Transport and Works, Dr Sarah LIAO, always resorted to verbal tactics each time an incident involving the railway occurred, demanding adamantly that the two railway corporations submit reports and said that the frequent occurrence of incidents could not be tolerated. However, each time, her words were still ringing in our ears when problems involving the railway occurred again or other types of problems cropped up. It can be seen that the Secretary indeed impresses as a paper tiger.

Therefore, the crux of the problem lies in actual supervision. The Liberal Party believes that the authorities must be determined to ensure that the two railway corporations conduct a truly thorough review and overhaul, as well as conducting a comprehensive review with the relevant experts and the decision-making echelons of the two railway corporations. Only in this way can the services of the two railway corporations see substantial improvement and the public enjoy safe and reliable railway services.

With these remarks, Madam President, I support the amendment proposed by Ms Miriam LAU.

**DR RAYMOND HO:** Madam President, recently, there have been quite a number of disruptions to our railway services, although both the MTR Corporation Limited (MTRCL) and the Kowloon-Canton Railway Corporation (KCRC) have long earned the confidence of the travelling public. It has therefore aroused our attention to the quality of railway services which cater for some 32% of the daily patronage of 11 million passenger-trips. Unfortunately, road traffic accidents are also frequently recorded. In view of these, nobody would dispute that it is high time for us to do something about the safety of our road and railway traffic.

Road traffic accidents may be attributed to various reasons. To address the problem, three parties — the transport service providers, the citizens and the Government — must co-operate in a good partnership spirit with one another.

Generally speaking, railways, taxis, franchised buses and public light buses are the main transport modes used by the public. Transport companies have the duty to provide services which are both safe and reliable. For example,

the MTRCL and the KCRC need to maintain and regulate their trains on a constant basis. They need to check the train carriages, train engines and the signalling systems regularly. As for the franchised bus companies and the public light bus companies, they need to make sure that their vehicles are well maintained and that drivers with a clean driving record are hired. If they hired a driver like the one who led to the serious traffic accident which took place in Taiwan about a month ago, it would be totally unacceptable.

Traffic accidents can be caused by either party of the road users — drivers and pedestrians. Therefore, to enhance the safety of road traffic, not only do we need to address to drivers, but also we must look at pedestrian behaviour. As a matter of fact, there are too many jay-walkers who have the bad habit of ignoring traffic lights when they cross the road. Too many drivers often jump the lights, even at major road junctions. Perhaps, a countdown display at the traffic lights, a move which has been adopted on the Mainland for some time, would be of help to the situation.

To deal with the problem of traffic accidents, the Government has an important role to play. It needs to legislate relevant laws and make sure that they are observed by the relevant parties. At the same time, road design and traffic management schemes must be adequate, appropriate and well tested. Our roads are narrow and are always busy, without clear peaks during the day. The bustling roads are often crowded. We are facing situations which are not often encountered in other major cities.

To enhance the safety of road traffic, it is imperative that transport companies, citizens and the Government must work in concert with one another. Road safety is not only important to the well-being of people, but also to the well-being of Hong Kong as a whole. If serious traffic accidents were too often recorded, the reputation of Hong Kong would be tarnished. Under these circumstances, it is the responsibility of our Government to take the lead to establish a good road traffic safety record, and to enhance the safety and reliability of the services provided by the transport companies. I hope that with the efforts of the Government and the co-operation of the transport companies and the citizens, before long, we will have a traffic safety record which we can be proud of.

Madam President, I so submit. Thank you.



**MR LEE CHEUK-YAN** (in Cantonese): Madam President, maybe, the two railway corporations were worried that Mr Andrew CHENG's motion cannot attract enough attention, so they decided to give him some help by committing yet more errors today. Actually, as a result of the incidents every day, or the frequent incidents, or the high frequency of incidents recently, the people of Hong Kong are already strongly dissatisfied with the services of the two railway corporations. I certainly do not hope that I will have to protest outside the two railway corporations with a rice bowl one day, censuring them for breaking the rice bowls of many wage earners. I have done exactly this outside the Standard Chartered Bank just now. I do not hope that I will have to do the same to the two railway corporations. But I must say that the current situation is totally unacceptable.

Mrs Selina CHOW has described the Secretary as a "paper tiger". I wonder if the Secretary will tell us whether she also thinks that way. But the fact is that every time after an incident, she will just ask them to submit a report. I think all these reports must have made her very dizzy. I just wonder how thick all these reports will become when they are all piled up. Things just cannot go on that way. The Secretary should take the thoroughgoing action of directly appointing an independent investigation body with the responsibility of working with the two railway corporations to conduct a comprehensive examination of their operating systems and management. The Secretary herself should then submit a report instead of asking the two railway corporations to do so. I think this is the only way to restore public confidence. This will also be good to the two railway corporations actually because the findings can hopefully help restore public confidence in them.

Some Members have talked about the many problems related to the outsourcing of repairs and maintenance services. There is a major misconception on the part of the MTR Corporation Limited (MTRCL). Normally, a company may outsource its non-core services, but it will definitely retain its core business. That being the case, does the outsourcing of repairs and maintenance work by the MTRCL mean that it does not regard such work as its core business? I wish to remind the two railway corporations that their core business should be passenger transport and safety. As a result, I find the outsourcing of repairs and maintenance work totally unacceptable. Mrs Selina CHOW may be right in saying that the outsourcing contractors are also experts, but I must say that outsourcing will definitely lead to problems of supervision. In contrast, we can be sure that there will be better supervision if such work is

undertaken directly by the railway corporations themselves. The MTRCL has already outsourced its repairs and maintenance work, but I still hope that both railway corporations can consider the possibility of stopping the outsourcing of all such work. We also hope that they will not treat safety as their non-core business.

I have talked with the Secretary about the MTRCL's studies on automated train operation. But will Members accept the adoption of automated trains in Hong Kong? I can remember that after the MTR fire sometime ago, everybody praised the MTR driver for his cool-headed handling of the incident. The MTRCL even asked the train driver to appear in a press conference, putting him in the lime light to its own advantage. But it now turns out that it is studying the adoption of automated trains. In fact the "mouse line" will also be fully automated — the "mouse line" means the Mickey Mouse line connecting to the Hong Kong Disneyland. But this railway is quite short, and presumably, there will not be too many passengers. In any case, I still oppose the adoption of automated trains for this railway. It is simply a waste of money for the MTRCL to study the adoption of automated trains. Even if the findings are in the affirmative, does the MTRCL have the courage to tell society that the idea is feasible? Will Members accept automated trains? I believe no one will accept this. I simply cannot imagine how automated trains can ever be accepted from the perspective of safety. I therefore hope that the MTRCL can stop wool-gathering. It is better for the corporation to concentrate seriously on its core business, that is, passenger transport and safety, instead of brushing it aside.

Another special problem mentioned just now is about bus drivers. From the perspective of labour rights, people will certainly agree that the working hours of bus drivers should be reduced from 14 to 10, and that their driving hours should also be reduced to eight. However, many bus captains have told me of their plight — if their working hours are reduced, they will not be able to get any overtime allowances to supplement their wages. This is indeed a true dilemma, because the basic wages of some new bus captains are just round \$6,000 a month. There are many bonuses coming under all sorts of deceptive titles in the bus trade — safety bonus, service bonus, and so on. It is only by also getting these bonuses that bus captains can earn enough to support their families. If they are deprived of these additional sources of income, they will simply fail to support their families. We naturally do not hope that bus drivers have to over-exert themselves, which is why I have been telling trade unions that a system of collective bargaining must be put in place to properly handle the

wage problem. If the system works, workers will not have to face the misery of having to make up for inadequate wages by working excessively long hours. I therefore think that this is the objective that we should strive to achieve together. I mean, we should fight for the reduction of working hours on the one hand and the protection of drivers' income on the other. It is only by doing so that we can bring forth an all-win situation under which safety can be assured, while drivers can earn enough incomes without over-exerting themselves.

I have also heard Mr LI Kwok-ying's discussion on another problem related to drivers and road traffic — the problem of "death dash vans". He expressed the hope that people could change their habit and refrain from travelling in great haste. But sometimes one just cannot blame passengers because they simply do not know which vehicle is a "death dash van". Where does the problem lie then? It is the question of income again.

Finally, I wish to add a few words on the penalty for jumping the red light. I think that countdown indicators must be installed. With these indicators, drivers will have no more cause of complaint, and they will not grumble anymore. Thank you, Madam President.

**MISS CHOY SO-YUK** (in Cantonese): Madam President, today's topic is very wide-ranging and the entire transport issue is under discussion. I wish to express some views on road traffic safety, particularly in view of the occurrence of a recent accident involving two public light buses that pursued one another and jumped the red light in North Point, resulting in two deaths and 18 injuries. Furthermore, there were also been many incidents of drink driving. All this has raised great public concern.

In fact, speeding by public light buses is a common sight and in the course of my work at the district level, I have also received many complaints about speeding and red light jumping. The trade thinks that it is difficult to earn money and competition is keen. I admit that this is true, however, this should not become an excuse for red light jumping or speeding. Therefore, the Government should do more to effectively stamp out such unsafe driving practices. We have heard various suggestions and serious consideration should be given to several of them, for example, to mandate the installation of decelerator and speed recording device in public vehicles. In Germany, drivers have to submit records of their vehicles each month to the authority in charge of transport to examine if they have been speeding. As regards how to ensure that

people in the trade would not be forced out of business and deprived of their means of living because of the imposition of heavier penalties, careful consideration is necessary. If drivers will have their driving licence suspended for one year after the driving offence points are increased and they will be out of work for one year, then this will indeed deal a great blow to them. However, I think that it is possible to help them through education, or even to punish them by making them attend class for a week. I believe that if they have to stop working for a week, this will achieve a very great deterrent effect.

The trade has made two suggestions which I think the Government should consider seriously, since they are apparently quite effective ones. One of the suggestions is to install traffic lights higher up above the road. At present, traffic lights are installed at roadsides and often, drivers cannot see them clearly, particularly when they are still far away. On one occasion, I incurred driving offence points through no fault of my own. That was because at that time, I was following a large truck of a considerable height and when I saw the truck pass the traffic lights, I followed. However, it turned out that he was actually dashing past the amber light, so the light had turned red when I followed and drove past. Eventually, my car was photographed and I got some offence points. I believe the Government should install the traffic lights at a higher position so that motorists can see them from afar.

Another suggestion is to introduce countdown displays for the green light, for example, to indicate that there are only 15 seconds, four seconds or three seconds left, so that drivers can see this from afar. If drivers can see that there are only three seconds left, they will of course slow down, whereas if there are still 10 seconds left and they know that the driver ahead will not brake, then he can drive past very smoothly. Such are the things that the Government can absolutely do. It is said that this has not been done because of the high costs involved, however, I do not believe this is the case because major cities on the Mainland have also made use of this type of traffic lights. I can see the Secretary shaking her head, but this is the fact. I do not think that this type of technology will incur exorbitant costs, since countdown displays have been installed on a lot of pedestrian lights here.

In addition, I also wish to take this opportunity to talk about the issue of reclamation, that is, about the construction of promenades. It is my hope that a promenade extending from Chai Wan to Kennedy Town can be constructed on Hong Kong Island as soon as possible. Madam President, maybe you will ask

what this has got to do with the issue of traffic. I have always hoped that a cycling track can be constructed along with this promenade, since it is my dream to be able to ride the bike from North Point to Central and come here for a meeting after parking my bike, and do the same when returning home. This is very environmentally-friendly. I believe that when there is such a promenade and if the trip is short, a lot of people will go to work on foot if they are encouraged to do so by various parties .....

**PRESIDENT** (in Cantonese): Miss CHOY, what has this got to do with the question under debate?

**MISS CHOY SO-YUK** (in Cantonese): .....therefore, I take this opportunity to urge the Government to adopt diverse measures to improve our transport system and road traffic safety. I so submit, Madam President.

**MR ALBERT CHENG** (in Cantonese): Madam President, a quorum is not present.

**PRESIDENT** (in Cantonese): Mr Albert CHENG has reminded me that a quorum is not present. Will the Clerk please ring the bell to summon Members back to the Chamber to attend the meeting.

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

**PRESIDENT** (in Cantonese): There are now just enough Members to form a quorum. Mr LEUNG Kwok-hung.

**MR LEUNG KWOK-HUNG** (in Cantonese): Talking about road traffic safety, I know a lot of professional drivers and they have complained to me many times. I find it necessary to relay their heartfelt voices here.

Firstly, because of the economic recession, they have to work long hours. Human beings are not machines. Even machines may fall to fatigue sometimes — there may be metal fatigue, worn parts, and so on. The other day, when I was writing for a newspaper column, I recalled one incident. After Mr TUNG was re-elected as the Chief Executive, he organized a brainstorming session. While the participants were pondering in a hotel, one incident, in which the driver of a refuse collection truck ploughed his vehicle into a slope because of fatigue, occurred. I wrote in the column that the Government had indirectly caused this driver, who had no choice but to do one and a half jobs or even two jobs to support his wife and children, to cause himself and others trouble. One can say that although the Government did not kill him, he died because of the Government.

Over the past two years, this situation has in fact seen no improvement. Professional drivers have to toil exhaustingly day and night, so that it is absolutely impossible for them to control their vehicle in a calm mood, or have the wakefulness or physique to do so. It is possible to do something about the hardware, such as improving road signs so that motorists will not see the road signs only when they are approaching highways, otherwise, this would become a pitfall that causes professional drivers to be fined. We have also lodged complaints about each and every of these pitfalls. It does not matter if one is fined. Money can be earned, but lives, once lost, are lost.

Therefore, if no minimum wage or maximum working hours are prescribed to protect workers, we can see that the existing system kills without spilling blood, even if we just look at the case of professional drivers. I am deeply saddened on account of those professional drivers who, in order to eke out a living and to live on simple fares, cannot help but wrong themselves and others and cause themselves and other people trouble. I am also saddened by the money politics that protects the profits of consortiums and opposes labour protection (including the occupational health of drivers), even at the expense of putting passers-by in harm's way.

Secondly, on the issue of why drivers speed, many professional drivers often tell me that they often want to make one or two more trips. Why? Because of the soaring fuel prices in Hong Kong which rank first or second place in the world. They remain high despite attempts to lower them and the more the attempts to suppress them, the higher they rise. Since taxis are monopolized by consortiums and large taxi companies, taxi rental has also kept rise. In the

past six months, it has increased by \$30. Coupled with the increase in the prices of fuel and liquefied petroleum gas, taxi drivers who hire taxis to do business hope to pick up one or two more passengers or to make the trip quickly after having picked up a passenger, so that they can pick up another one afterwards. It is also the same with red minibuses. Because of the monopolization by large consortiums and large taxi companies over the vehicles, people who are out of jobs can only subsist on becoming drivers and they have no choice but to make one or two more trips. In this connection, I also have had some personal experience. On one occasion, I bought two boxes of red-bean dessert for my friend. I took a public light bus in Wan Chai. When it was on Pokfield Road, the two boxes of red-bean dessert were lost because the speed of the vehicle was very high and the dessert simply spilt out. So I said to the driver even if he wanted to make one or two trips more, there was no need for him to go so far. However, he replied, "Long Hair, you do not understand. We are having a hard time. Please reflect this to the Government on our behalf." I hope he cannot watch me speaking here — if he can, that means he does not have a job anymore. I hope his children will tell him that I have said something on his behalf. He does not want to speed either.

Concerning the safety of the two railway systems, the issue is in fact very simple. First, ever since the general strike organized by workers of the MTRCL failed, all members in the executive committee of the labour union were sacked, so the situation of labour representatives monitoring their employers on behalf of the public in such organizations as the KCRC and MTRCL no longer exists. They become an unethical businesses which do not allow for collective bargaining or labour rights. At present, the MTRCL and the KCRC are being gradually privatized. They have become leviathans fattened with public money and they are gobbling up the wealth of Hong Kong people all the time. In pursuit of profit, they hold safety in disregard and outsource work and slash the number of employees on a massive scale. All these causes have contributed to the incidents. If Honourable colleagues agree with the privatization of the two railway corporations, then I ask you not to complain anymore..... (*the buzzer sounded*) because this is the sure consequence of privatization and capitalism. Thank you.

**MR LEE WING-TAT** (in Cantonese): Madam President, I will think about what Mr LEUNG Kwok-hung said in the last sentence of his speech. I dare not say whether it is true or not, that is, whether a publicly-owned railway

corporation will definitely do better than a privately-owned railway company in terms of safety. I dare not refute his argument. I shall discuss with him some time later. The technique of deduction simply cannot be applied in all debates. I mean, in this particular debate, we cannot deduce simplistically that privatization is necessarily bad and public ownership necessarily good. I still respect Mr LEUNG Kwok-hung, though.

Before I spoke on Mr Andrew CHENG's motion today, I had already moved a motion at a recent special meeting of the Panel on Transport, regretting the performance of the MTR Corporation Limited (MTRCL) and officials of the Government. The contents of my remarks at the meeting were quite mild, but I somehow got a bit angry as I spoke, and I criticized a certain government official named Joshua LAW sitting opposite to me. I remember him because his Chinese name is similar to a certain member of my political party. I think he was much too complacent, much too tolerant of the errors committed by the MTRCL. I am not saying that the errors of the MTRCL have caused any casualties. No. But, Madam President, you may perhaps still remember the MTR incidents broadcast on television — incidents such as bursts of smoke and short-circuits, as a result of which some passengers had to breathe from oxygen masks on platforms.

All public corporations or any organizations with a sense of responsibility should be very concerned about such incidents. That was why I was not very happy at the meeting. I simply thought that that particular government official was much too tolerant of the errors. I do not care whether the MTRCL has committed these errors by sheer accident, because I think passenger safety is of the utmost importance under all circumstances. What is more, I do not quite agree to the MTRCL's claim that the problem is not very serious since it is still the best railway company in the world with the highest rating of safety.

This issue can be analysed from two perspectives. First, from the statistics, I cannot deny that the operation of the MTRCL is not so unsatisfactory. Its records are not that bad anyway. But it must be borne in mind that since society is getting ever more exacting, we must identify the best means through which it can make further improvement. In this connection, it can in fact be likened to the Government. For instance, is the Government more open than it used to be 10 years ago? In fact it is. Is our Government more receptive to public opinions than it used to be 10 years ago? Most government officials are, but Mr TUNG is an exception. Society is all the time progressing, and when



the people become more and more demanding, every possible effort should be made to meet their demands. If anyone fails to do so, then, very sorry, we must tell him that the kitchen is probably too hot for him and he must thus leave and resign from his post.

For this reason, I do think that the demerit points system, or other similar systems, advanced by Mr Andrew CHENG should be implemented. We are aware that whenever there were any such errors in the past, the Bureau Directors concerned would usually react very quickly. But I am sorry to tell Dr Sarah LIAO that I am not satisfied with her performance this time around, because her remarks about all these incidents are largely meaningless, and if she goes on like this, people will only think that she is just offering lip service. Every time after an incident, she will say that she feels very concerned and finds the error unacceptable. Every time after an incident, she will say that the error cannot be tolerated. But after 10 times, people will start to think that she is talking nonsense — that is, if she still stops short of taking any concrete actions after all those talk.

Even Mr LAU Kong-wah has started to be impatient and he has even requested her to issue a warning letter. This is very serious because he also belongs to the ruling coalition and he is at the same time the Chairman of the Panel on Transport. If she still finds the situation tolerable while even Mr LAU does not, then as time goes by, the Government will surely fall into depravity. Continued tolerance will mean that the Secretary is not receptive to public opinions and the majority view of the Legislative Council. Provided that the Democratic Alliance for Betterment of Hong Kong (DAB) does not change its position, I believe the pan-democratic camp will support its demand that in case of similar incidents in the future, a warning letter should at least be issued. I do not know whether other Members will also render their support. But I do hope that they will do so to show their concern. Some say that the MTRCL will have to suffer losses and face operational difficulties if a fine is imposed. Well, we may as well not penalize the MTRCL, but penalize Mr C K CHOW, the CEO, that is, and also the staff responsible for front-line operation. Are they saying that they should also be held responsible?

Another point I wish to talk about is the issue of road traffic safety in recent days. Miss CHOY So-yuk has already left the Chamber, but I suggest that the Secretary should revoke her driving licence, because she talked about driving as something very annoying. On my part, I am quite a silly driver, as I

always observe strictly the instructions of the Transport Department, complying with the two-second safety clearance requirement and stopping at the amber light. As a result, I have not incurred any Driving-offence Points for five years. I did incur a number of Driving-offence points in the first two or three years, but over the past five years I have incurred none, not even one single point, because I always follow the instructions of the Transport Department. But I also think that I am kind of silly trying to keep the two-second clearance, because every time, a vehicle from the next lane will soon squeeze in before me. And, once I slow down in the hope of maintaining the requisite clearance, another vehicle will soon squeeze in before me. But I have always been tolerant. I hate most to see any traffic accident in which those who are killed or injured are not the drivers responsible but pedestrians, or people walking on pavements, or safety conscious drivers who are unfortunately affected. I am always saddened by this kind of accidents because the victims are innocent.

As many Members know, the life of professional drivers in Hong Kong is very tough. They have my sympathy. But I must still implore them to attach paramount importance to human lives no matter how tough their life is. Yes, they have to work 12 hours a day to support their families and their life is really very tough. As a result, the Democratic Party also supports the demand for maximum working hours put forward by many trade unions. However, all this should give them no excuse for careless driving. I therefore think that the relevant penalties should be appropriately increased.

In this connection, I agree that the Secretary should study all the relevant proposals. We are of the view that if they cannot get it all done in a timely manner, society will have to bear even more serious consequences. But I also think that professional drivers and trade unions should be consulted as much as possible on the implementation of these proposals. Thank you, Madam President.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, after looking at Mr Andrew CHENG's motion today, I must say that as a Legislative Council Member, I have never seen a motion which is as rich in content and as extended in length. I have never come across any motion like this one, which is simply like an essay. And, more interestingly, the President has given approval for it to be moved.

This leads me to one observation. Members actually have many ideas in mind. They are meticulous and will consider even the smallest details. Why do we do this? In the case of Mr Andrew CHENG, I suspect he actually realized that the problem was not simple, so he tried painstakingly to consider all its different aspects, in the hope of improving the situation. As a result, he spent a very long time on drafting the motion.

We hope that the Secretary can follow the example of Mr Andrew CHENG and spend more efforts and time on tackling this problem. She should not just say one or two words on the problem, nor should she just make one or two angry remarks or simply demand the submission of a report. If she does so, she will disappoint not only Mr Andrew CHENG, but also the people of Hong Kong or victims of traffic accidents.

The motion topic today involves both railway service and road traffic. We often discuss these two problems separately. But we must realize that they should also be studied as one single problem. Why? Because in the final analysis, they share the same root cause: the blind pursuit of profits by large corporations, which has led to the present situation. Many Members have explained that the corporations' incessant and reckless pursuit of huge profits has resulted in the present situation. Whoever responsible for the trouble should end it, so we should discuss the motion topic today from this perspective.

I remember that the Mass Transit Railway Corporation Ordinance was enacted by the Legislative Council on 23 February 2000. When the then Secretary for Transport, Mr Nicholas NG, spoke on that day, he pointed out that one of the three major principles of privatization was to establish a set of stringent and transparent passenger service benchmarks to ensure the continued provision of quality railway services to the public. He also emphasized the Government's determination to support the MTRCL in its continuing role in the provision of quality railway services. He went on to claim that the introduction of private ownership into the MTR would help enhance the accountability and supervision of the management of the Corporation, saying that the MTRCL would be able to track market discipline closely and adhere to prudent commercial principles in its operation, which would greatly upgrade the quality of its services. All these words sounded very appealing at the time. But they all sound so ironical in face of the result we now get: an average of almost 18 incidents a month. Madam President, is this not an irony indeed?

Since the listing of the MTRCL, we have seen more and more incidents instead of any upgrade of its service quality. I think the root cause of the problem is the MTRCL's blind adherence to commercial principles without considering its due social responsibility. All these, together with inadequate government monitoring, have led to the recent incidents. Members may think that the recent incidents have resulted only in service disruption, not any casualties. Yes, there have been no casualties so far. But if no improvement is made, can anyone guarantee that there will continue to be no casualties in the future?

On the 9th of this month, a rail crack measuring 3 cm x 1 mm was detected on the Kwun Tong Line of the MTR. This really sounded the alarm. According to one expert, had the crack occurred at a bend, there might have been a derailment. Had there really been a derailment, would it have been possible to avoid casualties, Madam President? The expert also pointed out that the crack was not caused by metal fatigue, and there might be other possible causes such as impurities in the metal used. If this was really the case, the problem will be very complicated. Madam President, why were there impurities? Why had the problem remained unnoticed? Why was there a problem with purity? Mr Nicholas NG said that there would be sound supervision after listing, but why is it that the opposite has been the case? This is what worries us most.

Madam President, another academic has even pointed out that the number of routes has been increased from 10 to 20, but the resources for repairs and maintenance have not been increased proportionately, so omissions are bound to occur. Very sadly, the Government has not stepped up supervision in this respect, and it has just adhered to the past arrangements. In that case, how can we ensure that transport operators can maintain quality services given the current situation? All these worry us a lot.

What is more, transport operators are also caught in a kind of vicious competition marked by intense pressure of cost-effectiveness. Many transport operators are thus compelled to work out various means to out-compete others. Madam President, as I am running out of time, let me just talk about one issue first. There is a certain member of my trade union. At one time, he earned a living by driving light goods vans. Then, because of the recession, he switched to driving nanny's vans. However, just a week afterward, he resigned, because his employer forced him to jump the red light. Why did his employer force him to do so? There were children on board, so jumping the red light would be very

dangerous. The root cause was the question of bidding. The employer won the bid by quoting low prices, so he had to cut the number of vans to keep costs down, but since he was still required to maintain service quality, his drivers had to run more trips. Since it would be very dangerous to comply with the instruction, the union member decided to resign. This shows that very often, competition may not be so good as it is perceived. *(The buzzer sounded)*

**PRESIDENT** (in Cantonese): Mr LEUNG, your time is up.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, I so submit.

**MR ALBERT CHENG** (in Cantonese): Madam President, this motion moved by Mr Andrew CHENG is indeed very exhaustive, and rare. What is most invaluable is that Mr LAU Kong-wah has given it the enlivening touch by filling in what is wanting in Mr Andrew CHENG's otherwise exhaustive motion. Therefore, I support the original motion moved by Mr Andrew CHENG and Mr LAU Kong-wah's amendment.

However, I must point out that Ms Miriam LAU's amendment has removed the soul of Mr Andrew CHENG's original motion. This is also the reason why we want to lobby for universal suffrage in 2007 and 2008, since these Members returned through functional constituencies often place sectorial interests above public interest, even when human lives and safety are at stake. In this motion, she has completely deleted everything about road safety, casualties and accidents mentioned by Mr Andrew CHENG and deleted in its entirety all the information that Mr Andrew CHENG has painstakingly collected, as well as several proposals on how to improve road safety. I feel most sorry about this.

However, this does not matter. What matters most is that we are all very concerned about road traffic safety. Mr Andrew CHENG proposes that we adopt heavy penalties to rein in a chaotic situation and impose stiffer penalties on drivers who jump the red light. However, I do not agree with this point. Before the enforcement agencies have taken enforcement actions adequately and properly, I cannot agree with putting the blame on motorists. Ms Miriam LAU has also raised this point, and I support her on this account. However, I hope that enforcement agencies can raise the intensity of their enforcement actions to

stamp out such incidents of jumping the red light. If there are people who still commit such an offence even though the intensity of enforcement actions has been raised, then it goes without saying that the penalties should be made heavier.

Another chicken-and-egg issue is the hours of duty of bus drivers mentioned in Mr Andrew CHENG's motion. We all know that the prescribed flying hours of airplane pilots cannot exceed 80 hours per month. If the prescribed daily flying hours are exceeded, then two pilots have to work in shifts. People who travel by plane are passengers, and so are those who took buses and public light buses. Their lives also have value. However, unfortunately, the irony is that when bus drivers expressed their views to the authorities, to us or to labour unions, they said that if their working hours were reduced, their livelihood would be affected. In other words, this shows that bus drivers are getting disgraceful treatment and are exchanging their time for meagre income to support their family. This is also the reason why we have to fight for collective bargaining power.

Coming back to the issue of traffic safety and on the issues concerning the MTR, the part that I do not see eye to eye with Mr Andrew CHENG is that on a demerit points system. I do not know how demerit points can be given to an organization. Even if it gets the specified number of points, so what? Will its licence be suspended? Will it be required to suspend operation for one month? If this is the case, then this will be a different story, but Mr Andrew CHENG talked about fines. Who should be fined? If the MTRCL is to be fined, how much should the fine be? Should it be \$1 million or \$2 million? To these corporations, this does not really matter much. What does this matter to the boss or the management? I think what we have to do is to ascertain responsibility, and what matters most is accountability.

I am also very much disappointed by the Government. How can it allow the MTRCL to conduct an investigation on itself? Of course, the company commissioned by the MTRCL is an authority in the world, in that case, can the Government take it upon itself to commission the company? Why does the Government not commission it, so that it will submit a report to the Government after investigation? But the MTRCL is allowed to engage it instead. To say the least, this gives people the impression of a lack in credibility because it is investigating itself.

I have also heard an official say that there was no specialist of this type in government departments and they are not on a par with outsiders or the world-class engineers in the MTRCL. Luckily, our Secretary for the Environment, Transport and Works, Dr Sarah LIAO, is not the Secretary for Security, otherwise, since the talent of a seasoned thief may be on a par with a scholar, in future we may have to recruit thieves to catch thieves. As a matter of fact, it is necessary for the Environment, Transport and Works Bureau to set up a task force or even invite international experts to investigate incidents that occurred on the MTR. On Mr Andrew CHENG's proposal to adopt measures such as giving demerit points to the MTRCL or to impose fines on it, I think this is trying to turn heads by doing something sensational, and they will not be effective. Moreover, this is just like raising the penalty imposed on drivers who jump the red light to five offence points. When drivers jump the red light, they are in fact risking their lives. If five offence points are to be given to them, this will only make them drive faster when doing so.

On the proposals raised in Mr Andrew CHENG's motion, I believe such measures as the installation of speed limiter or speed display device and even countdown displays on traffic lights should be given a boost. Concerning Miss CHOY So-yuk's remark that if she was following a large truck while driving she would not be able to see the traffic lights, I very much agree that she should not drive but should ride a bike instead. I believe this will improve road safety tremendously.

Finally, I think the most important point is the public view of the services provided by the MTRCL. The MTR, as a world-class mass transit system, has been the pride of Hong Kong people for many years. We also hope that the image of the MTR can be preserved and that the authorities responsible for transport can supervise the MTRCL and oversee that it will not make any mistake in repairs and safety. As regards road safety, it is absolutely useless to impose heavier penalties. On the working hours of drivers, I think they must be given protection in this aspect. If protection is to be given in respect of their working hours, then their income has to be increased. These two issues are the two sides of a coin.

Finally, since there is no alternative, I will still support Mr Andrew CHENG's motion and Mr LAU Kong-wah's amendment.

I so submit. Thank you, Madam President.

**DR KWOK KA-KI** (in Cantonese): Madam President, first, I welcome the fact that several Honourable colleagues have raised this issue of road safety. Mr Andrew CHENG's motion is very long and many Honourable colleagues have already remarked that this may be a first. However, we can also see from this that the different modes of transport in Hong Kong, from the most sophisticated and technologically advanced systems such as the railway to the simplest modes like buses and public light buses, are in fact all fraught with problems.

I believe that if we have to set out numerous views or put forward many incredible proposals such as a demerit points system, fines, and so on, as Mr Andrew CHENG has done in his motion, it reflects on the fact that we, and our Government for that matter, lack the muscles to supervise these two railway systems.

From July to October, 41 incidents of varying magnitude involving the two railway systems have occurred and 33 of them have caused delays of over eight minutes, including 11 on the East Rail, 18 on the West Rail and 14 on the Light Rail. Although the MTR claims to be the fastest and safest system in the world, its performance in recent years and of late has indeed made many members of the public feel rather worried. If it is said that smoke coming out from an MTR train, power failures or even rail cracks that appeared for the first time in 25 years are all acceptable, then I cannot help but feel concerned. Furthermore, after the Secretary had become aware of the problems, all she could do was to say such words as regret, dissatisfied, and so on, but she had no actual means to make the railway corporations clean up their acts. This makes me all the more worried.

Many Honourable colleagues said that the standards of the two railway corporations were not really too bad and some colleagues even compared them to the railways in London, the United Kingdom. I do not know why they have to be compared with the railways in London. If Members are to look at the railway system in the United Kingdom, they will probably get a shock. It is in this chaotic system that the renowned presenter, Tanya LIU, encountered an accident. I did not realize that the Hong Kong railway system, in which we have always taken pride, has degenerated to such a state that it is comparable to the British railway system, which we find unacceptable.

In fact, the safety tolerance that can be allowed in these mass transit systems is very small. That is to say, we should adopt an attitude of zero



tolerance. I think that the Government should express its serious concern about the service standards, which are riddled with incidents of varied magnitude. Of course, I also understand that the Secretary does not really have many tricks up her sleeves, and she has my sympathy. Therefore, she could only issue warning letters or to say a few words expressing regret in front of cameras to win sympathy from the public or hope that Honourable colleagues will also sympathize with her. However, this does not serve any purpose and cannot serve to make the two railway corporations effect improvements on some serious problems.

Apart from the railways, some problems around us that we cannot solve have also been mentioned, for example, those involving public light buses. Not far from the Chamber of the Legislative Council and on the road near the HSBC building, one can see red minibuses jumping the red light all the time. On many occasions, when I drove by the HSBC building, I could also see such instances. If the Secretary has never seen such instances, I invite her to stand in front of the building and she will find that all red minibuses will always jump the red light. This happens every day from sometime after 9 am until 2 pm. The Secretary can go there and have a look.

Just now, many Honourable colleagues said that we should not clamp down on public light bus drivers anymore, since they are already in a miserable situation. However, I feel that their acts are deliberate, so I do not think that we should, nor is it possible to tolerate their behaviour. I think that the Transport Department or the Bureau on the Environment, Transport or Works should adopt some new measures, for example, to raise the penalties for jumping the red light or dangerous driving, including increasing the fine and increasing the number of offence points given. I believe we should agree with such measures, since the actions of motorists on the road do not affect themselves only but also the passengers on board and all pedestrians on the road. Therefore, in this connection, I believe that zero tolerance is also the only standard that can be accepted.

As a doctor, I also wish to spend some more time on commenting on the proposals made by Mr Andrew CHENG to revise the Guidelines on Working Schedule for Bus Drivers issued by the Transport Department or to reduce the hours of driving duty per day for bus captains. Two months ago, I attended a seminar organized by a labour union and a lot of figures had been collected for my reference. At present, the great majority of employees in bus companies

have to work such long hours that we would consider it unacceptable. I believe quite a number of them work no less than 14 hours. This has not yet taken into account the time they sit waiting for the next stint. Often, these employees work for more than 14 hours from the time they go to work to the time they go off work. However, I do not know how much in money terms the lives under their control are worth, including those on board and on the road. I think that as the Policy Bureau responsible for supervision, the Environment, Transport and Works Bureau is fully justified in imposing regulation on bus companies that make hundreds of millions of dollars each year, so that their employees, as well as all passengers and people on the road directly affected by these employees can have a little more protection.

I agree with the proposals put forward in the motion moved by Mr Andrew CHENG and in the amendment proposed by Mr LAU Kong-wah, including reducing the maximum hours of duty per day from not exceeding 14 hours to 10 hours and limiting the hours of driving duty per day to not more than eight hours. Bus captains should follow the normal biological clock. As a doctor, I have treated countless professional drivers, in particular, bus drivers. They often bare their bosoms before me and in doing so, they would even talk about problems that would not occur to us, from such simple matters as stomach problems, mental disturbance, insomnia, to more serious ones like piles. It can be seen that there are a lot of problems. I believe the Environment, Transport and Works Bureau has to take action for the bus companies to make improvements. Otherwise, there is no reason for them to effect changes, and I cannot see any incentive for them to change.

The speaking time is rather inadequate, however, to put it simply, I think that there are many points in the motion and amendment proposed respectively by the two Honourable colleagues, Mr Andrew CHENG and Mr LAU Kong-wah, that we should subscribe to. I can only hope that no matter if the motion is passed today or not, the Environment, Transport and Works Bureau will consider all views carefully and respond to them. Thank you, Madam President.

**PRESIDENT** (in Cantonese): Dr KWOK, your speaking time is up.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, you may now speak on the two amendments. You have up to five minutes to speak.

**MR ANDREW CHENG** (in Cantonese): Madam President, many Honourable colleagues commented that the motion this time seems to be the longest ever in the history of the former Legislative Council or the present Legislative Council, and expressed surprise that you, Madam President, would have permitted me to propose this motion. However, in drafting the motion, it never occurred to me that you would disallow it, since the Rules of Procedure provides not for the length of motions.

Concerning road traffic safety and railway safety, it is indeed true that of late, accidents happened frequently and we are greatly alarmed. Since there are a lot of problems, therefore I have many views on them. In fact, I have summarized them into 10 main points. Unfortunately, Ms Miriam LAU has removed my body and soul altogether in her amendment and I find what she tries to add to be very disappointing. She proposes in her amendment that the safety and reliability of services be enhanced, adding that co-operation and joint efforts with the transport industry, of which she is the representative, should be carried out, that publicity and education should be launched, that road users' awareness of safety be raised to reduce accidents, and so on. After reading her amendment, my impression is that her charges are tantamount to no charges. It would have been better if she had pointed out forthright to which of my proposals the industry objects and simply put forward the suggestions of the industry.

Madam President, why do I say this? In a meeting of the Panel on Transport on 22 February 2002, I was very much saddened. On that occasion, the safety level of school buses was discussed. The chairman of the Panel at that time was Ms Miriam LAU. Her remarks and those of Dr David CHU shocked and surprised me, and I felt most resentful. Today, I have listened carefully to the speech given by Ms Miriam LAU and found that she has not said one word about her suggestion regarding the demand to install safety belts on nanny vans on that day. I know full well that not many reporters observe panel

meetings, nor do members of the public pay much attention to them, and what Members has said is not recorded in the Official Record of Proceedings. However, today, I wish to know if Ms Miriam LAU, who represents the Liberal Party, still insists that safety belts should not be installed on nanny vans. Her reason was that this would create an adverse impact on operators and the cost of operation would increase. She felt that this would increase the operation cost. Precisely because we feel that life is invaluable that we should not compromise because of the financial burden incurred. However, today I did not hear Ms Miriam LAU cite this reason. She only talked about "examining the technicalities in detail". This is all very nice sounding.

Concerning the proposal to put in place a demerit points system for the MTRCL, many colleagues, including Ms Miriam LAU, said that this is a draconian measure and queried if this is called for. As a representative of the industry, Ms Miriam LAU has served as the Chairman of the Panel on Transport for many years. There is no reason she does not know that penalties are provided for in the existing Mass Transit Railway Ordinance and the reason that I propose this demerit points system is to provide an objective criteria for imposition of this penalty, so that the Secretary will not be at a loss or do not know what to do after having requested the submission of reports, made investigations and then issued a warning letter, as demanded by Mr LAU Kong-wah. As incidents involving the MTR continue to occur, a demerit points system is not a draconian measure. It is only an objective criteria. The MTRCL may not necessarily be fined after being given demerits points under the demerit points system. It will perhaps only be requested to replace certain systems or, as suggested by Mr LEE Wing-tat just now, to deduct the salaries of those highly-paid CEOs whose annual salaries amount to several million dollars. What impact will this have on its operation?

I am really grateful that an amendment is proposed by Mr LAU Kong-wah because, for the Democratic Party and the DAB, Mr LAU Kong-wah and I are really a jovial pair of rivals. Politically, it is not possible for me to co-operate with him, but on issues of people's livelihood and transport, he and I can indeed co-operate seamlessly. What is more, I heard him sing a song for us earlier in the debate. Even though many Members did not hear it, I am not going to sing it again. However, Madam President, if it is necessary for us to sing songs before society can appreciate the importance of road safety and railway safety, then this society has indeed come to a lamentable pass.

Thank you, Madam President.

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Cantonese): Madam President, first of all, I am grateful to Honourable Members for putting forward a lot of views on road safety and railway safety. Although we hold many different viewpoints and angles, basically we are all very concerned about where Hong Kong should be headed in this area. The recent spate of railway and road incidents has aroused general concern and it is hoped that a solution can be found.

First, I wish to comment on the issue of railway incidents. In fact, whenever problems involving the railway occur, the media and the public will always have a great deal of reactions and as the Secretary, I certainly have to give responses on such matters. However, it is not true that we do not know what to do, as Mr Andrew CHENG put it. In fact, the Government has put in place a sound management system and in both areas, there are mechanisms for us to take action.

First, indicators on service performance have been laid down for the Transport Department to take follow-up actions and the Hong Kong Railway Inspectorate (HKRI) will also take immediate follow-up actions on safety issues. In addition to requiring the railway corporations to submit incident reports, the HKRI will immediately launch investigations into incidents involving safety issues. The HKRI will make suggestions to the railway corporation concerned on the preliminary identification of cause, immediate remedial actions required and other areas that the corporations need to address, and monitor the progress of identification of root cause and implementation of the rectification measures. Furthermore, the law also empowers the Government to impose fines on the railway corporation concerned if it does not comply with the instructions and in more serious cases, we can request the Chief Executive in Council to suspend the operation of the MTR. Therefore, in monitoring, we have an established set of legislation and operating agreements that serves regulation purposes.

However, I have identified two problems and also spent in the meantime a lot of time examining what problems have occurred. According to the operating agreement, on railway operation, we require that service quality be assured, that is, the pledge is 99.5% for train service delivery and train punctuality. In fact, the two railway corporations have already met this standard. Figure wise, it is not the case that they cannot meet the standard,

rather, they have even done better than 99.5%. The incident rate of the two railway corporations is only 0.33% so far this year. (Appendix 1) However, figures are not the same as the impressions and concerns of the public because, apart from punctuality, the public also have their impression of whether the railway is safe.

The recent spate of incidents has a direct bearing on passengers. Therefore, in analysing the incidents, we have to treat this type of incidents separately. For example, we have conducted a careful analysis on the incident in which black smoke came out of a MTR train car, since this type of incidents will inevitably make passengers feel concerned. After analysis, we found out what had happened and that we have to make further efforts to improve the safety management system.

On the braking system, I wish to explain a little here that for each car of an MTR train, there are more than 20 brakes and they are normally not activated unless electronic signals are received, in which case the brakes will be released. If no one is managing the railway or the driver suffers from a heart attack — and this has indeed happened overseas — the train will stop automatically. Since there is no signal input, the braking system will be activated. With more than 20 brakes on each train car, there are over 200 brakes on each train. As over 3 000 daily train trips are provided, we can appreciate that statistically, the probability that problems in relation to electronic signals will occur definitely exists. However, will this affect railway safety? The answer is in the negative. This is because of these over 200 brakes, only individual ones will be "stuck" and the train will continue to run normally. Black smoke may be produced as a result of friction and the black smoke so produced is harmless. Since the material is non-flammable, no fire will be caused or toxic gas emitted. Under normal circumstances, passengers will not feel the presence of black smoke. However, in the two incidents, certain passageways had been opened — and this is the second mistake — and that was why black smoke entered the train car, causing members of the public to feel alarmed. We also consider this to be a serious matter.

In recent years, the public is particularly sensitive to such incidents because of some terrifying incidents, that is, an incident of arson has occurred before. Therefore, the public cannot help being particularly concerned about such incidents. Therefore, in respect of the safety management system, we will conduct a reassessment. If from perception, that is, it bears close relevance to

passengers, we will request the MTRCL to treat this as a serious case and instead of considering it purely from the angle of safety level. It should look at this case from the angle of its relevance to the public. There are also many other cases that can be re-evaluated so that we can gain a better understanding of the incidents. We should look at them from different viewpoints and adopt different assessment methods in doing so.

Concerning the requirements on the safety management system, many Members have commented that we had to step up our work in this area to ensure as far as possible that incidents will not occur. However, this matter is debatable. We have to classify incidents into serious and non-serious ones. To give a very simple example, we know that the service life of a light bulb at a rear staircase is 90 hours with 10% variance plus or minus. We can choose to replace all light bulbs at the 81st hour to ensure constant illumination, or we can wait until after 90 hours and a light bulb is no longer working, or even wait until the 99th hour before taking action, since we think that safety problems involving light bulbs at a rear staircase can be tolerated. However, in other cases, take the cable of elevators as an example, it is impossible for us to do so. Cables have their service lives but we must carry out regular repairs and maintenance before their service lives end. We cannot gamble and wait until the end of the service life of a cable. Therefore, we have to conduct risk assessments.

The mechanical systems of the MTR is very sophisticated. Every machine has a specific failure rate, that is, the period after which it will not function. We also have to consider the eventuality, that is, the areas that will be involved should an incident happen, so as to determine whether such a failure rate is reasonable. At present, the standard attained by the MTRCL is 99.9%. Of course, we will conduct reviews, but we can tell Members that such a standard is first or second place in the world. Having said that, it does not mean that we will become complacent. As I have said, we have to understand more carefully the circumstances surrounding incidents relevant to passengers.

The HKRI also recommended to me that in view of the recent spate of MTR incidents, it is necessary to conduct a comprehensive review. Following discussions between us and the MTRCL, the MTRCL has engaged international railway experts to conduct an independent review of its entire railway system. The report will be completed in about two months' time. We have often heard members of the public and Members ask if systemic safety defects, that is, systemic errors, have occurred. This is a very serious problem and if there is

indeed such problems, it is imperative that we discover them as soon as possible and make improvements.

Furthermore, on the issue of ageing, the review will also examine various aspects such as the operation of the MTRCL, repairs and maintenance, the outsourcing system and staff training comprehensively. Although some Members hold certain views on this independent review, there are in fact not too many railway experts and companies in the world and I can cite them all. Of course, we hope that we can select the best one and we also trust their professionalism, since credibility is their asset and I believe they definitely will not forego this asset accumulated over the years in their profession on account of this project with the MTR. Throughout the whole review, the HKRI will monitor each procedure and instruct them to investigate the outcomes of operation and assess whether the safety of the system maintains the world-class standard. I believe that through this professional review, the causes of the failures on the MTR can be identified.

The KCRC has also been taking steps to further enhance its safety performance. For this purpose, the KCRC has recently completed an independent review of the West Rail signalling system in August 2004 and has commenced a safety audit of the entire KCRC network, which will be completed by early 2005.

Members are also very concerned about manpower issues. They very much worry about the effects of outsourcing repairs and maintenance work on the staff morale of the MTRCL. Apparently, everyone thinks that their "rice bowls" are at stake and some Members also told me they had received complaint letters from employees expressing the belief that the MTRCL may lay off staff in the future. I also hope that in the review, a detailed analysis will be made on this issue, so that the morale of MTRCL staff will not be affected.

Concerning Mr Andrew CHENG's proposal to establish a demerit points system and to impose fines on the MTRCL and Mr LAU Kong-wah's proposal to issue warning letters to the MTRCL, in fact we constantly exchange correspondence, e-mails and phone calls, and hold meetings with the MTRCL to remind and instruct them to redouble their efforts in various areas. We have also requested them to give explanations for their inadequacies and to take follow-up actions. However, before taking any measure that will affect its employees, it is necessary to engage in cautious consideration.



Not long ago, an incident of arson occurred on the MTR on 5 January this year. At that time, we sang high praises of the employees of the MTR, in particular, of the level-headedness and reaction of the driver. In such dangerous situations, it is necessary to rely on the team spirit of the employees, their ability to react, as well as their commitment to work. Therefore, at such a difficult time, we believe we cannot take any rash action that will deal a blow to the staff morale of the MTRCL. If we issue warnings to them and impose punishments on them without good grounds, this will be unfair to them. The attitude that I take is to probe into matters carefully and understand the root causes of incidents before seeking a remedy. Is it due to mechanical problems, the ageing of the electronic signalling system or has the problem to do with management? Before everything is sorted out clearly, there is no reason for me to deal a blow to the morale and make them think that although they have done such a lot for the corporation, the public has negated what they have done in one stroke. We may also note that an arson attack also happened in a nearby country. In comparison, we will find that the quality of our railway staff is hard to come by. Therefore, we hope that we will decide the next step only after a careful study. Meanwhile, I also believe that all of us have to enhance communication and I hope that the public can have a better understanding of the operation of the MTR and of the supervisory system established by the Government. I will request the Transport Department and the two railway corporations to make extra efforts in this regard so that our work can become more transparent and the public will know that it takes some time for us to conduct a comprehensive review before we can identify the crux of the matter and make improvements accordingly.

We can see from the figures that the MTRCL has met its targets in overall operation in 2004. The ridership has been maintained, however, this will not make us rest on our laurels. On the contrary, we have to make efforts in various areas to excel ourselves and maintain our position of having world-class transport organizations in the region that we can be proud of. However, we need some time and hope to give everybody a more detailed account after the review is completed by the end of January.

Concerning road traffic safety, the public and Members are concerned about traffic accidents involving green minibuses and red minibuses because of a recent spate of unfortunate traffic accidents. Apart from stepped-up enforcement by the police, we are now actively studying amending the Road Traffic (Driving-offence Points) Ordinance to increase the driving-offence points

for the offence of "failing to comply with traffic signals" in order to boost the deterrent effect. Many Members agreed with this measure in their speeches, but they hoped that the Government could sympathize with the difficulties encountered by the industry in business operation. I appreciate this problem but I hope they will understand that although making a living is important, life is even more precious. If they jump the red light, they do not merely affect themselves but also all road-users. This is unfair to society, therefore, the imposition of heavier penalties to achieve a deterrent effect is absolutely called for. We are also considering increasing the number of red light cameras to step up enforcement and enhance the deterrent effect. Experience shows that the level of enforcement is enhanced after an increase in the number of such cameras.

As regards the suggestion that countdown displays be installed on traffic lights, the Transport Department has all along been conducting a study. Just now, many Members remarked that such displays are often seen in overseas countries. If the information that we have is incomplete, Members are welcome to provide it, however, according to our information, in cities with a population as dense and traffic as heavy as in Hong Kong, such countdown displays are seldom installed. Usually, the installation of countdown displays is only possible in suburban areas where the distances between traffic lights are farther. In cities similar to Hong Kong, for example, in Shenzhen, countdown displays have also been installed and they have also shared their experience with us. However, the displays being used there are not suitable for the traffic lights in Hong Kong which are linked to a computer network, and are technologically incompatible. Therefore, we still have to sort out the technical problems.

Furthermore, according to overseas studies, countdown displays may not necessarily reduce instances of red light jumping. This is because a set of traffic lights is made up of the red, amber and green lights. A lot of people, on seeing the amber light, realize that there will be three to four seconds before the light changes. Not only will they not slow down, on the contrary, they will accelerate to beat the light. Similarly, if the countdown display shows that there are still four seconds left, the reaction of these people will be the same and their behaviour may even get worse. Therefore, considering the mentality of motorists, it seems countdown displays may not be effective but pedestrian countdown displays may be, since pedestrians cannot walk very fast. We will study the feasibility of installing countdown traffic lights with an open mind, but we do not recommend their immediate installation.

Concerning the safety of public light buses (PLBs), the trade has made a series of suggestions and we agree with some of them, for example, the installation of speed display devices. We also hope that red minibuses can be converted into green minibuses so that the services provided will be more stable. We have all along been assisting the trade in this regard. In the long run, we will look for appropriate opportunities to assist more red minibuses in converting into green minibuses.

On raising the conditions of issue of PLB driving licences, at present, an applicant of PLB driving licence have to be a holder of a full private car driving licence for at least three years. However, we are still studying this issue. As I have pointed out in one of the written replies today, there is no direct correlation between the accident rate and the driving experience of PLB drivers. If we extend the requirement of three years to five years without good grounds, this may pose obstacles for people who want to make a living out of being a PLB driver but have held a private car driving licence for only three or four years. Therefore, we must deal with this matter carefully.

We believe that a more important point is to improve the driving attitude of PLB drivers. Therefore, we will continue to increase the safety awareness of PLB drivers through publicity, education, enforcement, training, and so on. On training, the Quality PLB Services Steering Committee, which consists of representatives from the Transport Department (TD), the PLB trade and other members of the community, is conceiving the idea of offering a course to raise the driving skills and improve the attitude (which is more important) of PLB drivers. The TD is now providing these type of courses in conjunction with the Vocational Training Council.

On the safety of school buses, generally speaking, the safety record of school buses are satisfactory compared with other vehicles. In addition, earlier this year, we briefed the Transport Panel of the Legislative Council on the introduction of new safety measures for school buses, including the provision of safer seats on school buses and the mandatory provision of nannies on board nanny vans carrying kindergarten pupils.

Regarding the safety of franchised buses, the Transport Panel of the Legislative Council discussed this issue in detail in a meeting on 29 October this year. In the meeting, Members passed a motion requesting the Government to consider revising the Guidelines on Working Schedule for Bus Drivers, so as to

improve the safe operation of franchised bus services. The particulars of the motion are in general similar to the motion proposed by Mr Andrew CHENG this time.

The Government attaches great importance to the safe operation of bus services and frequently conducts reviews in this area. Over the past few years, although the rate of bus accidents in Hong Kong has displayed a trend of slight decline, as buses are heavy vehicles, we will definitely not become lax in this area.

In the study on the safety of franchised bus service operations conducted early this year, the TD and bus companies conducted a detailed analysis of past accident records. The results indicate that there is no correlation between the rate of bus accidents and the present hours of duty of bus captains. The TD has also made reference to overseas arrangements, including the maximum hours of duty per day and the hours of vehicle operation undertaken by drivers to see if they are comparable to overseas countries.

Regarding whether the maximum hours of duty for bus captains should be reduced, we will give careful consideration to this matter and discuss with labour unions that represent bus captains, in order to secure approval from various parties and determine an appropriate number of working hours.

Finally, we have to step up publicity and education to urge motorists to become smart motorists. These are the measures that must be taken in Hong Kong. Regardless of the type of transport, the driving attitude of drivers has the greatest bearing on road traffic safety. The Government will continue to conduct reviews and brief the Transport Panel and the Legislative Council. We hope that we can encourage people to be more courteous so that road safety in Hong Kong can be further improved.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now call upon Ms Miriam LAU to move her amendment to the motion.

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

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

"To delete "as" after "furthermore," and substitute with "in view of"; to delete "involving public light buses (PLBs) have caused casualties, the safety of school buses has long been a matter of public concern, and the excessively long working hours of drivers of franchised buses have also aroused public concern about the safety of buses" after "serious traffic accidents"; to add "immediately press the two railway corporations to make every effort to raise the safety and reliability of their services, work in concert and in co-operation with the transport industry to" after "this Council urges the Government to"; to delete "the following" after "adopt" and substitute with "comprehensive"; to delete all the words and punctuations after "safety of railway and road traffic" and substitute with ", and conduct effective publicity and education activities to enhance road users' awareness of safety, thereby reducing the incidence of accidents". "

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

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

(Members raised their hands)

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

(Members raised their hands)

Mr Andrew CHENG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG has claimed a division. The division bell 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 Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr Patrick LAU and WONG Chi-kin voted for the amendment.

Dr Joseph LEE, Dr KWOK Ka-ki and Dr Fernando CHEUNG voted against the amendment.

Mr CHEUNG Man-kwong abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr Andrew CHENG, Mr Frederick FUNG, Mr LEE Wing-tat, Mr LEUNG Kwok-hung and Mr Albert CHENG voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 20 were in favour of the amendment, three against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, nine were in favour of the amendment and 12 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

**MR FRED LI** (in Cantonese): Madam President, I move that in the event of further divisions being claimed in respect of the motion on "Enhancing the safety of railway and road traffic" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

I order that in the event of further divisions being claimed in respect of the motion on "Enhancing the safety of railway and road traffic" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you may move your amendment.

**MR LAU KONG-WAH** (in Cantonese): Madam President, I move that Mr Andrew CHENG's motion be amended, as printed on the Agenda.

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

"To delete "the following" after "to adopt" and substitute with "vigorous"; to add "to increase the penalties in this regard, strengthen its monitoring work to ensure the safe operation of public transport operators, step up publicity and education and improve the road safety facilities, so as" after "measures"; to add ", and such measures should include the following" after "railway and road traffic"; to add "(d) to strictly monitor the improvement works undertaken by the two railway corporations, issue written warnings to the railway corporations concerned in the event of successive railway failures, demanding them to expeditiously and thoroughly rectify the problem of frequent railway failures and, where necessary, impose penalties on the railway corporations concerned by exercising the powers conferred by law;" after "provided by the two railway corporations;"; to delete the original "(d)" and substitute with "(e)"; to delete the original "(e)" and substitute with "(f)"; to delete "which have a high incidence of" after "all traffic black spots" and substitute with "where"; to add "has been spotted" after "red light jumping"; to delete the original "(f)" and substitute with "(g)"; to delete the original "(g)" and substitute with "(h)"; to add "as well as an external



indicator light to enable monitoring by law enforcement officers" after "recording function"; to delete the original "(h)" and substitute with "(i)"; to add "through the offer of incentives," after "green minibus operation"; to add "(j) to consider tightening up the conditions for issuing the PLB driving licence and raising to five years the requirement of three years for which an applicant should have held a private car driving licence;" after "the regulation of their operation;"; to delete the original "(i)" and substitute with "(k)"; to delete "and" after "seat belts for all school buses;"; to delete the original "(j)" and substitute with "(l)"; and to add "; in respect of publicity and education - (m) to organize large-scale road safety campaigns to enhance road users' awareness of road safety; in respect of road safety facilities - (n) to install additional traffic signs or road markings on the road sections containing traffic pitfalls so as to alert motorists; and (o) to provide more pedestrian aids on the road sections where traffic is heavy to ensure safety" after "seven days in advance".

**PRESIDENT** (In Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LAU Kong-wah to Mr Andrew CHENG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ms Miriam LAU rose to claim a division.

**PRESIDENT** (in Cantonese): Ms Miriam LAU has claimed a division. The division bell will ring for one minute after which the division starts.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr WONG Yung-kan, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr WONG Ting-kwong voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Dr Philip WONG, Mr Abraham SHEK and Mr Patrick LAU voted against the amendment.

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Albert CHENG voted for the amendment.

Mr James TIEN and Mrs Selina CHOW 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, six were in favour of the amendment, six against it and 12 abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 19 were in favour of the amendment and two abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, you may now reply and you have one minute 56 seconds.

**MR ANDREW CHENG** (in Cantonese): Madam President, I will raise a few points on the demerit points system and the maximum hours of duty very quickly in response. To start with, the Secretary pointed out that the system would be unfair to the staff in that it would put pressure on them. We agree that the staff have been working very hard at the moment. However, we do not think the system will bring pressure to bear on them, because they are already faced with enormous pressure. Though they have been working very hard, there are still frequent breakdowns. Why? This is because, even though the delays and breakdowns experienced by the MTR over the past three months was as many as 1 160 minutes, its punctuality rate could still be maintained at 99.9%. So, what can the public see? What has happened to the enterprise? This is actually the source of the pressure bearing on the staff working there. We have proposed the system in the hope of slowly improving the current situation in which there is frequent occurrence of failures. Upon improvement of the situation, the pressure on the staff should disappear. In our opinion, an enterprise with integrity should not make reckless moves like this for the sake of a couple of minutes. The Secretary's concern about the system is therefore unnecessary.

Madam President, I would now respond to the issue of the maximum hours of duty. Professional drivers should have dignity in work. They should pay attention to road safety and ensure the safety of passengers and pedestrians. What we should pinpoint is that these professional drivers are being exploited in terms of their livelihood and working hours. As a result, they are not able to benefit from the internationally-recognized arrangement of eight hours of work, eight hours of entertainment and eight hours of rest. Yet, we have failed to take

appropriate actions against bus companies even though we have found their staff being exploited. On the other hand, we were criticized for realizing good intentions through bad deeds when we proposed imposing a limit on maximum working hours. This is the miserable side of our capitalist society, and this is highly problematic. We should not allow our capitalist society to be abused by capitalists. Madam President, I hope maximum working hours can be prescribed.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, your time is up.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Andrew CHENG, as set out on the Agenda, 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)

Ms Miriam LAU rose to claim a division.

**PRESIDENT** (in Cantonese): Ms Miriam LAU has claimed a division. The division bell will ring for one minute after which the division starts.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr CHEUNG Man-kwong, Mr WONG Yung-kan, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr WONG Ting-kwong voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Dr Philip WONG, Mr Abraham SHEK and Mr Patrick LAU voted against the motion.

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Albert CHENG voted for the motion.

Mr James TIEN and Mrs Selina CHOW 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, six were in favour of the motion, six against it and 12 abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 19 were in favour of the motion and two abstained. Since the question was not agreed by a majority of

each of the two groups of Members present, she therefore declared that the motion was negatived.

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 24 November 2004.

*Adjourned accordingly at twenty-seven minutes to One o'clock in the morning.*

**Appendix 1**

**REQUEST FOR POST-MEETING AMENDMENTS**

**The Secretary for the Environment, Transport and Works requested the following post-meeting amendment**

**Line 2 to 3, first paragraph, page 197 of the Confirmed version**

To amend "The incident rate of the two railway corporations is only 0.33% so far this year." as "the rate of service delays of the MTRCL is only 0.033% this year." (Translation)

(Please refer to line 1 to 2, first paragraph, page 1748 of this Translated version)

## Appendix I

## WRITTEN ANSWER

**Written answer by the Secretary for the Environment, Transport and Works to Mr Martin LEE's supplementary question to Question 4**

As regards information on the beautification of footbridges in Hong Kong, below is a list of footbridges provided with planting under our beautification scheme since 2002. For any additional detail, please access our website at < <http://www.etwb.gov.hk/> > .

Annex

## Beautification Scheme of Footbridges 2002-03

	<i>Location</i>	<i>District</i>
1.	Across Gloucester Road near Luard Road	Wan Chai
2.	Across Gloucester Road near Fenwick Street	Wan Chai
3.	Across Connaught Road Central near Gilman Street	Central and Western

Note: The plant species adopted for the beautification scheme to footbridges include mainly the following:

- (i) Bougainvillea spectabilis (flowering species)
- (ii) Allamanda cathartica (flowering species)
- (iii) Asparagus densiflorus "Sprengeri" (green edging plant)

## Beautification Scheme of Footbridges 2003-04

	<i>Location</i>	<i>District</i>
1.	Across Castle Peak Road near Kin Ming Street	Tsuen Wan
2.	Across Lui Ming Road near Wah Ming Estate	Northern
3.	Across Po Lam Road near Po Lam Estate	Sai Kung
4.	Across Gloucester Road near Canal Road West	Wan Chai
5.	Across Aberdeen Praya Road near Aberdeen Main Road	Southern
6.	Across Salisbury Road near South Seas Centre	Yau Tsim Mong



**WRITTEN ANSWER** — *Continued*

	<i>Location</i>	<i>District</i>
7.	Across Salisbury Road near Tsim Sha Tsui Centre	Yau Tsim Mong
8.	Across Hung Hom South Road near Yan Yung Street	Kowloon City
9.	Across Hung Hom South Road near Shung King Street	Kowloon City
10.	Across Lung Cheung Road near Shatin Pass Road	Wong Tai Sin
11.	Across Lei Yue Mun Road near King Yip Lane	Kwun Tong
12.	Across Tsing Tin Road near Tin King Road	Tuen Mun
13.	Across Wang Tat Road near Fung Chi Road	Yuen Long
14.	Across Harcourt Road near Rodney Street	Central and Western
15.	Across Cheung Sha Wan Road near Fat Tseung Street	Sham Shui Po
16.	Across Yu Tung Road near Chung Yan Road	Island
17.	Across Tsing King Road near Tivoli Garden	Kwai Tsing
18.	Across Tai Po Tai Wo Road and Lam Tsuen River near Tai Po Centre	Tai Po
19.	Across Island Eastern Corridor near Quarry Bay Park	Eastern

Note: The plant species adopted for the beautification scheme to footbridges include mainly the following:

- (i) *Bougainvillea spectabilis* (flowering species)
- (ii) *Allamanda cathartica* (flowering species)
- (iii) *Asparagus densiflorus* "Sprengeri" (green edging plant)

**Beautification Scheme of Footbridges 2004-05**

	<i>Location</i>	<i>District</i>
1.	Across Rodney Street near Harcourt Road	Central and Western
2. *	Across Harmony Road and On Yip Street near Harmony Garden at Siu Sai Wan	Eastern
3.	Across Aberdeen Praya Road and Aberdeen Main Road near Ocean Court	Southern
4. *	Across Aberdeen Praya Road and Yue Shi Cheung Road near Tin Wan Street	Southern
5.	Across Lung Cheung Road and Nam Cheong Street near Beacon Heights	Sham Shui Po

**WRITTEN ANSWER — Continued**

	<i>Location</i>	<i>District</i>
6.	Across Yu Tung Road near Chung Yan Road	Islands
7.	Across Tuen Mun Road near Yan Oi Tong Circuit	Tuen Mun
8.	Across Tuen Mun Road and Tsing Hoi Circuit near Chi Lok Fa Yuen	Tuen Mun
9.	Across Hing Fong Road and near Kwai Fuk Road	Kwai Tsing
10.	Across Tsing Luk Street near Tsing Yi Garden	Kwai Tsing
11.	Across Sha Tsui Road near Tsuen Wan Town Hall	Tsuen Wan
12.	Across Castle Peak Road at J/O Sai Lau Kok Road	Tsuen Wan
13.	Across Fanling Highway and San Wan Road near Greenpark Villa	North
14.	Across Connaught Road West linking Western Market and Shun Tak Centre	Central and Western
15.*	Elevated Walkway along Connaught Road Central	Central and Western

- Note: 1. Planting to footbridges under the captioned scheme was completed except those marked with an asterisk (\*) which will be carried out in early 2005.
2. The plant species adopted for the beautification scheme to footbridges include mainly the following:
- (i) Bougainvillea spectabilis (flowering species)
  - (ii) Allamanda cathartica (flowering species)
  - (iii) Asparagus densiflorus "Sprengeri" (green edging plant)

**Appendix II****WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mr CHEUNG Hok-ming's supplementary question to Question 6**

As regards public toilets in remote areas, project Item No. 13 in Annex A of the main reply is the provision of a new public toilet in Tin Shui Wai Town Lot No. 24, Yuen Long. The site earmarked for the construction of the toilet is now occupied by a temporary public transport interchange (PTI). Pending the completion of a permanent PTI in the vicinity by mid-2008, the temporary PTI will be demolished for construction of the public toilet. Works for the public toilet is scheduled to commence by late 2008 for completion by early 2009. The capital funding for the public toilet project has been secured earlier in connection with the Tin Shui Wai Town Lot No. 24 development.

Project Item No. 1 in Annex B of the main reply is the provision of a new public toilet in Lo Wai Road, Tsuen Wan. Preliminary planning work for the toilet project has been completed and the Food and Environmental Hygiene Department has submitted an internal application for capital funding for this minor works project. We anticipate funding will be approved in the next few weeks and will proceed with the project as soon as possible. It is expected that works for the new public toilet will commence and be completed in 2005.