

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 8 March 2006

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

DR THE HONOURABLE LUI MING-WAH, S.B.S., 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, S.B.S., 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.

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.M., 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, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

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

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

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H.

DR THE HONOURABLE JOSEPH LEE KOK-LONG

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

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

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

THE HONOURABLE MA LIK, G.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

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

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

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

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

THE HONOURABLE FREDERICK MA SI-HANG, J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

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

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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

PRESIDENT (in Cantonese): It is obvious that a quorum is not present now. Will the Clerk please ring the bell.

(After the summoning bell had been rung, a number of Members came into the Chamber)

PRESIDENT (in Cantonese): A quorum is now present, the meeting starts.

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>
Road Tunnels (Government) (Amendment) Regulation 2006.....	33/2006
Road Tunnels (Government) Ordinance (Amendment of Schedule) Notice 2006	34/2006
Dutiable Commodities (Fee Revision) (No. 2) Regulation 2006.....	35/2006
Pawnbrokers (Fee Reduction) Regulation 2006	36/2006
Firearms and Ammunition (Fee Revision) Regulation 2006.....	37/2006
Firearms and Ammunition (Revision of Storage Fees) Order 2006	38/2006
Markets (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2006.....	39/2006

Public Health and Municipal Services (Cessation of Designation as Public Markets) Order 2006	40/2006
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2006	41/2006
Registration of Persons (Application for New Identity Cards) (Amendment) Order 2006	42/2006
Statutes of the Chinese University of Hong Kong (Amendment) Statute 2006	43/2006
Statutes of the University of Hong Kong (Amendment) Statute 2006	44/2006

Other Paper

No. 74 — The Lord Wilson Heritage Trust
Annual Report 2004-2005

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Travel Insurance

1. **MR HOWARD YOUNG** (in Cantonese): *Madam President, about providing travel agents with protection against professional indemnity risks, as well as assisting them in applying to the Travel Industry Compensation Fund (TICF) for refund of the advanced payments made and contacting travel insurance companies for outbound tour group members when accidents happen, will the Government inform this Council:*

- (a) *given that some travel agents have not taken out professional indemnity insurance (PII) because they cannot afford the high premiums and that the TICF has accumulated a balance of over*

\$420 million up to the end of last year, whether the authorities concerned will consider utilizing the fund to take out indemnity insurance collectively on behalf of travel agents, so as to strengthen the protection for outbound tour group members;

- (b) as travel agents will make advanced payments when accidents occur to outbound tour groups to expedite relief of the group members, but the agents have to go through complicated formalities afterwards to recoup the advanced payments from the TICF, whether the authorities will consider streamlining such formalities; and*
- (c) whether the authorities will require tour group members to take out travel insurance on a mandatory basis, and to provide travel agents with copies of their insurance policies to enable travel agents to contact insurance companies on their behalf when accidents happen; if they will, when the measure is expected to be implemented; if not, the reasons for that?*

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

- (a) Like all other commercial operations, travel agents have the responsibility to adopt effective risk management measures based on their operational needs, including taking out professional indemnity insurance to reduce their financial risk in the event of liability claims. Although taking out professional indemnity insurance is a risk management decision of the travel agents, it also hinges on the availability of this type of insurance policy in the insurance market. The Government will continue to remind the travel trade to take out insurance in accordance with their operational risks and needs, and assist them in taking forward the issue with the insurance sector. We are now working with the travel and insurance sectors to look into the feasibility of setting up a collective scheme for travel agents to take out professional indemnity insurance and the impact of such proposal on the travel industry and consumers.

The TICF was established in accordance with the Travel Agents Ordinance (the Ordinance) and the Travel Industry Compensation

Fund (Amount of Ex gratia Payments and Financial Penalty) Rules (the Rules). The Ordinance and the Rules clearly set out the objectives of the TICF which is to provide *ex gratia* payment to travellers who procured outbound travel services arranged by travel agents in case of default of travel agents; and to provide immediate contingency financial relief to outbound travellers injured or killed in accidents in the course of an outbound travel activity organized by a travel agent. The TICF is made up of collection of levy at a rate of 0.15% from the outbound fare received. To change the current use of the TICF and allow it to be used to help travel agents take out PII, the existing legislation will need to be amended. The Government is of the view that this proposal must be carefully considered and there should be full consultation before any decision is made.

- (b) The Ordinance and the Rules set out that the traveller concerned or his personal representative, or the authorized person, can apply to the TICF for an *ex gratia* payment if the traveller is injured or killed in an accident in the course of an outbound travel activity organized by a travel agent. The *ex gratia* payment covers medical treatment expenses at place of accident (up to \$100,000), funeral expenses at the place of accident or transportation cost for returning the remains of the deceased (up to \$40,000) and compassionate visit expenditure (up to two relatives, each with \$20,000 as the ceiling). The Ordinance and the Rules also stipulate clearly the procedures and criteria for such application, including the requirement that only an application filed by the traveller concerned or his personal representative or the authorized person will be processed. Generally speaking, applications that are filed by such applicants can obtain *ex gratia* payment within two weeks under the present statutory framework. In respect of cases where a travel agent has made advance payments in order to provide emergency support for the injured or deceased traveller, but has not obtained the authorization from the traveller concerned, the TICF cannot make such payments to that travel agent under the existing Ordinance and the Rules.

We note that there have been travel agents who had made advance payments after the accidents but failed to recover such payments

from the TICF due to the procedures mentioned above. We consider that if the travel agents can submit clear evidence showing that they have made advance payments for relevant expenses permitted under the TICF to assist the injured or deceased travellers, they should be able to apply for reimbursement of such expenses from the TICF. In this regard, we have invited the Travel Industry Council of Hong Kong (TIC), based on their experience, to work out improvement proposals concerning the coverage of the TICF and the application procedures. We will consider the proposals from the TIC and review if there is a need to amend the Ordinance and the Rules.

- (c) We encourage all outbound travellers, no matter whether they are on vacation or business, joining package tours or making arrangements on their own, to take out travel insurance according to their needs. We believe that it is appropriate for each traveller to assess his or her own needs and the risk of each trip in deciding whether he or she should take out travel insurance policies. The travel and insurance industries are working together to design user-friendly travel insurance products which can offer basic protection to travellers in purchasing such products. The Government, the TIC and the Consumer Council will continue to educate the public about the importance of purchasing travel insurance.

In the light of past experience, if travellers co-operate with the travel agents to provide information on their travel insurance policies before departure, the travel agents would be able to co-ordinate promptly the rescue operations and follow-up actions in case of an accident. In this connection, the TIC issued a circular in 2002, suggesting travel agents to request travellers to take out travel insurance which will at least cover urgent evacuation and compensation for injuries and death arising from accidents, and obtain from travellers the relevant information of their travel insurance policies for reference.

As the travel insurance information involves personal data of the travellers, travel agents cannot require its provision on a compulsory basis, and can only advise the travellers concerned to do

so. The Government, the TIC and the Consumer Council will strengthen public education to encourage travellers to release the information of their travel insurance policies to the travel agents.

The Administration will introduce a new category of "travel insurance agents" under the Insurance Intermediaries Quality Assurance Scheme to encourage travel agents to register as travel insurance agents so that they can sell travel insurance to travellers. The implementation of the proposal will facilitate travellers to take out travel insurance.

MR HOWARD YOUNG (in Cantonese): *Madam President, saving of lives must be prompt when accidents occur to outbound tour groups. Large-scale travel agents will certainly have sufficient capital to make advanced payments, but small and medium travel agents may not be able to do so. Will the authorities consider requiring outbound travellers to sign authorizations before departure, so as to enable travel agents, be they large, medium or small in scale, to immediately apply for the Emergency Relief Fund (ERF) on their behalf when accidents happen, thereby saving the travel agents the time required for raising money to make advanced payments and hence enable the injured travellers to return expeditiously?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, the proposed requirement for travellers to sign authorizations before departure may give rise to abuse, and may not be the best solution. I believe it is now imperative to identify formalities prescribed by the Rules which have resulted in the failure of travel agents to recover the advanced payments made. It will be most satisfactory if we can draw on past experiences to decide which formalities are problematic before making any adjustments.

MR BERNARD CHAN (in Cantonese): *President, the Secretary is in the best position to answer this supplementary question because he was once the Commissioner of Insurance. I wish to ask the Secretary through the President that, in part (a) of the main reply, he said that the travel and insurance industries are looking into the feasibility of setting up a collective scheme for travel agents*

to take out professional indemnity insurance. Is this type of insurance similar in nature to the professional liability insurance of The Law Society of Hong Kong?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): In fact, Mr Bernard CHAN himself was in the best position to answer this supplementary question. Actually, we have discussed the matter with the travel and insurance industries. As I have pointed out in the main reply, the travel industry certainly wants to take out such professional liability insurance, and yet few such products are available in the insurance market and the amount of insurance coverage is also limited. As far as I know, while an insured amount of any insurance policy reaching \$10 million is considered rather high, the actual coverage in respect of personal injuries and deaths provided therein will probably amount to as high as \$5 million. But this is not sufficient still. We must sit down and talk, and see whether the insurance industry can design a product which enables the entire travel industry to take out professional liability insurance collectively. While the travel industry's initial view is that the proposed arrangement is the most practicable and appropriate, the insurance industry also opines that it merits consideration. In fact, the insurance and travel industries have set up a working group to study such issues as insurance coverage, premium, the information contained therein and risk management.

MR ANDREW LEUNG (in Cantonese): *In part (c) of the reply, the Secretary mentioned that the insurance and travel industries are working together to design a user-friendly travel insurance product. Has the Government intervened to ensure that the product in question is quality and inexpensive, and also applicable to travellers in general?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I think the help of Mr Bernard CHAN might again be sought in this regard. Actually, the travel insurance currently available in the market is mostly inexpensive and of good quality. And certainly, I am not advertising for them. In fact, a travel insurance premium of, say, \$100 or \$200, is enough to cover trips of a couple of days, but the premium will also be determined by the final destination of the tours. While the premium is lower for such destination

as the Mainland, it will be higher for Europe or other high risk places. In any event, the travel insurance currently available is not at all expensive.

Just as I said earlier, travel agents may soon be registered as travel insurance agents, which will further facilitate the taking out of insurance by travellers when they join tours organized by travel agents. The insurance and travel industries agreed at the last meeting that the insurance sector would offer wider choices to consumers by designing more inexpensive, quality and user-friendly personal travel insurance products. They will work on this front, and at the same time, we will keep an eye on these products.

MR JAMES TIEN (in Cantonese): *President, concerning the question of whether the insurance premium is high, given the tiny size of the Hong Kong market, the insurance premium will not be too low. President, according to the last paragraph of part (b) of the main reply, in case any mishap took place in a rather backward country or region, the travel agent concerned would have no choice but to make advanced payments as soon as possible. What the Government should pay more attention to is, in my opinion, whether travel agents can recover such payments as early as possible. Furthermore, in the last paragraph, the Secretary said that the proposals in question will be reviewed to see if there is a need to amend the relevant Ordinance and Rules. I wish to ask the Government: Given that the review has just commenced and thereafter proposed amendments will be made, what is the Government's expected date of completion, one year or one and a half year, before the proposal that travel agents be facilitated in recovering advanced payments more speedily can be implemented?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): We have started to look into the issue and meetings have also been held with the TIC, which will then consult its members. The most important thing is for travel agents to identify, in the light of their experience and operation, the difficulties and problems encountered in recovering the advanced payments made, and I think we do not have to wait too long. We will consider their proposals, among which the amendment of the relevant Rules and Ordinance is the most important. However, I believe the amendments should not be too complicated. Once a decision is made, we will proceed with the drafting of the legislation with a view to introducing it to the Legislative Council, which will subsequently decide on the pace of scrutiny. I think it is only a matter of

procedure, and among the travel agents which attended the meetings, only a few of them have the relevant experience. I hope that the drafting of legislation will proceed expeditiously and introduce it to the Legislative Council once a decision is made.

MR JAMES TIEN (in Cantonese): *I did not ask how long this Council will take to scrutinize the relevant legislation, but rather, when the Government will introduce it to this Council. Will the Government introduce the relevant legislation, say, by June this year? Or when will it be introduced?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I think it will be ready for introduction within this year.

MR CHIM PUI-CHUNG (in Cantonese): *President, the levy imposed under the investor compensation fund will be suspended when it has accumulated up to \$1 billion, so as to protect the investors from paying too much. We are aware that outbound travellers or travel agents usually take out insurance on their own before departure, and therefore the chances of using the TICF, which has accumulated a balance of over \$400 million, are very slim. May I ask the Government whether there are provisions stipulating the limit on the level of TICF which travellers will be free from taking out travel insurance, thereby generating more savings for them?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I certainly hope that what Mr CHIM Pui-chung said is right because we do not want to see the TICF being used so frequently either, particularly the ERF. And yet, no one can tell, nor can anyone predict whether a travel agent will close down. This explains why a levy must be imposed. Actually, the TICF is subject to professional assessment by actuary commissioned for this purpose every several years to ascertain the level of risks, for instance, the amount of fund required for compensation payment in case a number of large-scale travel agents close down. We will take note of this kind of problem and consider the required level of fund in the next professional assessment (in 2007).

MR SIN CHUNG-KAI (in Cantonese): *President, I would like to follow up part (a) of the main reply concerning the feasibility of using the TICF as PII. The legislative intent at that time was to protect travellers who joined group tours, which was later extended to cover travellers when accidents occur to tour groups. The objective of the TICF is, in itself, to protect travellers, but the Government now says that the relevant legislation should be reviewed to turn the TICF into PII, which will protect travel agents rather than travellers. Will the legislative intent then be distorted as a result? The fund, which was originally intended to protect travellers, will instead offer protection to travel agents.....*

PRESIDENT (in Cantonese): What is your supplementary question?

MR SIN CHUNG-KAI (in Cantonese): *My supplementary question is: Will such an arrangement undermine the TICF's ability to protect travellers?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I have to thank Mr SIN Chung-kai for asking this question. I think Mr SIN Chung-kai also noted that this oral question was put by Mr Howard YOUNG, and it is also the kind of question frequently asked by the industry and many consumers. Therefore, from my main reply, Members can see that the impact of the proposal on consumers will be subject to consultation and consideration during the review.

Of course, the industry may hold a different view of whether or not the levy should be paid by travellers or travel agents. This is an opinion of the travel industry. According to Mr SIN Chung-kai, the TICF is, of course, mainly used to protect travellers. However, the present problem is in the event of liability claims from tour group members after an accident occurred to their tour group, when travellers actually make claims for compensation, the travel agent that organized the tour may close down as a result of its failure or inability to take out PII and make compensation to travellers or consumers accordingly. After all, it is the travellers who will suffer. So, in the light of this problem, Mr Howard YOUNG has asked this oral question. Since we also think it warrants consideration, the TIC has been requested to explore in detail the possible solutions. Certainly, this is not the only available option. Another

approach is travel agents can take out insurance on their own according to the number of outbound tours if an insurance product is made available to the whole industry, hence the relevant arrangements may be different. We are now examining the feasibility of various options and their impact on consumers, and a decision will be made on completion of the consultation.

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

MRS SELINA CHOW (in Cantonese): *I am very glad to hear that the Secretary is well versed in the operation of the industry, and consumers' interests are also safeguarded under the normal and healthy operation of the industry. Since the TICF has accumulated a balance of \$420 million with the limited amount of compensation paid, which is only tens of millions of dollars apparently, I wish to ask the Secretary: Does the Government have any plan to slightly change the current payment method of contribution, whereby the existing levies will partly become commercial collective insurance, with a view to further strengthening the protection for consumers, provided that no additional levy will be imposed on consumers?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Mrs Selina CHOW has tactfully repeated Mr SIN Chung-kai's supplementary question, but just in her own way of presentation. Her supplementary question is very simple, which simply asks whether part of the levy can be used for taking out PII on behalf of travel agents. This is her suggestion. My reply is, just as I said in response to Mr SIN Chung-kai's supplementary question earlier, the various options are being discussed with the travel industry and the Consumer Council, and we also wish to see what proposal the travel industry will put forward. Madam President, as I have said earlier, there are in fact different options and their justifications will be considered. Earlier, I also heard Members ask whether we could consider the feasibility of various options. Certainly, the various options and their justifications will be considered, as well as their impact on consumers and the industry. We hope that the TIC and the industry can expeditiously proceed with the study, and I am also aware that a working group has been set up for this purpose.

PRESIDENT (in Cantonese): Second question.

Regulating Body-slimming Advertisements

2. **MR FRED LI** (in Cantonese): *President, according to a household health survey jointly conducted by the Department of Health (DH) and the Department of Community Medicine of the Faculty of Medicine of the University of Hong Kong, some underweight people are still trying to reduce their body weight. Another survey has also revealed that among 40% of the respondents who are secondary students, many have tried to reduce their body weight by methods detrimental to health, resulting in eating disorders in some cases. In addition, a survey conducted by the Consumer Council has revealed that most of the body-slimming advertisements contain exaggerated and misrepresented information. However, as the Beauty Industry Code of Practice drawn up by the Consumer Council has no legal effect and is intended only for voluntary compliance by the industry, it can hardly serve to protect the public. In this connection, will the Government inform this Council whether:*

- (a) the DH plans to follow up the findings of the above household health survey; if so, of the main target groups and the estimated amount of expenditure to be incurred; if not, the reasons for that;*
- (b) the DH and other relevant government departments will take measures to strengthen their efforts in preventing and treating eating disorders; and*
- (c) it plans to respond to the findings of the Consumer Council's survey by tightening the regulation of body-slimming advertisements, including requiring all claims made in such advertisements to be supported by substantiated evidence?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I understand the general public's desire for good health and note that there is a prevalent trend of body slimming in our society. It is only natural for people to strive for a healthy body and appropriate body weight. However, the desire for further weight reduction from those who are already underweight reflects that they may not have a proper concept about body weight.

In the following, I will answer Mr Fred LI's question from the health perspective.

- (a) The DH has been making great efforts in promoting public health. It has been disseminating the message of "having balanced diets and regular exercises to help control weight" through various channels and co-operation with different organizations and members of the community. The purpose is to instill the use of appropriate means to control body weight in the public. A correct attitude towards proper body weight can be most effectively cultivated from childhood. The DH has therefore been working vigorously to promote a correct conception towards healthy diet and body weight among secondary and primary school students through its Student Health Service Centres and the Adolescent Health Programme.

In addition, the Education and Manpower Bureau has also encouraged schools to enhance students' awareness of healthy lifestyle and wholesome eating habits through various aspects, such as school curriculum, learning activities and co-curricular activities.

The promotion of a correct conception towards body weight and diet needs to be carried out on an ongoing basis. As revealed by the findings of the Population Health Survey, further efforts need to be made to enhance the general public's understanding towards proper body weight and assist them to achieve it. In view of the findings of the survey, the DH will sustain and strengthen the abovementioned efforts. The promotion of healthy eating habits among school children is one of the initiatives featured in the policy address announced in last October to tie in with this objective. The DH has set up a cross-sectoral and inter-departmental group to map out the details of the action plans for various programmes, which are expected to commence in the 2006-07 school year.

- (b) According to research findings, eating disorders are a complex group of psychiatric conditions with multiple and often unknown aetiology. In many cases, eating disorders are due to emotional and mental problems caused by interpersonal and family problems, or pressure from peers and schoolwork. From the perspective of health promotion, the Administration aims to foster and reinforce

among the public a correct attitude towards healthy diet, regular exercises and body shape. The Administration provides the general public with accurate information about eating disorders so as to enable the public to have a better understanding of eating disorders, their causes, symptoms, treatment and prevention.

The Hospital Authority (HA) provides specialist treatment to people suffering from eating disorders. The respective specialties will, if necessary, refer the relevant cases to the Psychiatry Specialty for follow-up action. The HA will continue to closely monitor the demand for such treatment and will arrange for redeployment of resources to meet the needs of patients if necessary.

- (c) The survey conducted by the Consumer Council touched upon a wide range of issues, including whether body-slimming service would affect people's health, whether the claims made in the body-slimming advertisements were substantiated or exaggerated, the practice in the sale and marketing of slimming products, and so on. The concern of the Health, Welfare and Food Bureau is on whether these products will have an adverse effect on public health. I understand that at present there is not a set of comprehensive legislation to regulate all kinds of advertisements and their content. Yet individual regulations and codes of practice are in place to govern product advertisements or the claims made in certain advertisements. The following are some major examples:

- The Association of Accredited Advertising Agents of Hong Kong (HK4As) has formulated a set of Code of Practice to regulate the advertisements produced by its members. The Code of Practice requires that "advertisements must be legal, decent, honest and truthful" and specifies that "no description, claims and illustrations in any advertisements should directly or implicitly mislead consumers about the products or services under promotion". Any member who fails to comply with the Code of Practice will be subject to sanctions according to the relevant rules laid down by the HK4As.

- The Broadcasting Authority has, pursuant to the Broadcasting Authority Ordinance and the Broadcasting Ordinance, issued a "Generic Code of Practice on Television Advertising Standards" and a "Radio Code of Practice on Advertising Standards" to regulate the advertisements aired by licensed television and radio stations.

The two Codes have set out strict requirements on the truthfulness of the television and radio advertisements. These requirements include:

- No television and radio advertisements may contain claims which depart from truth;
- All factual claims contained in the advertisements should be capable of substantiation; and
- No advertisement may misleadingly claim or imply that the product or service advertised has some special features which are incapable of being established.

For advertisements on products, services and institutions purporting to provide ways of achieving the objectives of body weight or fat reduction, there are additional requirements in the above codes of practice on television and radio advertisements whereby these advertisements are required to indicate that the advertised products or services must be used in conjunction with a balanced diet/healthy eating habits in order to achieve the purported objectives. Licensees of television and radio stations are required to obtain concrete evidence which shows that the advertised products or services should produce some efficacy and free of any harm. Moreover, the advertisements should not target at people under 18 years of age.

I believe that the relevant organizations will continue to closely monitor whether advertisements in Hong Kong (including body-slimming advertisements) are in compliance with the requirements of the aforesaid codes of practice. Members of the

public may also reflect their concerns about the content of advertisements to the relevant organizations.

MR FRED LI (in Cantonese): *President, the Secretary states in the last paragraph of the main reply that he believes "that the relevant organizations will continue to closely monitor whether advertisements in Hong Kong are in compliance with the requirements of the aforesaid codes of practice." I do not know if the Secretary knows what organizations will monitor these advertisements. This is because I have just heard an advertisement on the radio that the glossy ganoderma (*Ganoderma lucidum*) of a certain brand has very potent efficacy and it can enhance a person's immunological powers and protect him from avian flu.*

Secretary, after listening to this I began to ask myself this question: Which departments would notice such advertisements? And if there are no such departments and if only the industry is expected to exercise self-discipline and comply with the requirements, then this situation is not acceptable at all. Could the Secretary respond to this supplementary question of mine?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, when I replied to Mr Fred LI's question, I referred to the case that should any drugs advertised make any claims about say, human immunological powers, the DH should take enforcement action according to the existing Undesirable Medical Advertisements Ordinance. We will find out if the claims made by products advertised can be substantiated.

As for other products, such as the body-slimming products which I have mentioned, our view is that the health issue is not involved in body slimming and it is a question of consumers accepting services and whether or not in their opinion such services are beneficial to them. Currently, most of such services are regulated by the Consumer Council and by the code of practice of the industry concerned.

MR FRED LI (in Cantonese): *President, the Secretary has not answered my supplementary question. I was asking about regulation of products, not drugs. I understand the problem mentioned by the Secretary, but what I am asking now*

is whether or not there is any regulation of products and foodstuffs for consumption, not drugs.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, at present, we do not have any specific regulations to regulate those so-called health products.

MR ALBERT CHENG (in Cantonese): *President, I would like to ask a question on part (c) of the main reply given by the Secretary. I would like to remind the Secretary that the code of practice drawn up by the HK4As is not legally binding.*

My supplementary question is: Does the Secretary or the Government notice some advertisers, that is, body slimming companies, would sponsor the radios or television stations by placing advertisements and in those sponsored programmes, the hosts may make some claims which are inaccurate or misleading? Is the Government concerned about this situation, that is, the body slimming companies are not just placing advertisements but also disseminating misleading information through the hosts of programmes sponsored by them?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I would like to say that I do not have many opportunities of watching these sponsored programmes. Second, I believe many programmes will state that the radio or television station concerned shall not be held responsible for anything said by the hosts. I think the consumers or the viewers will need to exercise judgement to see whether or not things said by the hosts are by nature advertisements.

MS AUDREY EU (in Cantonese): *President, the Secretary fails in part (c) of the main reply to respond to the question and the reply given is very disappointing. Looking back at the question raised by Mr Fred LI, it is about a survey conducted by the Consumer Council which has revealed that most of the body-slimming advertisements contain exaggerated and misrepresented information and the Beauty Industry Code of Practice has no legal effect and is intended only for voluntary compliance by the industry and it can hardly serve to protect the public. The question asked by Mr Fred LI is whether or not the Secretary plans to*

respond to the findings of the Consumer Council's survey, that is, whether or not legislation will be considered. But the Secretary says in reply that there is no law for the authorities to act on and there are only codes of practice. Could the Secretary explain to us why it is so difficult to legislate on this? Since codes of practice are already in place, can the authorities not enact laws based on these codes of practice?

Of course, the Secretary has said in the main reply that the scope of the problems that come to the Consumer Council's attention is wide, but can we not legislate to regulate some acts which apparently should be regulated, such as those acts not substantiated or are exaggerated? This applies to products like the foodstuffs claimed to be able to cure avian flu as mentioned by Mr Fred LI earlier. Even if they are just foodstuffs and not medicine, should they not be regulated by legislation if the authorities think that their claims are obviously exaggerated or misrepresented? If the Government does not want to legislate, can the Council be informed as to what the difficulties are?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, there are many difficulties, especially with respect to claims. We can hear all sorts of claims every day. I know that the radios and television stations do have a code of practice for compliance and in this respect I believe they will exercise self-discipline and they also have a responsibility to do so.

As to whether or not there should be legislation to regulate this, we need to study the meaning of the claims found in these advertisements to see if they have any direct relationship with health matters that fall within the scope of our duties. With reference to body slimming, in particular, it is the view held by many people that body slimming is not a health issue and on the other hand, it is more of a psychological issue because people may think that if they are not slim, they may not be healthy.

For this controversial subject, I think that more time is needed to look into it before a decision can be made on legislation or drawing up rules to regulate such advertisements. In addition, some people have also told me that quite a number of people are engaged in this industry and if regulation is to be imposed, there would be problems like whether or not these people can adapt to the changes, and so on. My ultimate aim is more members of the public can examine the issue and more discussions can be held. I think the most important

aim is for various industries in society to grow and develop freely while not affecting the health of the public. Therefore, I hope Members can look closely into the issue and then the Government can follow up and respond.

MISS CHOY SO-YUK (in Cantonese): *President, on this question of regulating advertisements, actually a very effective method is used in the United States. Once upon a time, a mouthwash company spent a few million dollars on advertising and claimed that its product was germicidal, but the advertising regulation authorities later found out that mouthwashes were not germicidal at all. The company was later required to spend an equal amount of money that it had spent on misrepresented advertisements to tell the public by advertisements that its products could not kill germs. Will the Government consider using this method, that is, to require companies to spend the same amount of money as they have spent in advertisements to clarify any false claims on the efficacy of its products if these products are found to contain no efficacy as claimed in the advertisements? I believe this will not affect the advertising companies and on the other hand, their business may grow. The companies will be more careful about the claims they make on the efficacy of their products. Would the Secretary consider doing this?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we do make special efforts to regulate products with health claims, especially drugs or other services. But if we make laws to regulate all problems which consumers may run into, as I have just said, this would take a much longer time to find out what areas should be given special treatment.

Of course, I am aware of laws enacted in other countries due to different factors and these laws may vary among them. We will take reference of the practices in other countries before deciding on the best protection we give to consumers in Hong Kong.

MR CHAN KAM-LAM (in Cantonese): *President, I think the question does not lie in whether or not body slimming is healthy, the most important point is whether or not these advertisements are misleading or if misrepresented information is contained. Part (c) of the main reply by the Secretary shows that the Government mainly relies on advertising agents, and the television and radio*

stations to vet the contents of the advertisements. It seems that this is quite passive an approach to take and the people may form the impression that the Government does not have any responsibility in monitoring such matters.

May I ask the Secretary, as the Consumer Council has done a lot of work in protecting consumer rights, for example, the survey it has conducted on this occasion, if he would consider thinking about this idea together with the Consumer Council, that is, to give the Consumer Council some responsibilities or powers so that after conducting investigations the Consumer Council can initiate litigation to prosecute the party concerned after proving the existence of misrepresentation in its advertisements?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I concur somewhat with the idea suggested by Mr CHAN Kam-lam, I will pass on his view to the Economic Development and Labour Bureau.

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

DR KWOK KA-KI (in Cantonese): *Madam President, I felt very disappointed after hearing the Secretary's reply because what the Government is doing is to rely on the self-discipline of these advertising agents or actions by the broadcasters pursuant to the law.*

May I ask the Secretary whether the Government or the Health, Welfare and Food Bureau would undertake an extensive survey and, as the Secretary has said, study the problem to see how grave it is or find out how many advertisements there are with misrepresented claims?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, now it is the Consumer Council and the departments concerned that handle complaints from the public or the consumers, so I hope they can spearhead such a survey or make some policy decisions. Of course, if this is about matters that have an effect on health or hygiene, we in the Bureau

and the departments concerned will work hand in hand and complement each other's work.

PRESIDENT (in Cantonese): Third question.

Providing Crematorium and Columbarium Facilities in Tuen Mun

3. **MR LAU WONG-FAT** (in Cantonese): *President, will the Government inform this Council of the justifications for its plan to provide crematorium and columbarium (C&C) facilities in Tuen Mun where a number of waste disposal operations are already taking place, and whether, in drawing up the plan, the authorities have considered the possibility that such a plan might further aggravate the environment of the district and upset local residents?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the number of cremations has been rising steadily in the last 30 years. There has been a shortage of government niches and the cremators are operating at almost full capacity. In 2005, out of the total number of deaths of around 38 600 in Hong Kong, 33 000 dead bodies (86%) were cremated, of which 88% could only be undertaken within 11 to 15 days of application. The Government provides a total of 138 000 niches, but all were sold out last year. About 11 000 new niches will be made available later this year. Only several tens of thousands of vacant niches are still available in the private columbaria and columbaria under the management of the Chinese Permanent Cemeteries. These can hardly meet public demand.

As the number of deaths will continue to rise due to the increasing population, the Government considers it necessary to increase and improve public C&C facilities, so as to meet the rising public demand.

The Government understands that the public may not favour the presence of these facilities in their neighbourhood. Every effort is being made to construct new facilities at or adjacent to the existing C&C sites as far as practicable. For instance, we plan to provide about 150 000 additional niches and to replace existing cremators over the next 10 years in the environs of Cape Collinson, Diamond Hill and Kwai Chung Columbaria as well as in Wo Hop

Shek Cemetery. However, these expansion plans will not be able to fully meet the longer-term demand from the public. There is a practical need for the Government to develop new C&C facilities in other locations. At present, the only site suitable for the development of large-scale C&C facilities in Hong Kong is the 22-hectare government land in Tuen Mun Area 46 which has already been reserved on the Tuen Mun Outline Zoning Plan for "Crematorium, Columbarium and Funeral Services Centre" uses. It is an ideal site as it is far away from major residential developments and is directly accessible by land transport.

We understand that members of the public in general may have the following special concerns over the construction of new C&C facilities:

- Environmental pollution caused by the operation of the C&C.
- Traffic flow and crowd control problems generated by the large number of grave sweepers during the Ching Ming and Chung Yeung Festivals.
- Possible psychological effect on nearby residents arising from the visual impact of the C&C.

There are ways and means to address such concerns. Recently when the Government re-provisioned the cremators, new technologies have been employed to enhance the handling capacity as well as to improve control on air emission. All the reprovisioned or new crematorium facilities have to meet the standard limits set by the Environmental Protection Department regarding solid discharge and gas emission. New columbaria will be installed with exhaust treatment facilities to properly collect and purify the smoke and ash from the burning of incense and joss paper to prevent air pollution. We also plan to prohibit the burning of joss paper and joss sticks in some of the new columbaria. In terms of the visual impact and layout of the buildings, efforts will be made in the building design to take full advantage of the landscape in blending the facilities with the surroundings, with the use of plants or trees as barriers to minimize any psychological effects that may be caused.

The Government will consult the Tuen Mun District Council (DC) in the near future to identify their concerns and seek its views on the proposed construction of C&C facilities in Tuen Mun. Detailed studies regarding

transport facilities and supporting services, crowd control, environmental impact, and so on, will then be conducted by relevant government departments. We will further consult the DC on individual items of the proposed plan and decide on the next step forward when we have the detailed information, including ways on how to address the potential problems.

MR LAU WONG-FAT (in Cantonese): *Madam President, apart from the C&C facilities under planning, the Government has located almost all polluting and highly hazardous facilities in Tuen Mun, such as the power station, landfill, clinical waste tip, waste recovery park, cement plant, oil depot, and so on. The Government is indeed heavily indebted to the Tuen Mun residents. Will the Government inform this Council whether it will consider relocating the new Government Headquarters under discussion in Tuen Mun, so as to pacify the aggrieved Tuen Mun residents and compensate, to a certain extent, their suffering and loss over the years?*

PRESIDENT (in Cantonese): Mr LAU Wong-fat, please sit down. Your supplementary question seems to bear little relevance to your main question. It is, however, a very good question. Perhaps you can raise it again on another occasion.

MR LAU WONG-FAT (in Cantonese): *President, I respect your ruling, but I do not plan to withdraw or amend my supplementary question.*

(The President looked at the sequence of Members asking questions as shown on the digital display screen)

PRESIDENT (in Cantonese): Then, I now call upon Mr CHEUNG Hok-ming to put his supplementary question.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, in reply to Mr LAU Wong-fat's question, the Secretary mentioned that the most suitable site for the development of C&C facilities is a piece of 22-hectare land in Tuen Mun Area 46. I wish to ask the Secretary: If the plan for the 22-hectare site is realized,*

how much of the 11 to 15 days of waiting time for cremation can be shortened, and how many niches can the site provide?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, according to my colleagues' view, at least several tens of thousands of niches can be provided at the 22-hectare site. Of course, we have to take other needs into consideration, as we may wish to provide cremation or other funeral services on the same site. We will conduct a detailed review before presenting our ideas to the Tuen Mun DC. As it stands, we find that it is a large site which can accommodate additional facilities. We, nevertheless, need to consider other factors mentioned by me just now, such as its impact on transport and other aspects. Therefore, the plan remains at the siting stage and has not yet reached the stage of detailed planning. I believe I have to brief Members of the details at a later stage.

MR DANIEL LAM (in Cantonese): *Madam President, will the Government inform this Council of the existing planning standards and guidelines on which the authorities have based their approval for the construction of C&C facilities in Tuen Mun?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have already mentioned in the main reply that the Government decided in 1982 to reserve this piece of land on the Outline Zoning Plan, at which time, I believe, the DC also provided input in the decision-making process. Of course, we agree that a long time has lapsed since 1982 and we appreciate that the stance of the DC may have changed. Nevertheless, we recognize that in view of the scarcity of land in Hong Kong, it is immensely difficult to find a suitable site. We are thus of the view that this piece of land is the only possible site for this particular use at present.

MR WONG KWOK-HING (in Cantonese): *Madam President, may I ask the Secretary, in view of the construction of new niches, whether the Government will lay down a condition requiring ashes of the deceased be evicted? A government paper was submitted to the Legislative Council Panel on Food Safety*

and Environmental Hygiene in November last year proposing that because of the scarcity of land, ashes of the deceased can only be kept for ten years, after which the niches have to be evicted. Panel members raised strong opposition to the proposal. I thus want to ask the Secretary now whether there will be such a 10-year restriction on these new niches.

PRESIDENT (in Cantonese): Mr WONG Kwok-Hing, how is the board hanging on your body related to the issue of niches? If it is not related, please take it off.

MR WONG KWOK-HING (in Cantonese): *President, because this is.....*

PRESIDENT (in Cantonese): You do not need to explain. Please decide it yourself how it is related. Thank you.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, this involves two issues which have to be dealt with separately. First of all, with respect to the niches that we plan to construct in Tuen Mun, we have not considered whether these niches will be for temporary use, as all existing niches are permanent in nature. The proposal we raised at the Legislative Council Panel was that in view of some of the niches are no longer attended or visited by their descendents after a period of time, we wish to consider the possibility of vacating some of these niches for people who are on the waiting list. In this respect, it is another policy not covered by the present plan.

MR ALBERT CHENG (in Cantonese): *President, in reply to Mr LAU Wong-fat's main question on how to prevent the plan from further aggravating the environment of Tuen Mun District and upsetting local residents, the Government responded, in paragraphs four and five of the main reply, mainly in terms of the design of the hardware, but it did not respond to the management problems arising from the incident of claiming and cremating the wrong dead bodies yesterday, since mismanagement will also upset local residents. On the management front, I wish the Secretary could respond to the question whether he*

will enhance the management efficiency of the new facilities, so as to avoid the recurrence of similar incidents. President, such incidents will not only be unfair to the local residents, but may also instigate protests outside the Legislative Council as well as arouse the concern of the community.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I believe, in respect of government facilities, we perceive not only the need to construct them, but also to properly manage them. Thus, if any new C&C facilities are made available, we have to step up the management of their environment, services and security. We thus will consider other possibilities, especially in view of many charitable organizations in Tuen Mun have proposed to us their intention to jointly provide these services. We are open on this issue. If there are any particular good plans, we will jointly provide these facilities with other parties.

MRS SELINA CHOW (in Cantonese): *President, although you did not allow Mr LAU Wong-fat to put his supplementary question just now, the question shows that residents of Tuen Mun are annoyed by the decision. In the third paragraph of the main reply, the Secretary mentioned that the 22-hectare site is far away from major residential developments. However, as far as I understand it, the site is actually very near the Butterfly Estate and Butterfly Beach, which has a large number of residents. As the Secretary seems to know that the plan will cause psychological effects, may I ask him whether, in the course of siting, he has considered the fact that all the other so-called obnoxious large-scale facilities resented by the residents are located in Tuen Mun, and that despite his claim that the site is far away from the residents, it is, in reality, not that far away? And having considered this factor, has the Secretary considered the possibility of constructing these facilities in other districts?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I believe in planning the facilities the Government will certainly consider all the factors mentioned above. The site in Tuen Mun Area 46 and the estate mentioned just now are over 1 km apart, which is not a very short distance in relation to the Hong Kong environment. In other respects, we are convinced that in a place where finding a suitable site is difficult like Hong Kong, it is indeed impossible to find another piece of land with such a large area

and is far away from residential developments as well as directly accessible by transport. With respect to the site we have chosen, it is, on the one hand, rather directly linked with expressways; and on the other, the roads concerned do not have to pass any housing estates.

MRS SELINA CHOW (in Cantonese): *The Secretary has not answered my supplementary question. My question is mainly on whether the Secretary has considered constructing those facilities in other districts instead of Tuen Mun.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have also stated just now that we have considered other places and of course we have considered other districts. As I have mentioned just now, certain districts already have such services available. We will make full use of the limited space we have now, such as in Cape Collinson, Diamond Hill and Kwai Chung. We will certainly consult the local DCs on such work.

PRESIDENT (in Cantonese): Fourth question.

Listing Arrangements for The Link REIT

4. **MR ALBERT CHENG** (in Cantonese): *President, UBS AG was one of the Joint Global Coordinators during the listing of The Link Real Estate Investment Trust (The Link REIT) last year, and participated in determining the offer price for units of The Link REIT, which was set at \$10.30. However, in a research report published some months ago, UBS AG pointed out that the assets of The Link REIT were undervalued, and set the target price of The LINK REIT for the coming 12 months at \$20.28 per unit, which is nearly two times of the initial offer price. Some members of the public therefore query if public assets have been disposed of at a knock-down price, and whether the retail and carparking facilities under The Link REIT will be divested by the investors concerned. Concerning the listing arrangements for The Link REIT, will the Government inform this Council:*

- (a) *whether it knows how USB AG arrived at the forecast that the unit price of The Link REIT would nearly double the initial price 15*

months after its listing; whether it has assessed if there was any professional negligence on the part of the Joint Global Coordinators in determining the offer price for units of The Link REIT;

- (b) given that an investor will be required to disclose his interest only when he holds an interest of 5% or more of all the units of The Link REIT, whether it knows the list of investors who hold a relatively significant number of units and who together hold an interest in half or more of all the units of the trust; and*
- (c) given that the facilities under The Link REIT and the livelihood of hundreds of thousands of public housing tenants are closely bound, whether any measures are in place to prevent investors from divesting the assets of The Link REIT after gaining control of it, and whether such measures include buying back the units of The Link REIT in the market?*

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

- (a) After the public listing of The Link REIT, research departments of quite a number of banks and securities firms have published research reports on The Link REIT together with forecasts of its target price. They include the four investment banks which assisted in the preparation of the listing of The Link REIT either as joint global co-ordinators or as financial adviser to the Housing Authority (HA), as well as some other banks which were members of the underwriting syndicate. Such publication of research reports is a common practice in the market. We understand that those research reports make considerably different forecasts on the target price of The Link REIT for the next 12 months, ranging from \$13.3 per unit to \$20.28. The variations exist because different institutions have adopted different assumptions in making their projections. We do not comment on individual research reports.

I must reiterate that the valuer commissioned by the HA to conduct the independent property valuation for the purpose of the listing of The Link REIT is reputable and highly experienced in the trade. In

addition, the valuation methodology complies with the standards stipulated in the Code on Real Estate Investment Trusts promulgated by the Securities and Futures Commission (SFC), and is also in line with international practice for property valuation conducted for the listing of similar funds.

As regards the setting of the offer price of The Link REIT in the initial public offering, apart from considering the result of the property valuation, account must be taken of other factors including interest rate trends, projected dividend yields of The Link REIT, pricing and dividend yield benchmarks of similar funds in the Asia-Pacific markets, and market opinions on the business development potential of The Link REIT. In addition to the three joint global co-ordinators who gave a collective opinion on the pricing of The Link REIT, the financial adviser to the HA gave independent advice to safeguard the HA's interest. As a matter of fact, when The Link REIT was listed in November last year, the market generally considered that the offer price of The Link REIT was set at a reasonable level which reflected the market conditions at that time.

- (b) In accordance with the requirements of the SFC, The Link REIT requires investors holding an interest of 5% or more of the units in issue of The Link REIT to disclose such interest to The Link REIT and the Stock Exchange of Hong Kong, which will then publish such information. We do not have a list of investors who hold a relatively significant number of units of The Link REIT or who hold an interest in such units.
- (c) The Link REIT has become a private entity after its public listing. In a commercial society, it is not appropriate to totally ban the resale of properties by a private entity to a third party. No such prohibition is imposed on real estate investment trusts in other parts of the world. However, in designing the divestment vehicle, the HA has taken into account the availability of suitable mechanisms to restrict The Link REIT from arbitrarily selling its assets or changing their use.

First, the Code on Real Estate Investment Trusts of the SFC restricts The Link REIT from active trading of real estate. A majority of The Link REIT's income must be derived from recurrent rentals of its properties.

Secondly, the Property Agreement between the HA and The Link REIT contains restrictive covenants applicable to the divested properties. Under those covenants each shopping mall or car-parking facility within a public housing estate can be sold by The Link REIT only as a whole and not in part. Such restrictive covenants will apply in the same way to any third party who purchases any such facilities from The Link REIT.

Thirdly, in the government leases (commonly known as "land leases") relating to the properties which The Link REIT acquired from the HA, there are stipulations on the land use of the lots concerned. Owing to such land-use restrictions, those properties must continue to be used for retail or car-parking purposes, which cannot be changed at will. To make a change to the land lease, the prior consent of the Government and of all the parties to the leases must be obtained. In other words, any change to the management or control of these properties would not affect the continued use of those properties for retail or car-parking purposes.

The Government and HA have repeatedly stated that they will not buy back from the market any units of The Link REIT.

MR ALBERT CHENG (in Cantonese): *President, I am of course not satisfied with the Secretary's reply because he fails to answer my question completely. I do not know whether the Secretary is aware that the stock price of The Link REIT has been rising since listing and the price is now close to \$20.*

My supplementary question is mainly about part (c) of the main reply. It is stated in part (c) of the Secretary's main reply that The Link REIT has been restricted from engaging in active trading of real estate since its listing. As I learnt from the press yesterday, The Link REIT is planning to purchase properties in the Mainland. I do not know whether the Secretary is aware of

this. However, President, this is not the thrust of my supplementary question. I am going to state my supplementary question now. Can the Secretary answer the following question? During the Court of Final Appeal's hearing on The Link REIT, the government counsel assured the Court of Final Appeal (CFA) that the shopping malls and car parks under The Link REIT would continue to serve the residents of public housing estates after listing. If the Government is unable to participate in or monitor the activities of this so-called private entity after listing, how can it ensure that the ruling of the CFA and the undertaking of the government counsel are honoured, and that the residents of public housing estates can continue to receive reasonable, that is, low-priced and quality, services?

PRESIDENT (in Cantonese): I believe everybody have understood your supplementary question.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): I suppose the thrust of Mr Albert CHENG's supplementary question concerns how the same services can be maintained. As explained in my main reply, what is involved is a kind of commercial activities. There can be no justification for restricting The Link REIT in trading. In a free society, we cannot impose any unreasonable restriction. We must give it appropriate flexibility, so that it can change with the times and make any decisions it deems appropriate. However, what is our safeguard in that case? As mentioned in my main reply, there is a stipulation in the relevant land leases. If a certain facility is designated as a shopping mall, the land lease will specify that it must be used for such a purpose. And, it is also stipulated that the facility cannot be parcelled out for sale. If the facility has to be sold, it must be sold as a whole, and after the sale, it must continue to be used for the same purpose, that is, operating as a shopping mall. This requirement also applies to any third party who purchases the facility. As I mentioned earlier on, any third party who purchases the facility will be bound by the same requirement. All these stipulations will ensure that the facilities concerned will all continue to provide the same services to residents.

MR ALBERT CHAN (in Cantonese): *President, it is pointed out in part (a) of the Secretary's main reply that when The Link REIT was listed in November last*

year, "the market generally considered that the offer price of The Link REIT was set at a reasonable level". Even at that time, I already pointed out repeatedly that the valuation of The Link REIT represented a knock-down price in the disposal of public assets. The facts have proven me right. By now, the value of The Link REIT has already risen by more than \$30 billion. As a result of the erroneous valuation, the people of Hong Kong have suffered a revenue loss of more than \$30 billion in a matter of just several months. May I ask the Secretary whether any comprehensive review will be conducted of this experience, that is, the experience of selling government assets in the form of Real Estate Investment Trusts, particularly the method for assets valuation? The problems with the method for computation this time around have led to a huge or serious undervaluation of the assets and in turn grave losses to the public coffers. Concerning this tragic experience, or the erroneous decision based on the misleading advice of the so-called experts — government officials were misled due to their lack of professional expertise — will the Government carry out a comprehensive review, so as to ensure that the public coffers will not suffer any further grave losses due to an erroneous method of computation?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): I said in the main reply that the market generally considered that the offer price of The Link REIT was set at a reasonable level. It was my conclusion after reading all the relevant press reports. There were thus sound justifications for my conclusion. Mr Albert CHAN may be one of the few exceptions; he was visionary enough to foresee the soaring of the stock price. I have already explained how we reached the valuation at that time and how the offer price was set only after many people had come to an agreement. The price has for the time being reached its present level due to various reasons. But we simply do not know what trends the price will follow in the future.

As to the question of whether or not we will conduct a review, I must say that from my perspective, the whole matter should have come to an end because the HA has already sold all the assets that can be divested. We will not launch any other similar projects. We have indeed acquired some valuable experience in this respect, and if other colleagues in the Government wish to carry out similar work, we would share our experience with them. But this is not a decision for me to make.

MR ALBERT CHAN (in Cantonese): *President, my supplementary question asks not only the HA but also the Government as a whole to conduct a review. Can the Financial Secretary answer this supplementary question instead? Regarding the loss in public revenue, will the Government conduct any comprehensive review of such a method for divesting public assets?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Let me repeat one point. That there has been a loss in public revenue is just the personal opinion of Mr Albert CHAN. I think most people do not share his view.

MR LEUNG KWOK-HUNG (in Cantonese): *Part (a) of the Secretary's main reply reads, "In addition to the three joint global co-ordinators who gave a collective opinion on the pricing of The Link REIT, the financial adviser to the HA gave independent advice to safeguard the HA's interest. As a matter of fact," This implies that the pricing at that time was reasonable. But it has now turned out that the valuation of The Link REIT is \$30 billion less than the market value, meaning that there is a discrepancy of \$30 billion. In other words, had the valuation been increased by \$30 billion, there would still have been buyers in the market. This is an incontestable fact because there are now buyers in the market. The Secretary said that he would not comment on individual reports, but may I ask the Secretary whether he will ask the three joint global co-ordinators to explain why they had given such advice? Besides, will the Secretary consider whether he will comply if he is summoned by the Legislative Council to attend a hearing conducted under the Legislative Council (Powers and Privileges) Ordinance? The Secretary thinks that the pricing is considered reasonable by the majority, but I do not think that way. In that case*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, how many supplementary questions do you actually want to ask? I am so confused by you.

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

PRESIDENT (in Cantonese): A Member can ask only one supplementary question at any one time. Which one do you want to ask? *(Laughter)*

MR LEUNG KWOK-HUNG (in Cantonese): *In that case, I want to ask the second one. I think the discrepancy of \$30 billion is a reflection of undervaluation. May I ask the Secretary whether he will attend a hearing conducted by the Legislative Council under the Legislative Council (Powers and Privileges) Ordinance?*

PRESIDENT (in Cantonese): Please sit down first. Secretary, as far as I know, the Legislative Council has not convened any such hearings. I am just telling you the fact. You may now answer this supplementary question.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Actually, this is also the answer I want to give. *(Laughter)* I have not heard of a decision to conduct such a hearing either. Actually, if such a hearing is really conducted, I will be obligated to attend as a public officer. This is an incontestable fact. I think I do not need to give any answer anyway.

When it comes to the question of valuation, what was our greatest worry at the time of listing? We were worried about whether or not we could sell all the units of the trust because many people were then saying that after the passage of one year, circumstances had changed and the interest rate had also risen. As a result, we all wondered whether we could sell so many units. Members are also aware that the subscription this time around was much smaller than it was in the previous year. To a certain extent, this can reflect people's opinion about the unit price at that time. Of course, the present situation is largely due to the subsequent emergence of a number of unexpected factors.

MISS TAM HEUNG-MAN (in Cantonese): *May I ask whether the authorities have formulated any contingency measures to protect the interests of the public, especially the interests of public housing residents in case the operation of The Link REIT is dominated by a few investment funds or hedge funds that possess large amounts of the trust units? If yes, what are these measures?*

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

Actually, our main objective is to protect the interests of the holders of trust units because they hold units of The Link REIT. As Members are aware, under the management framework, there is an independent professional trustee. In respect of management, The Link Management is a management company, and when designing its management structure, we already sought to enhance its independence and ability to protect the interests of trust unit holders in general. Regarding governance, we require that at least half of the Board of Directors of The Link REIT must be independent non-executive managing directors, and that the Board Chairman must be elected from among the independent non-executive managing directors. Besides, no independent non-executive managing directors shall be connected with any major holders of The Link REIT in the two years preceding their appointment. This can ensure that the interests of major holders shall be managed by more than half of the non-executive managing directors, thus protecting the interests of other holders of trust units. It can thus be concluded that there is a mechanism for checks and balances in this regard.

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

Merger of the Two Railway Corporations

5. **DR RAYMOND HO** (in Cantonese): *President, it has been reported that the negotiation by the Kowloon-Canton Railway Corporation and the MTR Corporation Limited (MTRCL) on their merger is close to reaching an agreement, but the two railway corporations have not yet explained the employment for employees of the two railway corporations following the merger. In this connection, will the Government inform this Council whether it knows if:*

- (a) *the merger of the two railway corporations will greatly reduce the chance of further employment for their employees;*
- (b) *compensation and bridging-over arrangements will be made for those employees who are made redundant as a result of the merger of the two railway corporations; and*

- (c) *there are measures to prevent as far as possible the loss of talent of the two railway corporations following the merger?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, the negotiation on the merger of the two railway corporations is actively underway. The Environmental, Transport and Works Bureau and the Financial Services and the Treasury Bureau are negotiating with the MTRCL on the terms for the merger. We aim to conclude the negotiation and make an announcement as soon as possible.

Staff is an important asset which the management of the railway corporations should attach importance to and make the best of. I would emphasize that it is one of the major premises in our consideration of the possible merger that the prospect of future development of railway operation and the operational efficiency would be enhanced, the public at large and the minority shareholders of the MTRCL could benefit from the merger, and the staff could also benefit from the business opportunities created as a result of the merger. It is one of the key parameters set by the Government for the merger that job security for front-line staff should be ensured at the time of the merger.

The two corporations advised that if the merger was to proceed, there would be a need for them to conduct detailed studies in staff arrangements for the future merged corporation. The scope of these studies would include the operating structure of the future merged corporation and other related matters on human resource arrangements. The two corporations have assured their staff that they would be consulted on merger-related matters affecting them. It is not the right time to comment or make any speculation on matters about the retention, the transfer or even the lay-off of staff because of the merger. One point that is clear to me is that the two corporations and the Government do understand the concerns of the staff, and communication with staff would continue and their views would be considered in deciding on the way forward for the merger.

We believe a merger of the two corporations would enable the two corporations to supplement their strengths, enhance the competitiveness of and create greater business opportunities for future railway operations. The two corporations indicated that since a number of railway projects are currently underway and would be completed in the coming years, there would continue to

be a demand for staff positions in future. They also indicated that staff interests would be looked after in all circumstances and they would provide their staff with a satisfactory working environment and adequate training and development opportunities so as to retain and attract talents.

DR RAYMOND HO (in Cantonese): *I know that the Secretary is very concerned about employees of the two railway corporations. In the course of negotiation between the two railway corporations on their merger, the morale of the employees may be affected, and I had also accompanied the Secretary on a visit to a railway depot to express our concern for East Rail employees. The Secretary now says that the Government is very concerned about issues related to human resources, and that the job security of front-line staff should be ensured at the time of merger. May I ask the Secretary of the situation of non-front-line staff? What is the ratio between front-line staff and non-front-line staff? How will the consultation be conducted? And when will it take place?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): In 2004, when we announced the merger, and on the issue of human resources in particular, we clearly stated that we would not dismiss front-line staff. I believe the general definition of front-line staff is very clear. However, as for who are not front-line staff, the two railway corporations are now conducting some in-depth studies in this regard with their respective human resources departments. As the systems of the two corporations are different, if they decide to go ahead with the merger, then at that juncture they will have to conduct detailed consultations with their employees so as to draw a definition for this. Irrespective of the definition, both of the railway corporations have undertaken to take good care of the interests and expectations of employees for their future arrangements, so as to make suitable arrangements for them.

DR RAYMOND HO (in Cantonese): *President, the Secretary has not answered the last part of my supplementary question, that is, when staff consultation will be held?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Cantonese): President, of course it will be held after the decision has been made.

MS LI FUNG-YING (in Cantonese): *The Secretary says in the third paragraph, "One point that is clear to me is that the two corporations and the Government do understand the concerns of the staff". As the Secretary says that she understands the concerns of the staff, I wonder whether the Secretary can explicitly reiterate that the merger of the two railway corporations will not affect the "rice bowls" of the existing staff.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Cantonese): I believe I must make it very clear that one of the conditions of the merger is to require the railway corporations not to lay off any front-line staff after the merger.

MR JASPER TSANG (in Cantonese): *President, when the main reply mentions the merger, it says, "the staff could also benefit from the business opportunities created as a result of the merger". President, as far as common sense goes, after two companies have merged, it is only natural some posts will be reduced. This is especially true for those management and administrative posts. Why did you say that the merger will bring about opportunities and that the staff will benefit from it? Can the Secretary explain what kinds of opportunities she was referring to?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Cantonese): I believe that a merger of public utilities, such as one of a network of railways, and a merger of businesses of some ordinary consumer products are different. Besides, it also depends on whether a company still has room for development or whether it is a well developed industry. Insofar as a network of railways is concerned, we can now see that it still has a lot of development opportunities because right at the planning stage, we already know that there are development prospects for railway projects in Hong Kong. Besides, one of the railway corporations has started making investments in the Mainland to develop railway projects there. Therefore, after the two

corporations have merged, such business opportunities will even expand further because with the benefit of such economy of scale, their development outside Hong Kong will enjoy very good advantages, and thus derive even greater benefits from such development projects. This is because, to a certain extent, the business development of a railway corporation in Hong Kong may be restricted by its own scale. But after the merger, I believe the merged corporation will start to participate in both the mainland and international markets. With such prospects in sight, we think that the staff will enjoy even greater development opportunities.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, in replying parts (b) and (c) of the main question, the Secretary stressed rather strongly that the Government will ensure that the interests of front-line staff will be taken care of. However, the Secretary did not give any definition. And then she said that there would be a lot of development opportunities. Therefore, I very much worry that when the Government proceeds to discuss the structure of the merged corporation, if not all the employees are included in the structure and if this is not taken as an important principle, then I would feel extremely worried about this "drifting viewpoint" mentioned by the Secretary. This is because the Secretary has only said that the interests of the front-line staff will be ensured, but with regard to the definition of "front-line", we have no idea at all. However, the Secretary then said that there would be a lot of opportunities and that the railways will have a lot of development. Are there really opportunities? If there are really opportunities, should the interests of all the employees be ensured in the structure?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I believe it is a normal practice for us to protect front-line staff because in the mergers of many major industries, front-line staff often feel that they are least protected. For example, when two railway stations are merged into one, how will the staff be reduced? However, when we first conducted the studies, we already made it very clear that no front-line staff would be dismissed in the course of merger.

With regard to the transfers and arrangements of administrative staff, the corporations must be given some flexibility in the process of implementing the

merger. Someone has told me, the staff members, that is, members of the top and middle levels of staff and the management staff, would have their own opinions when the merged corporation is formed, for example, they are willing to work in the merged corporation. When they have such opinions, can they be given forums of discussion? There must be some flexibility in all such situations. When we let a corporatized company operate on its own, we cannot exercise too stringent control over it. With regard to the responsibility of giving assurances to the front-line staff, the Government must make a decision. But for the management and administrative staff, we must leave some flexibility to the corporations.

MR ANDREW CHENG (in Cantonese): *Madam President, apart from the front-line staff, the middle and top management staff also have made great contribution to the safety and services of the railways, and they are very important too. With regard to many technical problems that have occurred recently, may I ask the Secretary, under such circumstances, in view of the uncertainties regarding their prospects due to the merger of the two railway corporations, and with reference to the threats of dismissal or some other arrangements faced by the middle and top management staff as a result of the merger, whether it is possible for the two railway corporations to inform such staff of the relevant arrangements as soon as possible, so that the two railway corporations can make better arrangements for services, efficiency and the way of handling technical problems?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I also very much hope that this merger negotiation can conclude as soon as possible. Anyway, irrespective of whether the two corporations should eventually be merged, there must be an end to it. However, during this merging process, I am not the one who solely decides how the merger should work out to the satisfaction of the two corporations. That explains why it has dragged on to this day and still no decision can be made. However, with regard to the psychological impact on the staff, I do not deny the existence of such impact. We would try our best to communicate with them and let them know that we would proceed with the negotiation as soon as possible. And after the negotiation is over, we shall demand that the corporations should negotiate with the employees on the structure and all the arrangements — that is, the structure after the merger must be subject to negotiation.

Besides, we can also see that the middle- and top-level staff, be they the technical or management talents, have all adequately demonstrated their professionalism. Even during the most critical periods, such as when some unprecedented problems had occurred in the East Rail, they still remained most dedicated to their work. Everyone did his best in order to ensure that the railways could provide safe and normal services. Therefore, with regard to staff morale, we are most concerned about that, and we can also see their professionalism in this aspect.

MR ANDREW CHENG (in Cantonese): *The critical issue is actually the timing. We must make sure that these staff members do not have to live under the looming threat of dismissal imposed by the future merger of the two railway corporations. How should this issue be addressed? The timing is very important.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Regarding this timing issue, all I can say is that we shall complete this task as soon as possible.

MR LAU KONG-WAH (in Cantonese): *Madam President, I would like to follow up this issue too. If the Secretary says as soon as possible, this reply is not satisfactory to all those who are concerned about this issue. Besides, the Secretary has also mentioned and used the words "dragged on", that is, this has been dragged on for too long. Furthermore, the Secretary has also said just now "she did not know whether the two corporations would eventually be merged". Therefore, I would like to ask the Secretary that, as a matter of fact, as revealed by the attitude of the Government: Does it think that the two corporations should be merged? Besides, if the so-called merger really proceeds, will it take place in the next three months, six months or within this year? If there is at least a professed target, we would feel more relieved.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): In the course of negotiation, it will naturally involve transport policies. And when discussions are drawn to conditions in different aspects, of course we have to balance the interests of different parties. Besides, another

area involves finance. In the financial aspect, we must also hold negotiation until a consensus is reached. Therefore, we hope everyone can understand that: Is it true that the Government should not specify any deadline for the negotiation? We may have to avoid the practice of "pushing everything to the extreme" because we must have enough time to negotiate with our counterparts. It is obvious to all that the Government hopes to see the implementation of the merger, otherwise we would not have started doing this, right? However, is it the case that even the conditions are not right, we still have to proceed with the merger? This point is very important. Therefore, I hope all of us can be a bit more patient. As far as I can see, the negotiation should be drawing to a close soon.

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary has not answered my question, that is, by "being a bit more patient", does she mean the merger will take place in the next three months, six months or within this year? The Secretary has not answered this point.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I do not wish to provide a timetable here because such a timetable is not decided by me. Therefore, I cannot answer his question about timing.

MR ALBERT CHAN (in Cantonese): *In her main reply, the Secretary says that a merger will enable the two corporations to supplement their strengths, enhance the competitiveness of the merged corporation and create greater business opportunities. In fact, this is not a merger, but an attempt by the MTRCL to swallow the Kowloon-Canton Railway Corporation. The so-called greater business opportunities mean good "money" prospects. So the new corporation will definitely strive to make money crazily. The MTRCL has declined to introduce any fare reduction even though its profits have increased substantially. Can the Secretary tell us: How can she ensure that the new corporation would not, for the sake of "greater business opportunities" and the aspiration of making money crazily, proceed to exploit the basic rights of the ordinary people after the merger, thereby making them pay unreasonable and expensive train fares? How can we prevent this big white elephant, this super big white elephant, from*

becoming a Super Alien, continuing to eat into the transport costs of Hong Kong people?

PRESIDENT (in Cantonese): Mr Albert CHAN, I understand you are concerned about this issue, and rightly so. However, this question is about the further employment of the staff concerned as well as their employment arrangements. Can you relate your supplementary question to these two issues?

MR ALBERT CHAN (in Cantonese): *President, I have clearly highlighted the relevant parts in the main reply of the Secretary. The last part mentions "..... create greater business opportunities". I am pinpointing how the interests of the general public and the ordinary people can be ensured in the context of the greater business opportunities of the MTRCL, as, President, such business opportunities will have a bearing on public interest.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): First of all, I would like to clarify that the MTR is not a big white elephant. Every day, 25% of the people will travel on the MTR. It is a very efficient transportation system. Several preliminary conditions have been specified for the merger. We must be able to reduce certain train fares in the process of implementing the merger, such as the interchange charges will be waived when passengers change from one railway to another, and there should be a reasonable fare determination mechanism, and there should be relative reductions of fares in various aspects. We are conducting the negotiation under these conditions. Of course, after we have eventually arrived at a conclusive outcome, that is, the framework of merger, we shall submit it to the Legislative Council and consult Honourable Members on it. By then, we shall be able to explain all the relevant details to Members.

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

MR WONG KWOK-HING (in Cantonese): *In the third paragraph of the main reply, it is mentioned that, "The two corporations have assured their staff that they would be consulted on merger-related matters affecting them." As we all know, if only staff members are consulted, they may not voice their opinions honestly because of job security concerns. Therefore, I would like to ask the Secretary through the President: Can she undertake to consult railway labour unions on merger-related matters as there are many railway labour unions for employees of the two railway corporations? Can the Secretary undertake that she will consult the labour unions?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): In fact, insofar as labour unions are concerned, there are altogether five such major labour unions that have maintained communication and exchanged opinions with the Government on different levels. Recently, through the labour unions, I have met with these five major labour unions simultaneously. This will continue to be the way for us to maintain our communication.

PRESIDENT (in Cantonese): Last oral question.

Red-light Jumping

6. **MRS SELINA CHOW** (in Cantonese): *President, in July last year, the Finance Committee of this Council approved a provision for gradually increasing the number of red-light cameras from 28 to 96. Also, starting from New Year's Day this year, the driving-offence points which motorists will incur for red-light jumping have also been raised from three to five while the fixed penalty has been increased from \$450 to \$600. Nevertheless, red-light jumping is reportedly still rampant. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of red-light jumping prosecutions instituted by the police in January and February this year, and how such numbers compare to those for the same months last year as well as the average monthly figure for last year;*
- (b) *of the progress in installing red-light cameras; and*

- (c) *whether it plans to further increase the number of red-light cameras and step up law-enforcement efforts to deter such acts?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, the police instituted 2 563 and 2 375 prosecutions against red-light jumping in January and February 2006 respectively, representing a decrease of 11% over the monthly average of the same period last year. The average monthly figure for these two months is 29% lower than the overall monthly average last year.

The contract for the expansion of the red-light camera system, which included the procurement of 68 digital cameras and installation of camera housings at 20 junctions, was awarded in October 2005. Installation of 48 cameras at existing housings is scheduled to be completed in July this year, and installation of housings and cameras at 20 junctions will be completed in October.

We plan to further expand the red-light camera system, including replacing wet-film cameras which have reached the end of their serviceable life, and continuing to examine suitable locations for such installation. With an increase in the penalties for red-light jumping since 1 January 2006 and installation of more red-light cameras, the police will step up enforcement actions at the same time. We will also enhance our efforts in publicity and education, so as to combat red-light jumping on various fronts.

MRS SELINA CHOW (in Cantonese): *President, I remember that when this issue was discussed and funding for this purpose was considered last year, the Government stated that a large number of cameras would be installed. Meanwhile, various sectors, including the industry and the motorists, considered that the camera was the most effective, reliable, scientific means for combating red-light jumping in the most impartial manner. In the main reply, the Secretary mentioned the plan for further expanding the red-light camera system. May I ask the Secretary when these cameras will be installed, the number of cameras to be installed and the number of junctions at which such cameras will be installed and when an application for funding will be submitted to this Council?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, I do not understand Mrs Selina CHOW's supplementary question because the Legislative Council already approved the funding for us last year and we

PRESIDENT (in Cantonese): Are you seeking an elaboration from Mrs Selina CHOW?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Yes, would Mrs Selina CHOW please elaborate.

MRS SELINA CHOW (in Cantonese): *In the main reply, the Secretary said that there was a plan for further expanding the red-light camera system. The phrase "plan to further expand" means that such a plan does not exist and will be expanded. May I ask the Secretary, as for the expansion plan in addition to her existing one, when an application for the implementation of this plan will be submitted to the Legislative Council, the number of cameras to be installed and the number of junctions where cameras will be installed in order to expand the plan?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): We already have a plan. When the Transport Department has completed a test on radio transmission technology in mid-2006, we will apply for funding from the Legislative Council in 2006-07 for the procurement of 75 digital cameras, of which 51 will be installed in the wet-film camera housings with the remaining 24 being installed at new locations identified for camera housings.

PRESIDENT (in Cantonese): Mrs Selina CHOW, has your supplementary question not been answered?

MRS SELINA CHOW (in Cantonese): *The Secretary said that there would be an expansion. But replacement is not expansion. According to the Secretary's*

reply just now, old cameras will be replaced by new technology cameras. But this is not expansion. My supplementary question is: How many additional cameras and how many additional junctions are involved under the so-called expansion plan? President, the Secretary has not answered this part of my question.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): I have already answered the question: 24 cameras are new and 51 are replacements.

MS MIRIAM LAU (in Cantonese): *Madam President, I would like to tell the Secretary clearly that the industry has more confidence in the red-light camera system than the police officers as far as prosecution is concerned. In the first paragraph of the main reply, prosecution figures in January and February are mentioned. But these are the overall figures. Would the Secretary tell us: Among these figures, what is the difference between the number of prosecutions based on the red-light camera system and the number of prosecutions based on observation by police officers? What is the percentage of increase and decrease in these two groups of figures?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): As for the number of prosecutions against red-light jumping, there were 39 376 in 2004 and 41 743 in 2005. And among these figures, the percentage of prosecution by electronic means has increased from 70% to 79%.

PRESIDENT (in Cantonese): Ms LAU, has your supplementary question been answered?

MS MIRIAM LAU (in Cantonese): *Madam President, my question is about the number of prosecutions in January and February which are 2 563 and 2 375 respectively as mentioned by the Secretary in the first paragraph of the main reply. My supplementary question is: Among these figures, how many prosecutions are based on visual observation and how many are based on evidence provided by the cameras? What is the percentage of increase or*

decrease in these figures? As the Secretary has only provided an overall figure, may I ask which aspect has seen an increase and which aspect has seen a decrease regarding these two modes of prosecution?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, in fact, I have already answered the question. To date, the so-called prosecution by electronic means has increased to 80%. In other words, 80% of the cases are prosecution by electronic means and the remaining 20% are undertaken by police officers in contrast with 70% and 30% respectively in the previous year. So, prosecution by electronic means has increased by 10%.

MR WONG TING-KWONG (in Cantonese): *The Secretary has earlier mentioned the penalties on red-light jumping. Despite that, has the Secretary considered, apart from the installation of cameras, the adoption of some arrangements in some other places such as the installation of countdown devices on the traffic lights?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Regarding countdown devices, we have discussed the issue at many meetings. It has been clearly proved by foreign experiences and studies that we need to keep the hesitation time and mode of hesitation of motorists to the minimal. So, red light, green light and amber light are the simplest and most effective ways to enable motorists at junctions know what reaction should be taken and the message given by these lights are very clear. Regarding the installation of countdown devices, in fact, many places have tried to install such devices which can count down from five to one in five seconds. Many people think that they can rush through in five seconds but some people do not think so. So, people's reaction during such hesitation time will create some uncertainties instead. So, in our opinion, if flashing lights or countdown devices are installed at traffic lights, it will lead to more traffic accidents. And this is indeed the findings of many studies conducted in the United States, Israel, Austria and the United Kingdom. So, we will not consider adopting such an approach for the time being.

MR CHAN KAM-LAM (in Cantonese): *President, according to the Secretary's main reply, there are almost 5 000 prosecutions against red-light jumping if the figures in January and February are added together. Now the Government is still planning to install camera housings at 20 junctions. Such a measure seems no more than a bluff to deter red-light jumping. May I ask the Secretary whether the Government still consider such a measure effective and whether the plan will be expanded even further? Although the Secretary, in her reply to Mrs Selina CHOW's question, has advised that more cameras will be installed, the actual increase is not big, just more than 20. May I ask the Administration whether it will further expand the plan so that cameras will be installed at all major junctions and traffic black spots?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): *President, just now I said that camera housings had been installed at 20 junctions. In fact, cameras have been installed there. But for the remaining 48 camera housings, what we need to do is just to install cameras. In fact, these 20 housings are not vacant but are equipped with cameras.*

Regarding Mr CHAN's suggestion that digital camera housings be increased, we hope to do our best. The current plan is the installation of the 70-odd cameras just mentioned by me. We hope to increase the number of cameras gradually, financial circumstances permitting.

MR ANDREW CHENG (in Cantonese): *I would like to follow up the supplementary question just now. I hope that in the Secretary's expansion plan — because not every housing has been installed with a camera and this is exactly what we call a bogus device — in fact, the installation cost of such housings is not too expensive. Will you consider installing all such devices at all major junctions and then installing cameras at irregular intervals so as to enhance the deterrent effect? I believe the expenses to be incurred will not be huge. Will the Government consider such a practice?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): *We have actually been using such a practice. The number of housings is greater than that of the cameras because at the beginning the*

installation progress could not catch up with the schedule. However, there is an additional problem with the camera housings, and that is, the wiring would involve a traffic management problem. So, this could not be carried out simultaneously with the installation of cameras and we had to set up some empty housings in order to deter red-light jumping. However, we have also to strike a balance between these two situations. Otherwise, the motorists may think that all such devices are bogus and may be encouraged to take the risk of red-light jumping instead. So, it is necessary for the Transport Department to consider it thoroughly and we also hope that the deterrent effect can be enhanced.

MR HOWARD YOUNG (in Cantonese): *President, very often we can see some notices advising people of the so-called traffic black spots. May I ask the Secretary whether all or at least all traffic black spots with traffic lights will be covered by such cameras after the existing plan and the expansion plan have been completed? As for those traffic black spots without traffic lights, will the authorities further consider installing such cameras there in order to monitor speeding rather than red-light jumping?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): There are two problems. The first one, as Mr Howard YOUNG just said, is the criteria for choosing the location of installing additional housings or cameras, that is, the traffic black spots. In other words, it is the record of traffic accidents, or particularly the records concerning the number of traffic accidents caused by red-light jumping. This is the first criterion. Second, it is the tendency of red-light jumping by motorists at junctions. Third, the locations of installing cameras or housings should be more even so that there is deterrent effect at the relevant locations. Fourth, we will inspect the location to consider whether it is suitable for the installation of such housings. As regards monitoring of other traffic offences such as speeding, both manual and electronic monitoring are employed by the police. However, I do not have such information at hand and this is outside the scope of this question. I cannot provide the relevant data now.

MR LAU KONG-WAH (in Cantonese): *President, you should remember that after an accident caused by red-light jumping had occurred in North Point, the*

media could take photos of motorists jumping red-light whenever they took photos there. The Secretary said that the police would step up enforcement. But as to the situation just mentioned by me, does the Secretary consider it satisfactory? Red-light jumping by motorists at midnight is rampant and frequent. What do you think the police can do in order to step up enforcement?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, at the location where the widely concerned tragedy of red-light jumping occurred, we have installed three housings and cameras at the section between King's Road and Cheung Hong Street. So, as for red-light jumping, it will at least not occur at that location again. As to whether the deterrent effect is sufficient, I believe that, apart from various means adopted by the police, be it electronic or manual prosecution, long-term publicity work is necessary in order to educate the public and the motorists of the awareness and consciousness of traffic safety. I think efforts in this respect can be further enhanced because the basic problem can only be solved if the motorists and people abide by the traffic regulations. Of course, our work is not perfect yet.

MR WONG KWOK-HING (in Cantonese): *I am very concerned about whether the motorists will tend to try their luck because the vacant housings are intended to be bogus devices. So, may I, through the President, ask the Secretary the number of vacant housings which are bogus devices and the number of housings which have actually been installed with cameras? Besides, how many additional vacant housings to serve as bogus device will be installed in the expansion plan conceived by the Secretary? I would like to have a reply from the Secretary.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Mr WONG has asked a very good question. Mr Andrew CHENG has also mentioned that the installation of such housings is very easy and speedy and, to a certain degree, it has deterrent effect. However, if such bogus devices are used too often, people will not believe it. So, Mr WONG Kwok-hing's advice is very important.

I can tell Members that the current ratio between real and bogus devices is 1:4, which will be changed to 1:1 under our plan. When the whole plan is

completed, the ratio will be 1:1. However, such a ratio is not enough. As Mrs Selina CHOW said, more cameras should be installed and this will be carried out in phases. Because one of the problems is that we cannot install so many cameras in one go for fear that the traffic at the junctions concerned will be affected. For instance, it is necessary to identify a suitable location for the installation of cables and it is also necessary to install a lot of underground conduits. If tenders for the installation of so many cameras are invited in one go, we may not be able to complete the project in a short period of time. Moreover, technology is advancing. So, we will install some cameras for trial first and then install a better model in future. This is our approach. If all cameras are installed in one go, it will be impossible to renew them as technology advances.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary did not state the exact numbers. She just mentioned the percentage. I hope she can provide the exact figures.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): At present, we have 131 housings and there will be 131 cameras when the ratio of 1:1 is reached in future. (Appendix 1)

MR WONG KWOK-HING (in Cantonese): *President, in other words, does the Secretary mean that the exact number is 131 times 4 (Appendix 1)?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): It is 131 divided by 4. (Appendix 1)

PRESIDENT (in Cantonese): Please be seated first. The way you ask and answer questions has deviated from the rules for our Question Time. But I know the Member asking the question is zealous and the Secretary is also very sincere. So, it is allowed this time but not the next. Now the last supplementary question.

MRS SELINA CHOW (in Cantonese): *Everybody knows that it is a matter of life and death and I believe nobody would tolerate red-light jumping. Just now, the Secretary said that part of the expansion plan is to replace the existing 50-odd cameras and only 20-odd are new. Moreover, not all junctions where housings have been installed are also installed with cameras because some junctions have more than one camera. May I ask the Secretary the number of cameras to be installed and when such a proposal will be submitted to the Legislative Council if the conditions for installing cameras such as the location being identified as a traffic black spot and the four other conditions under consideration are fulfilled? Because the Legislative Council plays a passive role, it is impossible to speed up the progress even if we want to. So I wish to ask*

PRESIDENT (in Cantonese): Mrs Selina CHOW, please ask your supplementary question.

MRS SELINA CHOW (in Cantonese): *May I ask the Secretary the number of cameras to be installed when all the conditions are met and when such a proposal will be submitted to the Legislative Council?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, in fact I have already answered the question. In 2006-07, we will apply for funding from the Legislative Council for the installation of 75 cameras.

President, with your permission, I would like to clarify that the 51 sets just mentioned are mere housings without cameras at the moment. Cameras will be installed in a progressive manner.

MRS SELINA CHOW (in Cantonese): *President, the Secretary has not answered my supplementary question. What I mean is the ultimate number of cameras she hopes to install or the number of cameras to be installed when all the conditions she said are met, rather than the amount of funding to be applied in 2006-07. My question is: When all the conditions are met, how many cameras would she like to be installed ultimately and when will the installation project be completed?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): At present, we do not have any comprehensive plan. Neither do we have determined how many cameras to be installed in 20 years. We would like to look at the effect first before deciding how much resources to be allocated in this respect. We have been requested that cameras be installed at each and every traffic light junction. But this will involve a lot of resources. Furthermore, is this a reasonable approach? Moreover, after making a new trial, we have already increased the number of cameras substantially. Have we achieved the deterrent effect that we hoped to achieve? I believe as far as resource allocation is concerned, we have to look at the trial result before making any decision.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Bringing Dogs into Public Pleasure Grounds**

7. **MR WONG YUNG-KAN** (in Chinese): *President, section 12 of the Pleasure Grounds Regulation (Cap. 132 sub. leg. BC) provides that "where in any pleasure ground there is placed a notice prohibiting dogs or prohibiting dogs except on a lead, no person shall bring any dog into or allow any dog to remain in such pleasure ground in contravention of the terms of such notice". In this connection, will the Government inform this Council:*

- (a) *of the names of the public pleasure grounds with or without the abovementioned notice in each administrative district, the specific provisions in such notices and the reasons for prohibiting the entry of dogs;*
- (b) *of the numbers of persons who were warned or prosecuted respectively for contravening the above provision in each of the past three years; and*
- (c) *whether it planned, over the past three years, for the provision of public pleasure grounds into which people are allowed to bring their*

dogs; if so, of the locations considered, the criteria adopted for selecting the sites and the progress of such plans?

SECRETARY FOR THE CIVIL SERVICE (in the absence of Secretary for Home Affairs) (in Chinese): President, my reply to Mr WONG Yung-kan's question is as follows:

- (a) At present, members of the public are allowed to bring dogs into six designated venues managed by the Leisure and Cultural Services Department (LCSD). They are: Victoria Park Garden in Central and Western District; Kowloon Tsai Park in Kowloon City District; Kwai Chung Castle Peak Road Sitting-out Area, Jockey Club Hing Shing Road Playground, Tsing Yu Street Garden and Cheung Wan Street Rest Garden in Kwai Tsing District. A "No Dogs Allowed" notice is displayed at all other LCSD parks and playgrounds. This is consistent with the policy adopted by the former Municipal Councils, which aims to maintain the environmental hygiene standard of pleasure grounds and takes into account the complaints about the nuisances caused by dogs from many pleasure ground users. In recent years, the LCSD received, from time to time, requests from the public to bring dogs to other parks, pleasure grounds and sitting-out areas. The Department keeps an open mind to such requests and will identify suitable venues in consultation with the concerned District Councils (DCs), Area Committees (ACs) and local communities. With their support, the LCSD will designate more suitable venues where people will be allowed to bring dogs to.
- (b) In the past three years, a total of 108 people were prosecuted for contravening the Pleasure Grounds Regulation, made up of 27 in 2003, 39 in 2004 and 42 in 2005. Over the same period, a total of over 25 000 verbal warnings (or an average of about 8 500 warnings per year) were served to members of the public who had contravened the said regulation.
- (c) In the past three years, the LCSD proposed to allow the public to bring dogs to some areas in Wong Nai Chung Road Rest Garden in Wan Chai District, Nam Cheong Park and Lai Chi Kok Park in

Sham Shui Po District, Cherry Street Park and Yau Ma Tei Service Reservoir Rest Garden in Yau Tsim Mong District. The proposal was not implemented as it was not supported by the concerned ACs or DCs. However, with the support of the Kwai Tsing DC, the LCSD has been able to allow the public to bring dogs to designated areas in Kwai Chung Castle Peak Road Sitting-out Area, Jockey Club Hing Shing Road Playground, Tsing Yu Street Garden and Cheung Wan Street Rest Garden in Kwai Tsing District. The LCSD intends to designate some areas in two planned venues, that is, Local Open Space (LOS), Sham Tseng, Area 50 in Tsuen Wan District and LOS, Area 28, Fan Ling/Sheung Shui in North District, where the public will be allowed to bring dogs to use the facilities. The construction of these two LOS sites is expected to commence in mid-2007 and be completed in 2008.

The general public has diverse views on the designation of venues where the public may be allowed to bring dogs to. The LCSD has to balance the different needs of the public and consider carefully issues relating to environmental hygiene, public health and facility management, and so on. Specifically, the LCSD takes into account the following factors when considering whether or not to designate a venue where the public may be allowed to bring dogs to:

- explicit requests from the local community have been received;
- support from the concerned DCs/ACs is obtained;
- the facility is passive in nature with relative low utilization and presence of dogs will not cause any nuisance to other users of the facility;
- no nuisance will be caused to the surrounding environment of the facility; and
- cleansing staff and water points for daily cleansing are provided at the facility for maintaining the hygiene condition.

Assisting Singleton Elderly

8. **DR FERNANDO CHEUNG** (in Chinese): *President, it has been reported that an elderly person sentenced to life imprisonment in January this year for arson in a Mass Transit Railway compartment had a traffic accident years ago, after which he had to walk with a limp. Abandoned by his wife and children, he had to live alone for a long period of time, which made him unsociable. Later, he was prosecuted six times for riding a bicycle illegally fitted with an electric engine and his bicycle was also confiscated. All these led him to have anti-social sentiments. Regarding the assistance to this person and other singleton elderly, will the Government inform this Council:*

- (a) *although that elderly person had been prosecuted six times and his bicycle confiscated by law-enforcement agencies, why the relevant government departments did not provide suitable social services to detect, at an early stage, his anti-social behaviour and assist him in improving his living conditions;*
- (b) *whether it has issued guidelines to staff of various government departments on the methods (including making referrals to the relevant government departments) for dealing with singleton elderly in need of assistance whom they met at work; and*
- (c) *of its plan to improve the living conditions of singleton elderly with similar background and cater for their needs for social contacts, as well as the estimated expenditure for providing such services?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese): President, the Government encourages and promotes families and society take care of elderly. Singleton elderly are more vulnerable to emotional and other problems due to the lack of attention from families and friends, and should receive particular care and attention. We are providing a range of support measures for singleton elderly. These include:

- through Support Teams for the Elderly (STEs) mobilizing volunteers (including elderly volunteers) to seek out singleton elderly through outreach activities, home visits and telephone calls, and provide assistance and emotional support to them. As at

December 2005, there were 41 STEs serving nearly 60 000 elders, of whom over 30 000 were living alone;

- providing services for elders and their carers through more than 200 elderly centres, with a view to widening elders' social network and facilitating them to integrate into the community. Services of elderly centres include counselling, social and recreational activities, classes, referral, volunteer development and carers support services. At present, over 100 000 elders are members of the elderly centres;
- subsidizing elderly who are recipients of the Comprehensive Social Security Assistance (CSSA), and non-CSSA elderly who have financial difficulties, to install emergency alarm system. From time to time, operators of emergency alarm system would deploy volunteers to ring up elderly service subscribers, in particular singleton elderly, to show care and support. At present, about 53 000 elders are using the emergency alarm service. Many of them are singleton elderly; and
- subsidizing non-governmental organizations (NGOs) to run home care services for elders in need. These services include meal delivery, household cleaning, escort, personal nursing care and physiotherapy. About 20 000 elders are using home care services at present. Many of them are living alone.

My replies to the specific questions raised by Dr Fernando CHEUNG are as follows:

- (a) the Social Welfare Department (SWD) had attended to the welfare needs of the person concerned, including providing him with CSSA and assisting him to change public rental housing unit to meet his needs. He had not shown anti-social or violent behaviour during his contacts with the SWD's social workers.
- (b) from time to time, the SWD conducts briefings to the front-line units of relevant government departments and organizations, including the police, Housing Department, Hospital Authority and the Department of Health, on the welfare services it and NGOs are

providing, so that they may refer individuals with welfare needs to the SWD or relevant service units for follow-up, support and services at an early stage.

- (c) we provide elders in need, including singleton elderly, with social security, public medical services, public housing, subsidized home and community care services, subsidized residential care places and other community support services. Government expenditure on social security for elders and elderly services (excluding public housing and public medical services) in 2006-07 is estimated to be \$16.5 billion, which is 4.7% higher than the 2005-06 Revised Estimate.

We will continue to help elders, including singleton elderly, improve their quality of life, including social life, through outreach activities by support teams, elderly centres and home care services. In the 2006-07 Budget, the Financial Secretary has allocated an additional \$20 million to strengthen home care services for elders. We will make use of the additional resources to increase the capacity of home care services. We will consider according priority to elders most in need, including singleton elderly, in allocating the additional service capacity.

Also, we will work closely with the Elderly Commission to further promote the work of active ageing and drive home a positive image of the elderly.

Defrauding of and Abusing CSSA

9. **MS LI FUNG-YING** (in Chinese): *President, in connection with defrauding of and abusing Comprehensive Social Security Assistance (CSSA) payments, will the Government inform this Council:*

- (a) *of the respective numbers of suspected and substantiated fraud cases in each year between 2003 and the end of February this year and the amounts involved, broken down by category of recipients (old age, permanent disability, ill health, single parent, low earnings, unemployment and others) and, among those substantiated cases,*

the respective numbers of cases which were referred to the police, prosecuted by the police and convicted, as well as the maximum, minimum and general penalties imposed on those convicted cases;

- (b) whether it has conducted any detailed analysis of the data relating to defrauding of and abusing CSSA payments; if it has, of the results of the analysis; if not, whether it will consider doing so in future;*
- (c) of the details about the Social Welfare Department (SWD)'s current manpower dedicated to the prevention and investigation of CSSA fraud and abuse cases; and whether the authorities will strengthen the manpower and resources in this respect in the coming financial year; if they will, of the details; if not, the reasons for that; and*
- (d) whether it has reviewed the existing measures for preventing defrauding of and abusing CSSA payments; if it has, of the review results; and whether it will introduce new measures to further prevent and expedite the processing of suspected fraud cases; if it will, of the implementation timetable and the details of the new measures?*

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

- (a) Between 2003-04 and the end of February 2006, the SWD received a total of 13 210 reports of suspected CSSA fraud cases. Upon investigation, 1 801 were substantiated to be fraud cases involving about \$110 million. Among the substantiated fraud cases, 527 have been referred to the police for follow-up and 207 of them were subsequently convicted. Penalties imposed on these cases include imprisonment, bound over, community service order, fine and stern warning by Police Superintendent's Discretion. The maximum penalty imposed was imprisonment for 18 months. The SWD has issued warnings to the remaining 1 274 cases and taken action to recover overpayment from the fraud claimants. We do not maintain statistics concerning the case nature of the CSSA recipients concerned.

- (b) To ensure that public resources are effectively utilized to help those in genuine need, the SWD conducts analysis on CSSA cases in order to adjust the review intervals. Earlier, a Police Superintendent from the Hong Kong Police Force was seconded to the SWD as its adviser, with the specific task of offering recommendations on measures to improve the handling of fraud and abuse cases. In the light of the suggestions made by the Police Superintendent, the SWD is in the process of collecting and analysing the data of the relevant cases.
- (c) At present, there are 120 Social Security grade officers in the Special Investigation Section (SIS) of the SWD specializing in the prevention and investigation of CSSA fraud and abuse cases. The SWD will appoint four retired police officers at the inspectorate rank as fraud investigation advisers starting from 2006-07 to assist in handling difficult cases and making further efforts to combat CSSA abuse cases.
- (d) Currently, in handling CSSA applications, SWD staff will arrange interviews with the applicants and pay home visits in order to verify the data provided by the applicants and their family members. They will also cross-check the data with the employers (including ex-employers) or landlords of the applicants and their family members where necessary.

Apart from the regular review of individual cases to determine the eligibility of the recipients, the SWD also conducts regular data matching with other government departments and relevant organizations to cross-check data submitted by the applicants and their family members. The Fraud Investigation Teams (FITs) of the SWD conduct in-depth investigations into suspected fraud cases, and operate a special hotline to receive reports from the public.

In order to promote the law-abiding spirit, the SWD has installed anti-fraud panels in all social security field units as part of its community education programme, and to remind those concerned to report their circumstances honestly and be aware of the serious consequences of defrauding CSSA payment. Latest figures on

fraud cases and penalties on convicted fraud cases are announced regularly on the panels.

The SWD reviews from time to time the existing measures for preventing CSSA frauds and abuses. In 2004-05, the Efficiency Unit conducted a study for the SIS on the need to re-engineer its operational procedures for handling CSSA fraud and overpayment cases. The study aimed at examining and improving the handling of CSSA fraud and overpayment cases in order to improve efficiency and enhance effectiveness. In addition, as mentioned in part (b), a Police Superintendent adviser has assisted in improving the mechanism of the social security scheme so as to step up the prevention, detection and investigation of CSSA fraud and abuse cases. We are now following up these two reports.

The SWD will continue its efforts to combat CSSA fraud cases to ensure that public resources are effectively utilized to help those in genuine need.

Land Auction

10. **MR LEE WING-TAT** (in Chinese): *President, during the five consecutive months from September 2005 to January this year, no real estate developer applied for triggering of land in the Application List for the Sale of Government Land (the Application List) for auction or tender. Besides, it has been reported that the negotiations between Kowloon-Canton Railway Corporation (KCRC) and the Lands Department (LD) on the premium for lease modifications are progressing slowly, hence delaying the timetable for tendering a number of property development projects along railway alignments. In this connection, will the Government inform this Council:*

- (a) *whether it has assessed if the supply of land and private residential flats will fall short of demand in the coming few years due to the above circumstances;*
- (b) *of the measures to improve the Application List system, and whether it will consider disclosing the reserved prices of sites in the*

Application List or the basis for determining such prices, so as to enhance the transparency of the system;

- (c) of the measures to expedite the negotiations on lease modification premium between the LD and the two railway corporations as well as the Urban Renewal Authority (URA); and*
- (d) whether it will consider resuming the sale of land by auction on a regular basis?*

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

- (a) The Application List system is market-oriented and the Government's role is to supply adequate land to meet market demand.

On the supply of land, there are 32 sites on the Application List, covering a total area of about 24.2 hectares. In addition, developers can acquire land for residential development through other channels. For example, they can purchase land in the open market, acquire and assemble existing property for redevelopment, modify the land lease for the land they hold for relevant development, and participate in property development projects undertaken by the two railway corporations and the URA. In the current financial year, apart from the major case of land exchange and lease modification approved, the URA, MTR Corporation Limited and KCRC have invited developers to submit letters of intent in response to the tendering of six projects, some of which have had their tenders invited already. In addition, according to the latest information, there are some 55 000 flats unsold or under construction in the market. Therefore, we believe that there will be adequate supply of land and private residential flats in the coming few years.

- (b) We introduced improvement measures for the Application List system twice last year to enhance its smooth operation, with a view to facilitating the healthy and stable development of property

market. Measures introduced in March and June 2005 have greatly streamlined the relevant procedures, reduced the risks and costs of triggering land, and relaxed the requirements for triggering land as well.

Upon receipt of an application for triggering a sale site, the LD will determine the reserve price according to the open market value in the light of the prevailing market conditions. As no prior assessment will be made, it is not possible to set out the reserve prices of various sites in the Application List. The reserve prices are determined in accordance with recognized professional land valuation principles which are accepted and well known to the surveying profession and developers.

- (c) The tendering exercises of the property development of the two railway corporations are progressing well in general. Ad hoc problems or delays are mainly caused by factors other than the agreement on premium (such as objection raised by the community, objection to gazetting of roads and requests for redesigning). These factors will be considered carefully and handled properly. We will continue to monitor and co-ordinate the property development of the two railway corporations. Regarding the URA, as the Government grants land to it for redevelopment purpose at nominal premium, there is no question about premium negotiation.
- (d) The Government decided that, with effect from January 2004, government land would be provided through the Application List system. This position remains unchanged. At present, the Government has no plan to resume scheduled land auctions. There are suggestions that scheduled auctions of a limited scale for commercial/business sites should be introduced. We may consider this suggestion.

Re-routing of Cross-harbour Tunnel Bus Routes

11. **MR ANDREW CHENG** (in Chinese): *President, regarding re-routing of bus routes operating via cross harbour tunnels and its impact, will the Government inform this Council:*

- (a) *of the respective percentages of bus routes currently operating via the Cross-Harbour Tunnel (CHT), Eastern Harbour Crossing (EHC) and the Western Harbour Crossing (WHC) in the total number of bus routes operating via cross harbour tunnels, and whether the authorities have studied if the bus routes currently operating via CHT can be diverted to EHC or WHC, so as to relieve the traffic burden on CHT; if they have, of the study results; if they have not, whether they will conduct such a study in order to rationalize bus routes operating via the three cross harbour tunnels and hence achieve traffic diversion;*
- (b) *as it has been reported that the Citybus Limited (Citybus) and the Kowloon Motor Bus Company (1933) Limited (KMB) have recently applied for diverting to CHT the overnight routes N962, N968, N969 and N11 currently operating via WHC, of the criteria the authorities adopted for determining whether or not these applications should be approved;*
- (c) *given that passengers can no longer travel on those four bus routes at the WHC Toll Plaza after the re-routing of such bus services, how the authorities will address the transport needs of these passengers; and*
- (d) *as the toll charged by CHT is far lower than that by WHC, whether the authorities, in considering the applications, will discuss with Citybus and KMB a reduction in the fares of these four routes; if so, of the proposed rate of reduction; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Chinese): President, the number of cross-harbour bus routes currently operating via the CHT, EHC and the WHC is as follows:

<i>Cross-harbour tunnels</i>	<i>Number of cross-harbour bus routes</i>	<i>Percentage of these bus routes over the total number of cross-harbour bus routes</i>
CHT	32	41%
EHC	24	30%
WHC	23	29%
Total	79	100%

At present, many passengers board or alight at the en route bus stops of cross-harbour bus routes operating via CHT. In particular, the bus stops at the CHT Toll Plaza provide interchange for numerous passengers using Kowloon-Canton Railway. In view of this, diverting the bus routes currently operating via CHT to EHC or WHC will affect a huge number of passengers. Nevertheless, the Administration will continue to review the bus network from time to time and make adjustment when necessary to cater for the development of public transport network and passenger demand, alleviate the impact of vehicles on the environment and enhance the operational efficiency of bus services.

As regards the re-routing of the four overnight bus routes in question, the Citybus and the KMB have proposed to the Transport Department (TD) in their respective Route Development Programme that four overnight bus routes currently operating via WHC will be diverted to CHT and terminated at the Hong Kong-Macao Ferry Terminal on Hong Kong Island starting from April 2006. These routes are:

- Citybus N962 (Causeway Bay (Moreton Terrace) - Tuen Mun)
- KMB N968 (Causeway Bay (Tin Hau) - Yuen Long)
- Citybus N969 (Causeway Bay (Moreton Terrace) - Tin Shui Wai Town Centre)
- Citybus N11 (Causeway Bay (Moreton Terrace) - Airport)

In considering the above re-routing proposals, the TD has taken into account the following factors:

(I) Impact on passengers

The patronage of these four overnight routes is meagre. On average, there are around a dozen of passengers per trip, representing only 10% to 20% of the passenger capacity. According to the re-routing proposals of the bus companies, the route direction of the four routes on Hong Kong Island will change after the re-routing, but the journey time will remain basically unchanged. Since about 70% of existing passengers on these overnight routes travel between Causeway Bay, Wan Chai and the

New Territories West (NTW), the re-routing will enable these passengers to save journey time. According to a survey conducted by the TD, only about a total of 40 of the passengers travelling on these routes board or alight at the WHC Toll Plaza en route stops daily and the number of passengers is very low. After the re-routing of these four routes, these passengers can interchange with relevant bus routes at the CHT Toll Plaza, use other overnight buses in Kowloon to/from NTW, or use other public transport modes which provide overnight service. On the other hand, passengers travelling to/from NTW may choose to interchange with these four routes at the CHT Toll Plaza after their re-routing.

(II) Impact on operational efficiency

These four routes are operating at a loss due to low patronage, low revenue and increase in tunnel tolls. The re-routing proposals can reduce the deficit by cutting toll expenses, hence relieving the pressure for fare increase.

(III) Impact on the traffic condition of CHT and its nearby roads

Since the bus routes involved in the re-routing proposals operate at late night, the traffic condition of CHT and its nearby roads will not be affected after the re-routing.

After careful consideration of the above factors, the TD initially supports the re-routing proposals put forward by the bus companies. As the proposals will affect the current users of the four routes, the TD started consulting relevant District Councils on the proposals in February this year. It will carefully gauge their opinions before determining on the implementation of these proposals.

As for bus fares, since the bus companies will maintain the service level of these routes and the re-routing can only ease their deficit, they do not have any plan to reduce the bus fares for the time being.

Organic Foods

12. **DR JOSEPH LEE** (in Chinese): *President, a sample survey conducted by the Hong Kong Organic Resource Centre in September last year revealed that*

only 5% and 33% respectively of the samples of fruits and staple crops collected from the market bore an organic food label certified by an independent body. In this connection, will the Government inform this Council:

- (a) of the respective market shares and sale situation of various types of organic foods over the past three years;*
- (b) of the types, places of origin and market shares of organic foods available on the market at present, with a breakdown by whether or not the organic food labels concerned have been certified by an independent body;*
- (c) whether it plans to introduce legislation to require that organic food labels on the packages of food shall be certified by an authorized independent body; if not, the reasons for that; and*
- (d) of the measures in place to promote local organic farming and organic foods, and increase the market shares of such types of foods?*

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

- (a) Whilst we do not have the relevant statistics, we note that organic products do command a higher price and the market for such products in Hong Kong is modest. A total of 850 tonnes of organic vegetables were produced in local farms in Hong Kong.
- (b) We do not have the relevant statistics but we observe that large supermarkets usually carry organic foods such as fresh vegetables, fruits, spaghetti, beans, cereals, soya milk, honey and meat. Except for fresh vegetables, all these products are imported from other countries or places, including the Mainland, the United States, Canada, Australia, New Zealand, Britain, Italy and Germany.
- (c) From the perspective of food safety, there is no significant difference between the risk of organic food and conventional food.

Their difference mainly lies in the method of production, processing and handling. Whether or not the organic labelling is certified by independent body would not bring about concrete improvements on food safety. We do not consider that there is any pressing need to introduce legislation to require organic food labels on the packages of food to be certified by authorized independent body.

- (d) We will continue to provide technical support to our local organic farms to help enhance their competitiveness and further develop the market for organic products. We will also help the Hong Kong Organic Resource Centre to develop various certification services and promote the local organic agricultural products amongst the public in Hong Kong. In fact, the number of organic farms has been rising steadily from 39 in December 2004 to 50 at present. Local farms and plants that have been awarded organic certificates have also increased from four in June 2005 to 21 in December 2005.

Private Practice by Teaching Staff of University Medicine Faculties

13. **DR KWOK KA-KI** (in Chinese): *President, regarding private practice by full-time and part-time teaching staff (except those in honorary teaching positions) of the faculties of medicine at the two universities in Hong Kong and its impact, will the Government inform this Council whether it knows:*

- (a) *in each of the past five years, the number of full-time teaching staff of the faculties of medicine providing private service consultation or surgical treatments and, among them, the number of those providing such services in private hospitals; the number of full-time teaching staff who changed to part-time appointment in order to engage in private practice, and whether any vacancies arose from such change of appointment in these faculties, broken down by specialty and post; if so, whether such vacancies were filled by open recruitment in order to attract capable young doctors for the appointment;*
- (b) *the amount of government subvention received by the faculties of medicine, and the amount handed over to the faculties by the*

teaching staff from their income in private practice in each of the past five years;

- (c) the formulae for calculating the proportion of the working hours spent by such teaching staff on their private practice, and the income shared between them and their faculties; whether there is any mechanism for declaration of interest or any express provisions for limiting the duration of their private practice;*
- (d) the existing mechanism and guidelines for monitoring full-time teaching staff of the faculties engaging in private practice and for approving the applications in this respect, so as to avoid situations such as unfair handling of these applications and conflict of interests; and*
- (e) whether assessment and review will be conducted on the impact of private practice by such teaching staff on the medical service provided by the relevant organizations, the operation of specialty departments, the continuation of the education and training efforts, the development of scientific research and the promotion opportunities of the teaching staff?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): President, all institutions funded by the University Grants Committee (UGC) are autonomous statutory bodies governed by their respective ordinances and councils. They enjoy autonomy in the management of their internal affairs and finance. In the circumstances, neither the UGC nor the Administration possesses information regarding private practice by teaching staff of the Faculties of Medicine at the two UGC-funded institutions. Nevertheless, based on information provided by The Chinese University of Hong Kong (CUHK) and the University of Hong Kong (HKU), full-time teaching staff of their Faculties of Medicine are generally not allowed to take up private practice and work as private medical practitioners. While staff may engage in "clinical outside practices", for example, providing consultation at the request of other doctors/in teaching hospitals or performing surgical treatment in Hospital Authority and private hospitals, and so on, these outside practices are normally organized on a departmental/faculty basis. Cases are normally referred to and assigned by the

Faculty of Medicine/its departments of the respective university. Such practices are allowed and undertaken for reasons of contributing to teaching and research effectiveness, as well as for staff professional development. Both CUHK and the HKU have established their own regulations governing this area of practice which, *inter alia*, explicitly require that outside practice should not interfere with a staff's normal university duties. On the specific questions asked, relevant information provided by CUHK and the HKU is set out below:

- (a) As set out above, full-time teaching staff of the Faculty of Medicine of CUHK and the HKU are not allowed to work as private medical practitioners. As regards "clinical outside practice", 98 full-time clinical academic staff of CUHK have been approved in the current academic year to provide such service, whereas 97 full-time teaching staff of the HKU were engaged in clinical outside practice in the 2004-05 academic year.

Both CUHK and the HKU have a small number of non full-time clinical staff, and staff taking up such appointments are based on various personal considerations reflecting their choices and aspirations. Nonetheless, clinical staff vacancies at both universities have been filled by open recruitment.

- (b) Government recurrent subvention is provided to the UGC-funded institutions mainly in the form of block grant, which is primarily calculated on the basis of the approved number of students at various levels and the mix of academic programmes offered by an institution. The institutions have autonomy in distributing the block grant received among their own departments subject to the use of funds being within the ambit of UGC-funded activities. As reported by CUHK and the HKU, the expenditure in medicine academic programmes by the two institutions in the 2004-05 academic year was \$748 million and \$667 million respectively.

As regards income generated by "clinical outside practice", both universities have established their own sets of procedures and guidelines in handling such "income". In the case of CUHK, such income will first be accrued to the University with appropriate charging of outgoings, expenses and overheads. The remaining

balance will then be shared among the University, the department and the staff concerned according to CUHK's established regulations. For the HKU, income generated from clinical outside practice will be credited to the University and departments concerned, and clinical teaching staff are generally not permitted to receive such income. The sums received by the Faculties of Medicine of the two universities as a result of staff's engagement in clinical outside practice over the past five years are detailed at Annex.

- (c) As stated above, full-time teaching staff in both universities are not allowed to take up private practice. In respect of "clinical outside practice", both universities prescribe that the time devoted by full-time clinical appointees should not normally exceed an average of two half-day sessions per week. They are also required to comply with the respective university's policy on conflict of interests and established regulations governing outside practice. As for medical practitioners who work part-time for both universities, while they may engage in other employment on their own time outside of their university appointments, they cannot participate in any outside activities (paid or unpaid) during their agreed working time at the universities.
- (d) Both CUHK and the HKU have clearly-defined and well-established mechanisms and guidelines regulating clinical teaching staff's "clinical outside practice", income sharing and declaration of interests, and so on, and criteria have been drawn up for approving staff to take up such outside practice. Internal committees have also been set up by the two Faculties to process such applications and case referrals, review procedures, and handle matters involving possible conflict of interests.
- (e) As stated above, private clinical practices are not allowed by full-time clinical staff. As regards the conduct of "outside clinical practice", it aims to enhance the teaching and research effectiveness and promote professional development of the departments and staff involved through their exposure to various medical cases. Such practice is subject to regular assessment and review by both Faculties of Medicine and the universities.

Annex

Sums received by the Faculties of Medicine of CUHK and the HKU
as a result of staff's engagement
in clinical outside practice in the past five years

<i>Institutions'</i> <i>financial year</i>	<i>CUHK</i>	<i>HKU</i>
	<i>(in \$ million)</i>	
2000-01	31.1	25.9
2001-02	31.3	25.0
2002-03	31.5	34.8
2003-04	24.9	32.1
2004-05	31.1	44.8

Small-class Teaching Scheme

14. **MS EMILY LAU** (in Chinese): *President, to assist disadvantaged students and complement the Government's pledge to alleviate inter-generational poverty, starting from this school year, any primary school with 40% or more of their Primary One to Primary Three students receiving Comprehensive Social Security Assistance or full grant assistance under the Student Financial Assistance Scheme are eligible to apply to join the small-class teaching scheme (the Scheme). Selected schools will each be given a cash grant of \$290,000 per annum for each additional class, so as to enable them to adopt the small-class teaching mode with 20 to 25 students in a class for Chinese, English and Mathematics subjects. It is learnt that a total of 75 primary schools are eligible, but only 29 of them have joined the scheme. The Secretary for Education and Manpower has attributed this to the schools' concern about being adversely labelled after joining this scheme. In this connection, will the executive authorities inform this Council:*

- (a) *of the measures taken to minimize the effect of adverse labelling; whether this scheme will be revised to ensure that participating schools will not be adversely labelled;*
- (b) *of the total number of disadvantaged students in the 46 eligible schools which have not implemented small-class teaching; how the*

authorities will honour their pledge to alleviate inter-generational poverty of these students and how they will help them; and

- (c) *whether they will consider extending this scheme to subjects other than Chinese, English and Mathematics?*

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

- (a) Eligible schools may opt to join the Scheme for schools with a high concentration of disadvantaged students, having regard to the needs of their students and the school's circumstances. They are not required to explain why they choose not to join. According to available information, the majority of these schools are already operating Primary One classes with a class size of 25 students or less; or a single Primary One class with insufficient intake for splitting into small classes of 20 to 25 students each. For the remaining schools, some are already participating in the Study on Small Class Teaching (the Study), while the others have chosen not to join the Scheme because they have other priorities in school development.

Regarding the possible labelling effect mentioned by the Member, we have already taken effective measures to mitigate it. The measures include directly inviting the schools to participate in the Scheme, and not disclosing the list of participating schools to the public.

- (b) As explained above, we should not assume that schools not participating in the Scheme would not be able to operate small classes or have not put in place measures to cater for the needs of the disadvantaged students. Small class is not the only way to enhance the effectiveness of learning and teaching. Nor should it be considered a panacea for alleviating poverty.

As far as education is concerned, we have put in place various measures to provide adequate support to the disadvantaged students so as to ensure that their education opportunities will not be

adversely affected by their family background. In recent years, primary schools have been provided with additional manpower and financial support such as additional teaching posts for curriculum development, English panel chairs and specialized teaching, native-speaking English teachers as well as the Capacity Enhancement Grant which enables schools to improve their staffing situation. We have also decided that, starting from the coming school year, student guidance service would be upgraded by improving the student guidance teacher-to-class ratio from 1:24 to 1:18. We also plan to adopt the class-to-teacher ratio of 1:1.5 for whole-day primary schools. In effect, schools which have not joined the Scheme can flexibly deploy school-based resources to implement group teaching or provide other forms of support, such as individualized guidance, after-school support, to cater for the needs of their students and the school curriculum. Schools can also apply for other allowances, such as those provided under the School-based After-School Learning and Support Programmes launched in the 2005-06 school year, to help the needy students.

- (c) At present, schools participating in the Study and the Scheme would adopt the small-class teaching mode for the three core subjects of Chinese, English and Mathematics. Some schools prefer implementing small-class teaching for all subjects, and have therefore deployed school-based resources to top up the grant for small-class teaching provided by the Education and Manpower Bureau. We will explore the way forward for small-class teaching on the basis of the results of the Scheme and the Study.

Facilities to Facilitate Elderly and Mobility-handicapped Persons in Public Housing Estates

15. **MR LEUNG YIU-CHUNG** (in Chinese): *President, I have received complaints about the lack of facilities such as handrails or pedestrian ramps in such public places as walkways and lift lobbies in some public housing estates (PHEs), which causes difficulties to frail elderly and mobility-handicapped persons, with some even falling and injuring themselves. In this connection, will the Government inform this Council:*

- (a) *of the number of cases involving people falling in the public places of PHEs in each of the past three years and, among them, the number of cases involving the elderly and mobility-handicapped persons as well as their percentage in all such cases, together with a breakdown by the injuries sustained by these persons;*
- (b) *whether it has reviewed the adequacy of facilities designed to facilitate access by the elderly and mobility-handicapped persons in the public places of various PHEs; if so, of the result of the review; if not, the reasons for that; and*
- (c) *whether it plans to add these facilities; if so, of the details of such plans; if not, the reasons for that?*

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

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

- (a) In the three years from April 2002 to March 2005, the number of accidents involving people falling in the public areas of PHEs and the number of cases involving elderly people are as follows:

<i>Financial Year</i>	<i>Total Number of Cases</i>	<i>Number of Elderly People Involved</i>
2002-03	48	22 (46%)
2003-04	69	35 (51%)
2004-05	67	33 (49%)

Statistics of cases involving physically disabled persons are not available.

In most cases, these accidents resulted in sprains or bruises. Breakdown by seriousness of the injuries is not available.

- (b) The "Design Manual: Barrier Free Access" promulgated by the Building Authority in 1997 sets out the requirements for the design of access in buildings to cater for the needs of people with disabilities. All new public housing construction works tendered

out since April 1998 complies with the stipulated design requirements.

In 2001, the Housing Department (HD) conducted a comprehensive inspection to review the access provisions in public rental housing estates and the access facilities for the elderly and the disabled. An improvement programme has been drawn up to provide such facilities as handrails and ramps along major access staircases, dropped kerbs, tactile strips and signage for major common facilities.

- (c) As at November 2005, the installation works described above have been completed in 91 housing estates, with 1 500 m of ramps and 3 100 m of handrails installed. The improvement works for the remaining 69 housing estates will be completed in 2006-07.

If necessary, additional facilities will also be provided to elderly or disabled tenants to meet their individual requirements, for example, altering toilets for wheelchair users. In November 2005, the Housing Authority (HA) approved a package of measures to enhance the services and facilities for visually-impaired persons in PHEs, including provision of tactile guide paths and installation of "voice synthesizers" in lifts. The improvement works will commence in 2006 for completion within three years.

In view of the ageing of public housing blocks, the HA has recently launched the Total Maintenance Scheme. The Scheme aims to provide comprehensive maintenance services for PHEs. The HD will take this opportunity to examine and implement the Estate Improvement Programme and conduct a comprehensive review of the improvement needs of older housing estates. The HD will look into the need for additional access provisions, facilities for the elderly, better landscaping, and recreational and sports facilities, and so on, with reference to the demographic profile of the estates and in consultation with the Estate Management Advisory Committee.

Bird Carcasses Carrying Avian Influenza Virus

16. **MR LAU KONG-WAH** (in Chinese): *President, as some of the carcasses of dead birds recently collected in various districts have been confirmed to be carrying H5N1 avian influenza (AI) virus, will the Government inform this Council:*

- (a) of the details of such cases in the past three months, including the species of these birds, as well as when and where the carcasses were found;*
- (b) whether it will consider uploading the details of such cases onto the government website with daily updates for public information; and*
- (c) of the names and locations of the existing public and private parks where birds are kept, and the respective numbers of birds by species in each of these parks; whether these birds are segregated from humans, and whether faecal testing for AI virus is conducted regularly on these birds; if such testing is conducted, of the details?*

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

- (a) All the confirmed cases of H5N1 are listed in the attached table.
- (b) The Agriculture, Fisheries and Conservation Department (AFCD) has uploaded to its website (< <http://www.afcd.gov.hk/news/news.htm> >) information on all H5 positive cases of dead birds collected. The information will be updated regularly. All press releases regarding the H5 positive cases have also been put on the AFCD website.
- (c) Testing of park birds has been an integral part of the AFCD's extensive AI surveillance and monitoring programme for many years. A total of about 200 faecal samples from recreational parks are routinely submitted to the AFCD for AI testing every month. These parks include Leisure and Cultural Services Department (LCSD) parks (including Hong Kong Park, Kowloon Park, Tuen Mun Park, Yuen Long Park, Hong Kong Zoological and Botanical

Gardens), Kadoorie Farm and Botanic Garden and Ocean Park. In 2005, a total of 2 871 samples were tested negative for highly pathogenic H5N1 virus.

The LCSD manages four major parks, namely Hong Kong Zoological and Botanical Gardens, Hong Kong Park, Kowloon Park and Yuen Long Park, which together kept around 1 500 birds (including 440 in the Hong Kong Zoological and Botanical Gardens, 630 in Hong Kong Park, 340 in Kowloon Park and 150 in Yuen Long Park). To prevent AI, the LCSD has temporarily closed the aviaries of these four parks since 2 February 2006 in order to completely segregate the birds and park visitors. The flamingos and cranes kept in open sheds in the Hong Kong Zoological and Botanical Garden, flamingos and water fowls kept in the open bird lake of Kowloon Park as well as the black-necked swans kept in the open bird lake of Hong Kong Park have all been moved to closed cages or tents to avoid contact with wild birds.

The LCSD always keeps a close watch on health of these kept birds. The senior veterinary officers of the Department also closely monitor the health conditions of the birds kept in these four gardens. During their weekly inspections of these birds, samples of bird droppings are taken and sent to the AFCD for tests on AI to ensure their health. To date, all the tests on AI conducted by the AFCD have been negated.

<i>Collection Date</i>	<i>Species</i>	<i>Location</i>
10 January 2006	Oriental Magpie Robin	Kam Shan Tsuen, Tai Po
26 January 2006	Oriental Magpie Robin	Sheung Wo Hang Tsuen, Sha Tau Kok
31 January 2006	Chicken	Yuen Tuen Shan, Sha Tau Kok
31 January 2006	Crested Myna	Muk Lun Street Playground, Wong Tai Sin
2 February 2006	Common Magpie	Yuen Tun Village, Tsing Lung Tau
3 February 2006	Little Egret	River side near Lung Mun Oasis, Tuen Mun

<i>Collection Date</i>	<i>Species</i>	<i>Location</i>
4 February 2006	Chicken	Wu Tai Circuit, Tuen Mun
6 February 2006	Japanese White-eye	Diocesan Boy's School, Mong Kok
16 February 2006	Common Magpie	Dianthus Road, Sham Shui Po
17 February 2006	Common Magpie	Junction of Boundary Street and Flower Market Path, Mong Kok
18 February 2006	Large-billed Crow	Magnolia Road, Yau Yat Chuen
19 February 2006	Munia	Repulse Bay Road
19 February 2006	White-backed Munia	Queen's Road East, Wan Chai
20 February 2006	House Crow	Lai On Estate, Cheung Sha Wan
23 February 2006	House Crow	Tai Hung Tung Estate, Shek Kip Mei
24 February 2006	Common Magpie	Island Road, Southern District

Assisting Working-poor Households

17. **MR FREDERICK FUNG** (in Chinese): *President, in its report released last month, the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee) of the Legislative Council recommended that the Government should provide financial assistance such as rental and travel subsidies to the working-poor households. On the other hand, the Financial Secretary stated in his Budget speech delivered last month that the Government would provide short-term travel support on a trial basis for Tin Shui Wai, Tung Chung and North District residents who are financially needy and have completed full-time courses with the Employees Retraining Board (ERB), so as to encourage unemployed people in districts further afield who are not receiving Comprehensive Social Security Assistance (CSSA) to take up employment. In this connection, will the Government inform this Council:*

- (a) *of the details of the trial scheme (the scheme), including the date of implementation, the basis for deciding the districts to be covered by*

the scheme, how those who are "financially needy" are identified, the length of time to be regarded as "short-term", whether there are restrictions on the means of transportation taken by the recipients, how the travel support will be granted, the estimated public expenditure to be incurred and the number of recipients each year, and the anticipated effect of the scheme towards poverty alleviation;

- (b) of the measures to prevent employers from reducing accordingly the wages of their employees while the latter are receiving the travel support; and*
- (c) as the Subcommittee has recommended that long-term financial assistance should be provided to the working-poor households, of the reasons for the scheme being devised in such a way that it is only targeted at the unemployed who have completed the relevant courses but not the working-poor households, and it only applies to the three districts mentioned above but not all the remote areas, and why the travel support is granted only on a short-term basis; of the other schemes in place to help the working-poor households?*

FINANCIAL SECRETARY (in Chinese): President,

- (a) The scheme will be administered and managed by the ERB. The scheme will run on a trial basis starting from April 2006 in Yuen Long (including Tin Shui Wai), Islands (including Tung Chung) and the North Districts. It will provide short-term travel support to retrainees residing in the above three districts who have completed a full-time or placement-tied course offered by the ERB and who are financially needy. This will encourage unemployed people in districts further afield who are not receiving CSSA to take up employment.

The processing of applications for and distribution of the travel support will be handled by training bodies offering full-time/placement-tied retraining courses in the above three districts. As the scheme is targeted for non-CSSA recipients with

financial needs, applicants will have to pass a means test. The ERB will model on the vetting criteria and payment arrangements of the Intensive Employment Assistance Projects (IEAPs) run by the Social Welfare Department and issue an operational manual to relevant training bodies to follow. To ensure the support is provided in a cost-effective manner, the operational procedures on one hand should be streamlined and at the same time should not leave room for possible abuses. To avoid double subsidy, local domestic helpers receiving the ERB's special incentive allowance (Special Incentive Allowance Scheme for Local Domestic Helpers) and IEAPs participants are not eligible for the travel support.

An eligible applicant who meets the above criteria will be entitled to a short-term travel subsidy up to a maximum of \$1,500 in the form of an allowance or an interest-free loan within the first four months upon completion of training. The amount of travel support payable will depend on the locations and frequency of job interviews and the actual expenses to be incurred during the first month of employment of the applicants. There will be no restrictions on the locations of the workplace or the mode of transport taken, to allow greater flexibility for the retrainees in seeking employment.

According to the figures in 2005, there are around 6 700 graduates residing in the three districts who have completed full-time courses offered by the ERB. However, not all of the graduates would be financially needy nor travel to other districts to work. Our preliminary estimate is that this trial scheme would benefit no less than 1 500 retrainees. In the light of actual demand, the number of beneficiaries may be adjusted as and when required. There is no pre-set upper limit at the moment. The budget for the scheme is about \$2.7 million. The scheme will be reviewed in six months' time.

- (b) Apart from financial implications, the following four factors have to be taken into account in considering providing travel support to people living in remote areas:

- (i) Possibility of employers to reduce the wages of their employees while the latter receive long-term travel support, as rightly suggested in the question;
- (ii) Need to target at those with genuine financial needs and avoid possible abuse;
- (iii) Fairness of the scheme to people not living in remote areas; and
- (iv) Availability of other more effective intervention measures, such as downward adjustment of public transport fees or other measures to help the low-income families.

In view of the above, we propose to provide short-term travel support on a trial basis to assist the unemployed non-CSSA recipients who live in districts further afield and are financially needy in meeting travelling expenses for attending job interviews and for commuting to work during the first month of employment.

- (c) The Financial Secretary noted that the House Committee of the Legislative Council endorsed the Report on Working Poverty (the Report) on 10 February. On 15 February, the Financial Secretary also made preliminary response to the recommendations in the Report and agreed to work with the Legislative Council on practical ways to better improve the existing policies.

As far as the strengthening of financial assistance is concerned, we shall consider the most effective way to enhance incentives for the low-income employees to work, bearing in mind the principle of prudent management of public finances and the risk of weakening their motivation to work. As suggested by the Legislative Council, we shall examine the operation of Disregarded Earnings (DE). The travel support for the unemployed non-CSSA recipients as announced in the Budget on 22 February also addressed the recommendation of providing allowances to assist job-seekers in low-income families to attend job interviews made in the Report (paragraph 5.22 refers). We shall take into account the experience of the scheme and consider how to further implement the scheme.

Number of Vehicles Running on Roads

18. **MISS CHOY SO-YUK** (in Chinese): *President, will the Government provide the current number of vehicles running on the roads in Hong Kong, broken down by the emission standard to which they meet (pre-Euro, Euro I, Euro II, Euro III and Euro IV) and the class of vehicle (large public buses, coaches, various types of goods vehicles, public light buses and private cars, and so on)?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President, by the end of January 2006, amongst the 530 000 plus licensed vehicles, the numbers of vehicles meeting different emission standards by reference to their registration dates are as follows:

	<i>Pre-Euro (no. of vehicles)</i>	<i>Euro I (no. of vehicles)</i>	<i>Euro II (no. of vehicles)</i>	<i>Euro III (no. of vehicles)</i>	<i>Euro IV (no. of vehicles)</i>
Franchised public bus	765	1 350	2 710	1 035	0
Non-franchised public bus	1 012	1 196	2 268	2 371	0
Non-franchised private bus	82	70	163	161	0
Light goods vehicle	23 330	14 051	16 739	14 340	0
Medium goods vehicle	17 311	4 309	9 272	8 242	0
Heavy goods vehicle	1 119	463	1 110	445	0
Public light bus	424	565	1 092	2 269	0
Private light bus	675	565	452	162	0
Private car	58 457	35 167	118 214	137 565	2 072
Motor cycle/Motor tricycle	10 816	23 167	0	0	0
Taxi	1	40	16 342	1 606	29

Telecommunications Service Providers Refusing to Provide Services

19. **MR ALBERT CHAN** (in Chinese): *President, some members of the public have complained to me that, after their applications for changing the*

telecommunications service providers had been accepted and their original telecommunications services contract terminated, they were denied the services by the relevant telecommunications service providers on the ground that their telecommunications networks could not be rolled out in the applicants' housing estates, and they were given no compensation for the inconvenience and loss so caused. In this connection, will the Government inform this Council:

- (a) of the number of complaints similar to those mentioned above received by the authorities from members of the public in each of the past three years and, among them, the number of cases in which there was no compensation from the relevant telecommunications service providers, as well as the reasons for the providers declining to compensate them; and*
- (b) whether there are any punitive provisions to prevent telecommunications service providers from accepting applications for the provision of telecommunications services in the areas where they are not able to roll out their telecommunications networks; if so, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): President, at present, while some fixed network telecommunications service providers have already rolled out their networks into the boundary of a housing estate or the common telecommunications equipment room of a building, because of "bottleneck" problems or other technical reasons, they may need to lease some in-building blockwiring leading into individual units from the owner of the blockwiring system (usually another telecommunications service provider, the Incorporated Owners of the building or the property developer) in order to provide service to customers. If the blockwiring system does not have any blockwiring for serving an applicant's unit available for lease, the concerned telecommunications service provider will not be able to provide services to that applicant. However, under normal circumstances, that telecommunications service provider would cancel the application so that the applicant can continue to be served without interruption at the same address by his original telecommunications service provider. If his telecommunications service is inadvertently terminated because of a procedural error by a telecommunications

service provider, the Office of the Telecommunications Authority (OFTA) will intervene and liaise with the relevant telecommunications service operators to resume service to the applicant using his original telephone number.

- (a) In 2003, 2004 and 2005, the OFTA handled eight, one and two consumer complaints respectively concerning failures to obtain services on the expected date from specific telecommunications service providers because of the above issues. Among those complaints, in four cases in 2003 and one in 2005, the concerned telecommunications service providers ultimately could not provide services to the applicants. There was no such case in 2004. The OFTA understood that the telecommunications service providers had cancelled the applications unconditionally as they were unable to provide services to the applicants. The OFTA does not have any information on whether any compensation had been paid to the applicants because the OFTA was not involved in such discussions between the parties.
- (b) Under section 7M of the Telecommunications Ordinance (TO), a telecommunications licensee shall not engage in conduct which is misleading or deceptive in providing or acquiring telecommunications networks, systems, installations, customer equipment or services. If a licensee is found to have committed a breach against section 7M, the Telecommunications Authority may impose on the licensee various penalties, including financial penalty, disclosure of the case to the public, publication of corrective notices by the licensee, and issue of warnings. Under section 36C of the TO, the maximum amount of financial penalty is \$200,000 for the first breach, rising to \$1 million for subsequent breaches.

Speed Limits in Hong Kong Waters

20. **MR WONG YUNG-KAN** (in Chinese): *President, regarding the speed limits in Hong Kong waters and the past marine accidents, will the Government inform this Council:*

- (a) *whether there are speed limits in East Lamma Channel and other channels and fairways in Hong Kong; if so, of the speed limits set for the various channels and fairways; if no speed limit is set for East Lamma Channel, the reasons for that, and whether it will consider setting a speed limit for that channel; if not, the reasons for that; and*
- (b) *of the respective numbers of marine accidents that occurred in the past three years in East Lamma Channel and each of the other channels and fairways with navigation speed limits, as well as the types of vessels, the casualties and the amounts of property loss involved?*

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

- (a) To ensure safe port operation, the Marine Department imposes speed limit in principal fairways and channels. In deciding on whether speed restrictions should be imposed on a particular channel or fairway, the Marine Department will consider factors such as the volume of traffic, the types of vessels using the fairway, the available manoeuvring water space and port efficiency. There is currently no speed limit on East Lamma Channel. Speed restrictions for other channels and fairways are as follows:

<i>Length of Vessel</i>	<i>Maximum Speed (knots)</i>		
	<i>Western part of Hung Hom Fairway, Central Fairway, Southern Fairway, north-southerly section of Northern Fairway, Yau Ma Tei Fairway, North Green Island Fairway and Sulphur Channel</i>	<i>Northern part of Tathong Channel, Eastern Fairway, eastern part of Hung Hom Fairway, Rambler Channel and east-westerly section of Northern Fairway</i>	<i>Western Fairway, Ma Wan Fairway and Kap Shui Mun Fairway</i>
Over 60 m	8	10	15
60 m or less	10	15	15

East Lamma Channel connects the Ngan Chau Pilot Station in the south and Western Fairway west of Green Island in the north. It is mainly used by ocean-going vessels. A speed restriction of 15 knots is imposed on vessels navigating Western Fairway. Ocean-going vessels entering Hong Kong through East Lamma Channel have to reduce speed to pick up pilots at the Ngan Chau Pilot Station before proceeding to the western harbour via Western Fairway. When ocean-going vessels leave the Hong Kong Port, they also need to reduce speed on approaching the Ngan Chau Pilot Station in the South for the pilots to disembark. As a result, the average speed for vessels sailing in the channel would normally not exceed 15 knots. Moreover, all ocean-going vessels in Hong Kong waters, including those ocean-going vessels in East Lamma Channel, are monitored by the Vessel Traffic Centre through the vessel traffic service system. The Marine Department therefore considers that it is not necessary to impose a speed restriction on East Lamma Channel.

- (b) In 2003 to 2005, one marine accident occurred in East Lamma Channel and a total of 105 accidents occurred in channels and fairways with navigation speed limits. The breakdown of these marine accidents, the types of vessels involved and the number of casualties are set out at Annex. The Marine Department does not have statistics on property loss arising from marine accidents.

Annex

Marine accidents in East Lamma Channel and other fairways and channels with navigation speed limits in 2003 to 2005

Year/Location		Number of Cases in East Lamma Channel	Number of Cases in Other Fairways and Channels	Number of Vessels Involved	Types of Vessels Involved					Death	Injury
					Passenger Vessels	Cargo Vessels	Fishing Vessels	Pleasure Vessels	Other Vessels		
2003	Collision	0	29	47	1	26	6	1	13	0	21
	Others#	0	7	7	1	4	0	0	2	0	0
2004	Collision	1	34	56	2	28	4	2	20	0	2
	Others#	0	10	11	0	4	3	0	4	2	0

Year/Location		Number of Cases in East Lamma Channel	Number of Cases in Other Fairways and Channels	Number of Vessels Involved	Types of Vessels Involved					Death	Injury
					Passenger Vessels	Cargo Vessels	Fishing Vessels	Pleasure Vessels	Other Vessels		
2005	Collision	0	23	43	4	33	1	3	2	0	118*
	Others#	0	2	2	0	2	0	0	0	0	0

Note: # Other marine accidents include vessels having minor contacts with other vessels or objects, vessels sunk, ran aground, capsized or taking water.

* This figure includes the 102 injuries (of which 95 are minor injuries) resulted from the collision of high speed passenger ferry "Nan Sha 38" with container vessel "中航 908" on 17 February 2005 and the 15 minor injuries resulted from the collision of high speed passenger ferry "Nan Hua" with local lighter "Shing Wai No. 2" on 28 March 2005.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

CHIEF EXECUTIVE ELECTION AND LEGISLATIVE COUNCIL ELECTION (MISCELLANEOUS AMENDMENTS) BILL 2006

BIRTHS, DEATHS AND MARRIAGES (DIGITAL IMAGE) BILL

INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE BILL

CLERK (in Cantonese): Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Bill 2006
Births, Deaths and Marriages (Digital Image) Bill
Interception of Communications and Surveillance Bill.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

CHIEF EXECUTIVE ELECTION AND LEGISLATIVE COUNCIL ELECTION (MISCELLANEOUS AMENDMENTS) BILL 2006

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I move that the Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Bill 2006 (the Bill) be read the Second time.

The purpose of the Bill is to address, through amending the Chief Executive Election Ordinance (CEEEO), some legal and other issues relating to the Chief Executive elections to ensure the smooth conduct of the 2007 Chief Executive election.

The CEEEO is a piece of local legislation that provides the legal framework for conducting the Chief Executive election. It needs to be consistent with the relevant provisions of the Basic Law, particularly Annex I to the Basic Law that prescribes the specific method for the selection of the Chief Executive.

In October last year, the Constitutional Development Task Force (the Task Force) put forth a package of proposals for the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Although the proposed package was supported by the majority of the public and more than half of the Legislative Council Members, in the end it was not endorsed by a two-thirds majority of all Legislative Council Members as required in Annexes I and II to the Basic Law.

As the package was not endorsed by the Legislative Council, in accordance with the Interpretation to the relevant provisions of the Basic Law made by the Standing Committee of the National People's Congress in April 2004, the current electoral arrangements relating to the two elections will still be applicable. In the circumstances, the 2007 Chief Executive election will be held on the basis of the existing arrangements. In other words, the electorate base will remain unchanged.

However, certain amendments still need to be made to the local legislation to address some legal issues identified in the Fifth Report of the Task Force, as well as the situation where only one candidate for a Chief Executive election is validly nominated. Further, legislative amendments are necessary to address some other issues relating to the Chief Executive election.

At the meeting of the Legislative Council Panel on Constitutional Affairs on 16 January 2006, I briefed Members on the scope of amendments of the Bill. I would now like to briefly introduce the seven major areas of the Bill and their justifications.

The first issue concerns the Chief Executive By-election. Article 53 para 2 of the Basic Law provides that, in the event that the office of the Chief Executive becomes vacant, a new Chief Executive shall be selected within six months in accordance with the provisions of Article 45 of the Basic Law.

The Bill proposes that if an election for a new term (five-year) Chief Executive will be held within six months after a vacancy in the office of the Chief Executive has arisen during his term of office, it will not be necessary to hold a by-election. In accordance with Article 53 of the Basic Law, the Acting Chief Executive will continue to assume the duties of the Chief Executive before the new term Chief Executive takes up his office. This arrangement can ensure that the requirement under Article 53 of the Basic Law is fulfilled, and at the same time, avoid holding two Chief Executive elections within a short period of time.

The second issue concerns the commencement date of the Election Committee (EC). The Bill proposes to provide that the EC shall be constituted on 1 February in the year in which the term of office of the Chief Executive is to expire. Under this proposal, the second EC shall be constituted on 1 February 2007. This arrangement can ensure that the term of the EC will tie in with the five-year term for the Chief Executive and the electoral cycle.

The third issue concerns the number of consecutive terms that a new Chief Executive returned in a by-election may serve. Article 46 of the Basic Law provides that "the term of office of the Chief Executive of the Hong Kong Special Administrative Region shall be five years. He or she may serve for not more than two consecutive terms". The question which arises is whether the remainder term served by a new Chief Executive returned in a by-election constitutes a "term" for the purposes of Article 46 of the Basic Law.

Our position is that the Basic Law has clearly restricted the number of terms that a Chief Executive may serve to two consecutive terms, which means not more than 10 years. Therefore, the Bill provides that a new Chief Executive returned in a by-election may only serve for one more term after expiry of the remainder term, and that the remaining term is counted as "a term".

The fourth issue concerns the electoral arrangements in the event that only one Chief Executive candidate is validly nominated. According to existing arrangement, if at the close of nominations only one candidate is validly nominated, that candidate shall be declared elected *ipso facto* as Chief Executive. In order to enable members of the EC to fully exercise their voting rights, the Government has accepted the recommendation of the Task Force that, under the above circumstances, election proceedings shall continue.

The Bill proposes that if only one Chief Executive candidate is validly nominated, election proceedings shall continue.

I shall first introduce the relevant electoral arrangements:

- (i) When voting, EC members may indicate in the ballot papers either to "support" or "not support" the sole candidate;
- (ii) The sole candidate shall be returned at the election if the number of support votes he or she obtains constitutes more than half of the total number of valid votes cast;
- (iii) If the number of support votes obtained by the sole candidate falls short of more than half of the total valid votes cast, the candidate shall not be returned at the election, and the election shall be terminated;
- (iv) Following termination of the election, a new round of nominations and election shall be held within 42 days;
- (v) If, at the close of the new round of nominations, there is still only one candidate, election process shall continue. If necessary, the process will be repeated until a candidate is returned.

We understand that there are suggestions that arrangements should be made to ensure "finality" of the electoral arrangement. After detailed consideration, we consider that such arrangement should not be adopted because of two reasons.

Firstly, the Government's policy is that if only one candidate is validly nominated, election proceedings shall continue. Any form of arrangement

providing "finality", for example, allowing the sole candidate to be elected *ipso facto*, will not be consistent with the Government's policy.

Secondly, with Hong Kong's open and transparent electoral system, if a sole candidate fails to obtain a sufficient number of support votes in the first round of polling, it would be reasonable to expect that other aspiring candidates will come forward after the nomination process is re-opened. The chance that there is still only one candidate after the first round of election, or that a sole candidate fails to obtain the required support in the EC in the polling process on successive occasions, should be slim. Hence, we should allow the election to run its course and return a Chief Executive through a voting process.

In the unlikely event that there is a need to conduct more than three rounds of polling, election proceedings will take place after 1 July. In such a scenario, before a new Chief Executive is elected, in accordance with Article 53 of the Basic Law, his duties shall be temporarily assumed by the Chief Secretary for Administration, Financial Secretary or Secretary for Justice in this order of precedence. I have to reiterate that the arrangement under which the duties of a Chief Executive will be temporarily assumed by one of the Secretaries is an arrangement made in accordance with the Basic Law. It is not an arrangement whereby the Central Authorities will specially appoint an "Acting Chief Executive".

Moreover, the Bill proposes that if the sole candidate in an election is determined to be not returned at the election, election petition may be made and judicial review applied for to challenge the determination.

The fifth issue concerns the substantial connection with the District Council (DC), the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and the Heung Yee Kuk (HYK) subsectors. In view of the practical difficulties in implementing the "substantial connection" provision and for the avoidance of doubt, the Bill proposes that only individuals who are members of DCs, Hong Kong members of the National Committee of the CPPCC, and the Chairman, a Vice-Chairman or a member of the HYK may be members of the relevant EC subsectors.

Individuals who cease to be members of the DCs, or Hong Kong members of the National Committee of the CPPCC, or the Chairman, a Vice-Chairman or a member of the HYK will also cease to be EC members. Any such vacancy

will be filled following existing statutory arrangements generally applicable for subsector by-elections.

The sixth issue concerns the technical legislative amendments relating to the EC electorate. Although we will not make any changes to the EC electorate base, the Bill proposes to make some technical legislative amendments to reflect changes in the names of the organizations which are eligible to be the electorate of the EC, or the names of umbrella organizations. Organizations and umbrella organizations which have ceased to exist will also be removed.

In addition, the Bill will provide for amendments to reflect changes to the licensing system under the Import and Export Ordinance and changes to the registration system under the Import and Export (General) Regulations for the purpose of delineating the electorate of the Import and Export subsector and the Textiles and Garment subsector respectively.

The seventh issue concerns the other technical amendments. Other technical amendments include:

Firstly, to provide that the Electoral Registration Officer shall compile and publish an interim register of the members of the EC within seven days after the results of EC subsector ordinary elections are published, and also a final register of members of the EC on the date when the term of office of the EC commences.

The proposal to compile and publish an interim register will provide a legal basis for appeals to be made against the results of EC subsector ordinary elections, and facilitate aspiring Chief Executive candidates to start planning their campaigning activities.

Secondly, to take out all relevant provisions making reference to the first EC, the term of office of which had already expired.

Madam President, since the work for the legislative amendments must tie in with the EC subsector elections to be held in December this year, and the Chief Executive election in March next year, the legislative timetable is quite tight. We hope that scrutiny of the Bill can commence early. The Government will work closely with the Bills Committee to facilitate its work.

With these remarks, Madam President, I hope Members will support the Bill. Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Bill 2006 be read the Second time.

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

BIRTHS, DEATHS AND MARRIAGES (DIGITAL IMAGE) BILL

SECRETARY FOR SECURITY (in Cantonese): Madam President, I move that the Births, Deaths and Marriages (Digital Image) Bill (the Bill) be read the Second time.

The existing ordinances governing the registration of births, deaths and marriages mainly include:

- (a) Civil Aviation (Births, Deaths and Missing Persons) Ordinance;
- (b) Births and Deaths Registration Ordinance;
- (c) Births Registration (Special Registers) Ordinance;
- (d) Deaths Registration (Special Registers) Ordinance;
- (e) Marriage Ordinance; and
- (f) Merchant Shipping (Seafarers) Ordinance.

Generally speaking, these ordinances provide that the registration records shall be stored or maintained only in the form of paper or microfilm. In consequence, officers of the Immigration Department (ImmD) have to process records mainly in paper or microfilm format, which is far from efficient in terms of manpower and resources. This mode of operation also hampers the introduction of new services, in particular electronic services.

To continue to enhance service delivery and operational efficiency, the ImmD is developing Phase III of the Updated Information Systems Strategy, which includes the Application and Investigation Easy System (APPLIES) and the Electronic Records Programme (ERP) as two of its core systems. Both systems are scheduled for completion by the end of 2006. After the implementation of the APPLIES and ERP, the ImmD will be able to maintain registration records of births, deaths and marriages in the form of digital image, or in the form of digital image and computer record concurrently, and to process their related applications electronically. With these systems, most of the immigration-related services can be delivered electronically, for example, e-booking of appointments, e-submission of applications and e-payment of service fees. The time for processing these applications will be reduced as well.

To enable the ImmD to maintain registration records of births, deaths and marriages and process related applications electronically, we need to amend the existing ordinances governing the registration of births, deaths and marriages. Therefore, we propose to amend the relevant ordinances. The Bill, which proposes amendments to the above six Ordinances, mainly aims to:

- (a) empower the Registrar of Births and Deaths and the Registrar of Marriages to keep various registers of births and deaths, notices of intended marriage and certificates of marriage in the form of digital image solely or in the form of digital image and computer data concurrently;
- (b) empower the Registrars to destroy or otherwise dispose of the records in paper or microfilm format after they have been stored in the form of digital image solely or in the form of digital image and computer data concurrently;
- (c) repeal the provisions relating to maintenance of register books and microfilms, which will become obsolete under the new mode of storage; and
- (d) provide for other consequential amendments, for example, to allow the hard copy of the digital image of a certificate of marriage to be admissible as evidence in Court.

We hope to keep pace with the development of society and to meet the public's rising expectation of the quality of government services by making greater use of technologies. If the Bill is passed, the ImmD will be able to make fuller use of electronic means to process immigration-related applications, and the public will be able to obtain related services more expeditiously. For instance, after the passage of the Bill, the public will be able to apply for copies of records of births, deaths and marriages more quickly through electronic means. In addition to electronic means, the public may still choose to submit their applications through conventional means.

Madam President, the amendments proposed in the Bill are crucial to the improvement of the mode of operation of the ImmD and the quality of its services. With these remarks, I hope Members will support the Bill and pass it as soon as possible.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Births, Deaths and Marriages (Digital Image) Bill be read the Second time.

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

INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE BILL

SECRETARY FOR SECURITY (in Cantonese): Madam President, I move the Second Reading of the Interception of Communications and Surveillance Bill (the Bill).

As we all know, interception of communications and covert surveillance are of paramount importance to whether or not we can effectively combat crime and protect public safety. Article 30 of the Basic Law, which contains provisions on the protection of privacy of communication, also provides that the relevant authorities may inspect communication for the purpose of public security or investigation into criminal offences.

Insofar as interception of communications is concerned, the relevant discussion dates back to the Report published by the Law Reform Commission on interception of communications in 1996 and the subsequent developments.

As regards covert surveillance, public concern was aroused mainly due to the rulings made by the District Court on two cases relating to covert surveillance in April and July 2005 respectively. In August last year, the authorities announced that legislation would be enacted to regulate covert surveillance operations, and subsequently we also stated that interception of communications and covert surveillance would be handled together. I also made an undertaking explicitly in this Chamber that the legislative proposal would be submitted in the first half of the current legislative year, in the hope that legislation can be enacted within this legislative year. We have been working towards these two targets.

In the last quarter of 2005, we discussed and exchanged views with Members of the Legislative Council and the various sectors concerned the key items of the legislative proposal, and their views have been carefully considered in the drafting of the legislative proposal. Later, the Government submitted to the Legislative Council Panel on Security on 1 February 2006 a paper on the proposed legislation to regulate interception of communications and covert surveillance, and at five consecutive meetings of the Panel on Security held on 7, 16 and 21 February and 2 and 7 March, we explained to Members of the Legislative Council the relevant proposals and submitted papers in response to issues raised at the meetings.

The Bill is drafted on the basis of the legislative proposal submitted by the authorities in February this year. Insofar as interception of communications is concerned, the mechanism proposed in the Bill is broadly in line with the proposals made in the Report on interception of communications published by the Law Reform Commission in 1996 and in the White Bill on the same subject in 1997. We have also considered the opinions collected during public consultation in recent months, with a view to further improving the proposals by, among other things, introducing more safeguards.

The Bill aims to regulate the conduct of interception of communications and the use of surveillance devices by or on behalf of public officers. The Bill contains six Parts and five Schedules. The key points of the Bill are as follows:

First, in respect of the ambit of the Bill, it is proposed that the Bill applies only to government departments. This reflects the general consensus in the community that the legislation should bring government departments under regulation as a first step.

Part 1 of the Bill provides for preliminary matters, such as the definitions of certain terms used in the Bill. For instance, "interception of communications" is defined to mean the inspection of any of the contents of a communication, in the course of its transmission by persons other than its sender or its intended recipient; and "covert surveillance" is defined to mean systematic surveillance carried out with the use of any surveillance device for the purposes of a specific investigation or operation where any person who is the subject of the surveillance is entitled to a reasonable expectation of privacy. Moreover, under the Bill, covert surveillance is further divided into "Type 1 surveillance" (which means more intrusive covert surveillance operations) and "Type 2 surveillance" (which means less intrusive covert surveillance operations).

Part 1 of the Bill also provides that authorization for interception of communications and covert surveillance is for the purpose of preventing or detecting serious crime or for protecting public security, and such authorization can be issued only when the relevant interception of communication or covert surveillance operations are proportionate to such purpose. This is in compliance with the two conditions under which the relevant agencies can inspect communication as set out in Article 30 of the Basic Law.

Part 2 of the Bill contains the prohibition provisions. It provides that no public officers shall, directly or through any other person, carry out any interception of communications or covert surveillance, unless the interception of communications or covert surveillance is carried out pursuant to a prescribed authorization, or falls under specified description.

Part 3 of the Bill contains provisions relating to the prescribed authorizations, including the appointment of the authorizing authorities and application procedures for different types of prescribed authorizations. An authorization for interception of communications and for "Type 1 surveillance" shall be granted by a panel judge who is a Judge of the Court of First Instance, and the panel will consist of three to six Judges. For "Type 2 surveillance", authorization should be given by a senior officer not below a rank equivalent to that of Senior Superintendent of police to be designated by the head of the respective law-enforcement agency. The Bill also provides for matters relating to renewal of authorization. Each authorization issued or renewed is subject to a duration of no longer than three months. Part 3 also provides for emergency authorization. Moreover, under specified circumstances, applications for the

issue or renewal of authorization can be also made orally. When an authorization has ceased to have effect, an officer of a department can make an application to a panel judge for a device retrieval warrant to retrieve the surveillance devices.

Part 4 of the Bill contains provisions relating to the "Commissioner on Interception of Communications and Surveillance". The Commissioner, who shall be appointed by the Chief Executive on the recommendation of the Chief Justice, is responsible for overseeing the compliance by departments and their officers with the relevant requirements in the Bill. The purpose of appointing a Commissioner is to put in place an independent monitoring mechanism to further prevent any chance of abuse, so as to provide additional independent protection for the right to privacy.

Apart from reviewing compliance by law-enforcement agencies with the relevant requirements, the Commissioner will also assume the complaints handling function. Where a complaint is substantiated, the Commissioner can order the Government to make compensation to the applicant. The Commissioner is also required to submit annual reports to the Chief Executive and a copy of the report will be tabled at the Legislative Council.

To ensure that the Commissioner can perform his functions effectively, the Bill provides that the Commissioner can impose requirements on public officers and other persons to provide information to him, and may require officers of departments to prepare reports in respect of cases of interception or covert surveillance handled by the departments.

Part 5 of the Bill provides for further safeguards in respect of interception and covert surveillance carried out by departments, including the requirement of conducting regular reviews and provisions to protect the product obtained from interception and covert surveillance carried out in accordance with the law.

It has been our long-standing policy not to use materials obtained from interception of communications as evidence in any court proceedings. Part 5 of the Bill has reflected this policy by stipulating that any product obtained from interception of communications shall not be admissible as evidence and shall not be made available to any party of the proceedings. Besides, any question which tends to suggest the related matters shall not be asked in any court proceedings.

However, it does not prohibit disclosure where the disclosure is required to ensure fair trial in respect of an offence.

Part 5 also provides that the Secretary for Security shall issue a code of practice for the purpose of providing practical guidance to officers of the departments in respect of matters provided for in the Bill.

Part 6 of the Bill contains miscellaneous provisions and introduces consequential amendments to certain ordinances.

It is evident that the Bill has made detailed provisions on the relevant matters. The legislative framework proposed in the Bill contains comprehensive safeguards which compare favourably with the practices adopted in Britain, the United States and Australia, and ours are even better than theirs in some aspects.

The Bill, if passed, will put in place a system which is better than the existing mechanism and the other mechanisms that have been discussed. It will strike a right balance between the need to protect the right to privacy in communication of Hong Kong citizens, the need to ensure our capability to combat crime and also the need to protect public safety.

Madam President, we are very grateful to the many Members of the Legislative Council who have given us their opinions on this issue before and especially during the past few months. Certainly, we will continue to consider the views of Members and other relevant organizations in the legislative process of the Bill, and propose amendments where necessary. I can assure Members that my colleagues and I will do our utmost to co-operate closely with the Legislative Council, and we hope that the scrutiny of the Bill can be completed as soon as possible. Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Interception of Communications and Surveillance Bill be read the Second time.

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

MOTIONS

PRESIDENT (in Cantonese): Motion. Proposed resolution under the Motor Vehicles (First Registration Tax) Ordinance.

PROPOSED RESOLUTION UNDER THE MOTOR VEHICLES (FIRST REGISTRATION TAX) ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I move that the resolution under my name, as printed on the Agenda, be passed, so as to extend the validity period of the exemption of electric vehicles from first registration tax for three years from 31 March this year to 31 March 2009.

In the 1994-95 Budget, we announced the exemption of electric vehicles from first registration tax for three years. The purpose is to promote among the public the use of electric vehicles, which are a more environmentally-friendly mode of transport.

We had proposed the extension of this exemption thrice in 1997-98, 2000-01 and 2003-04 respectively, and the proposals were also passed by the Legislative Council. The current exemption is due to lapse at end March this year. To continuously encourage more people to use this type of vehicle, the Financial Secretary proposed in the 2006-07 Budget to further extend this exemption for another three years until 31 March 2009.

I now propose a resolution under the Motor Vehicles (First Registration Tax) Ordinance to give effect to this measure.

I beg to move, and I hope Members will support this resolution. Thank you, Madam President.

The Secretary for Financial Services and the Treasury moved the following motion:

"RESOLVED that the Resolution made and passed by the Legislative Council on 14 May 1997 and published in the Gazette as Legal Notice No. 237 of 1997, as amended by section 3 of the Revenue

(No. 2) Ordinance 2000 (27 of 2000) and by the Resolution made and passed by the Legislative Council on 19 March 2003 and published in the Gazette as Legal Notice No. 77 of 2003, be amended by repealing "2006" and substituting "2009".

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

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

MR SIN CHUNG-KAI (in Cantonese): President, as a matter of fact, the Government has implemented this tax waiver for nearly 10 years. As the Secretary has said, the Government's original intention was to induce more people to use electric cars, but with the lapse of 10 years, its effectiveness seems rather doubtful.

Of course, regarding the Government's motion of extending the validity period for three years, the Democratic Party will extend its support for it. Although the Secretary for the Environment, Transport and Works is not in the Chamber right now, this subject actually falls within her portfolio. As the Government is considering making use of tax incentives to implement environmental measures, should it not also consider adopting the so-called "hybrid cars" to achieve the same purpose? Of course, the hybrid cars may also lead to certain problems. But in fact, the international trend is cars powered solely by electricity are not so popular, whereas hybrid cars powered by either ordinary fuels or electricity are more popular in European countries, and the United States in particular. In fact, various vehicle manufacturers, including some very famous ones, are planning to increase the production of such cars in the next few years.

The merit of this type of vehicles is, when such cars are charged up, they can run electricity. But there are no matching facilities in Hong Kong for such vehicles. Charging up an electric car is different from filling up the tank of a conventional car; the latter may only require three to five minutes to do so, even if the driver has to wait for his turn to fill it up — with the exception of liquefied

petroleum gas (LPG) vehicles which may have to wait for over an hour for refilling. So most private cars take less time to top up their tanks, but it takes a longer time for one to charge up an electric car, and there are less matching facilities for such cars as well. Therefore, its effectiveness — meaning its popularity — may not be so satisfactory.

So, on such a premise, a so-called hybrid car can give consumers the assurance (especially the environmentally-conscious consumers) that, even if its electricity has been exhausted, it can still be refilled with petroleum. Of course, I can also envisage another problem, that is, will some people make use of hybrid cars in order to enjoy the tax waiver but actually use conventional fuel most of the time or 70%, 80% or even 90% of the time — (*Ring tone of a telephone could be heard*) — Sorry — instead of really using electricity. And that would defeat the purpose of providing the tax incentive.

President, I feel that, this time around, as the Government provides the tax waiver for three years, its effectiveness may not be too substantial. This is because after having extended the waiver thrice, that is, it has been nearly 12 years since 1994, and adding three years to it, it is altogether 15 years. The actual benefit may not be too substantial.

I hope the Secretary and the Government, particularly the Environment, Transport and Works Bureau, can work out a method which can induce more people to use electric cars, and at the same time, also eliminate the worries mentioned by me just now. This is because if some people import hybrid cars from overseas countries but actually use fuel most of the time in running their cars, then it will defeat the purpose of using this tax incentive to achieve environmental benefits.

President, we will support the motion today. However, what we support seems to be a motion that will not be too effective, nor will it cause any harm to society. As such, we can support it. As the Government wishes to implement measures to protect the environment, it should think of some practical measures, such as measures related to those increasingly popular hybrid cars. I hope the Secretary can answer the questions I have raised just now, and I also hope that the Secretary can bring these questions back to the Government for joint study with other bureaux.

I so submit.

MR HOWARD YOUNG (in Cantonese): President, I still recall that during the question time of one of the last two Council meetings, there was a question raised by a Member who asked why we did not implement other measures that would promote energy conservation or that would help ameliorate the air pollution problem. He was referring to the adoption of hybrid cars, as mentioned by Mr SIN Chung-kai just now. I remember the Secretary for the Environment, Transport and Works had replied that, with regard to that type of hybrid cars, it seemed that only one model was available in Hong Kong. I recall that there were members pointing out the fact that actually eight models were available overseas. Since parallel goods can be imported into Hong Kong, therefore, is it actually a case of having the supply first before the concession can be provided? Or is it the other way round, that the concession should be provided first in order to promote supply? This has evolved into something like the "egg and chicken" argument.

I feel that the Liberal Party has always been concerned about the air pollution problem. With regard to adopting taxation measures to improve the environment, the Liberal Party is supportive. Therefore, although the chances of promoting electric cars successfully are slim, I still wish to convey to the Secretary information that is related to hybrid cars.

As to the question of whether or not the case mentioned by Mr SIN would ever happen: If the concession is provided, would people be eventually using only petroleum instead of electricity? According to my preliminary estimation, the possibility of such an occurrence is remote. It is because at present if we do some calculations about the costs for both types of cars, we would find that after all, the hybrid cars are more expensive than the ordinary cars using petroleum. Therefore, I believe the tax concession would not make this type of cars less costly than the ordinary ones, and consequently making them use such cars as a substitute of ordinary petroleum-powered cars. I believe we do not have to worry about this.

I support today's motion.

MRS SELINA CHOW (in Cantonese): President, I would like to state one point direct: I hope the Secretary can work jointly with Secretary Dr Sarah LIAO in studying whether it is possible to extend the tax concession to hybrid cars within

one year. This was a request that we in the Liberal Party had made in the past, but it had never got any response.

However, as we take a look at the global trend, the significance of hybrid cars has kept rising now. I visited Sweden in the Chinese New Year that has just passed. In that country, we found that more and more hybrid cars had been launched. Of course, on the one hand, driving such cars entails less fuel consumption. Earlier on, the worry mentioned by Mr SIN Chung-kai is indeed unnecessary because the price of fuel is substantially more expensive. If electricity can be used, it would mean saving a lot of money. One can achieve substantial savings just in terms of energy.

Another issue is, vehicles solely operated by electricity are not powerful enough. In the case of Hong Kong, as there are a lot of slopes, so no matter how hard the electric cars are promoted, it would not succeed. It is because apart from the need to charge up the cars, basically they are not powerful enough. Therefore, it is not practical. What is more, this point has already been reflected by examples in various countries. I very much hope that the Secretary can really work jointly with the Secretary Dr Sarah LIAO in studying the issue realistically, thereby facilitating the introduction of tax concessions next year. Thank you, President.

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

MR LAU KONG-WAH (in Cantonese): President, I am speaking on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) in support of the resolution.

As a matter of fact, ever since 1997 or 1998, this exemption of first registration tax for electric vehicles had been extended several times, and each time it was extended for three years. And this year, the exemption is extended for another three years for the purpose of encouraging more people to choose this type of environmentally-friendly electric vehicles. However, as far as I can see, electric vehicles are still not popular in Hong Kong, so there is room for making further improvement on the part of the Government.

Tax concession is not the only area in which the Government can make more efforts. More importantly, the Government should take the lead in

promoting the benefits electric vehicles can bring to the environment. Wherever possible, the Government should use electric vehicles in its fleet. This will serve as a very good example in encouraging more people to use such vehicles. In fact, with regard to publicity, the authorities may consider holding many different sorts of activities to promote the cause. But most important of all, according to surveys conducted by the Government, including the one on government vehicles, actually this type of vehicles are less costly and they will require less expenditure and they are also more environmentally-friendly. However, why are they still not very popular? The Secretary should actually provide us with a response in this regard.

In fact, the authorities should be commended for exempting once again the first registration tax for electric vehicles. However, in order to make such vehicles really attractive, obviously some other manufacturers must be able to produce some electric vehicles that are suitable for Hong Kong and such vehicles should make the owners find them inexpensive, beautiful and powerful. Only in this way can such vehicles be widely promoted and gain popularity. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I would like to ask the Secretary for Financial Services and the Treasury: Do you have to reply?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): I very much thank the several Members who have given us their views earlier.

After providing the concession to electric vehicles to exempt them from first registration tax, I must admit that the result is far from significant. This is due to a myriad of reasons, and Members have already talked about them earlier. I hope that this extension for another three years will arouse concern in the media, prompting the media to step up publicity of this measure, so that

members of the public will know about this exemption and are encouraged to purchase electric vehicles.

Regarding the hybrid vehicles which run on a combination of petrol and electricity as mentioned by a number of Members earlier, in fact, the Government keeps a keen interest in this. In the 2006-07 Budget, the Financial Secretary pointed out that the Government would consider using such vehicles more extensively when more models are available in the market. In fact, many studies are being carried out internally in the Government, in the hope that this type of vehicle can become a viable option for the Government. We will also consider introducing measures to promote their use among the public. So, with regard to Mrs Selina CHOW's suggestion that Secretary Dr Sarah LIAO and I should continue to conduct studies in this respect, this is what we will absolutely do. I hope that in the near future, and when these problems are solved, we will be able to come up with new proposals.

Thank you, Madam President.

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

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two proposed resolutions under the Interpretation and General Clauses Ordinance to extend the period for amending subsidiary legislation.

First motion: Extension of the period for amending the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006.

PROPOSED RESOLUTIONS UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR FRED LI (in Cantonese): Madam President, I move that the motion under my name, as set out on the Agenda, be passed.

At the House Committee meeting on 10 February 2006, Members agreed to form a Subcommittee to study the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 which were tabled before this Council on 8 February 2006.

In order to enable the Subcommittee to have enough time to deliberate the Regulation and to report the outcome of its deliberation to the House Committee, I, in my capacity as Chairman of the Subcommittee, hereby move a motion to extend the period of deliberation of the Regulation to 29 March 2006.

Madam President, I urge Members to support the motion.

Mr Fred LI moved the following motion:

"RESOLVED that in relation to the -

- (a) Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006, published in the Gazette as Legal Notice No. 19 of 2006; and
- (b) Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 20 of 2006,

and laid on the table of the Legislative Council on 8 February 2006, the period for amending subsidiary legislation referred to in

section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 29 March 2006."

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.

PRESIDENT (in Cantonese): Second motion: Extension of the period for amending the Fugitive Offenders (Finland) Order.

PROPOSED RESOLUTIONS UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MS MIRIAM LAU (in Cantonese): Madam President, I move that the motion under my name, as set out on the Agenda, be passed.

At the House Committee meeting on 24 February 2006, Members agreed to form a Subcommittee to study the Fugitive Offenders (Finland) Order tabled before this Council on 22 February 2006.

At the House Committee meeting on 3 March 2006, Members agreed that I should move a motion in my capacity as Chairman of the House Committee to extend the period of deliberation of the subsidiary legislation to 26 April 2006, so as to enable the Subcommittee to have enough time to deliberate the Order and to report the outcome of its deliberation to the House Committee.

Madam President, I urge Members to support the motion.

Ms Miriam LAU moved the following motion:

"RESOLVED that in relation to the Fugitive Offenders (Finland) Order, published in the Gazette as Legal Notice No. 23 of 2006 and laid on the table of the Legislative Council on 22 February 2006, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 26 April 2006."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Three motions with no legislative effect.

First motion: Promoting health care reform and health care financing.

PROMOTING HEALTH CARE REFORM AND HEALTH CARE FINANCING

DR KWOK KA-KI (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, once again, this year, we have come to the right moment for discussing health care reform. Recently, Members may have noticed that last week, there was a lawsuit concerning work hours and time off in lieu (TOIL) in public hospitals. The result of the lawsuit is that doctors of public hospitals have won only half of the case and the same applies to the Hospital Authority (HA). However, I remember that the Secretary said in addressing the public that it was a lose-lose case. I agree with his comment. Why is it a lose-lose case? On the surface, the doctors lost a chance of seeking redress. We all know that they have excessively long work hours and inadequate rest for long periods of time — the President may also have relatives who work as doctors and she knows that her family members' work hours are very long. In fact, there are never adequate facilities in hospitals or complementary measures to enable them to take more rest. This will have far-reaching impact on their families or patients.

Meanwhile, the HA has also lost. On the surface, the HA has won the most important part in this lawsuit — what I mean is the monetary part —

because someone has done some calculations and, taking one of the three representatives of the 168 front-line doctors as an example, had the Court ruled in his favour, the compensation that he would be awarded could have run into tens of millions of dollars. Public opinions may have focused on the luck of the HA in winning the case on this occasion, otherwise, we would have no idea how much funding has to be earmarked for the HA to settle the debt.

However, as a matter of fact, I wish to tell everyone that this debt can never be repaid because for many years, many health care personnel and patients have fallen victims to this system. I used to be a junior doctor for many years. Every shift that we took ran into several dozen hours. I personally dare not say if the quality of medical care services we provided had been affected or not.

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

However, this is only the tip of the iceberg. The long work hours are only indicative of a small part of the crisis in health care services. More importantly, we find that the resources in the public sector are very tight, the fiscal deficit is serious and there is a shortage of health care personnel. All people, including front-line health care personnel and even other allied health personnel, are over-worked. As we also know, recently, the whole health care system has to cope with the extra work and additional stand-by services due to the threat of an avian flu outbreak. This constitutes an even heavier burden on the personnel who are already working very hard at the front line.

At present, what we can see in the public health care system is unfair treatment. The rewards for front-line health care personnel performing the same duties are different and their morale is low. I do not know when this "pressure cooker" will explode, but once there is an explosion, no one will gain any benefit.

Why do I move this motion to promote health care reform and health care financing at this point of time? Last year, on behalf of the Government, the Secretary tabled a consultation paper expressing the wish of building a healthy tomorrow. Of course, we can see some rather different responses. Some people think that what the Secretary is doing is to hide some controversial financing options and is unwilling to put them forward. However, quite a lot of people agree with the direction of reform.

Nevertheless, I can smell something, perhaps of something burnt. Why do I say so? Judging from the behaviour of the Government or the Secretary in the past few months, I am really afraid that the promotion of health care reform and health care financing may, just like previous consultation papers on health care reform over the years, be rendered abortive. We can see that the primary concern of the entire Government now is — of course, apparently, the Government always says that it wants to promote "strong governance" — I also believe the biggest issue facing Mr TSANG's team for the time being is perhaps the issue of securing another term of office next year.

We all know that promoting health care reform will be touching a raw nerve in many people. To doctors, patients and the public, whether they are ill or not, health care reform (particularly that involving financing proposals) will definitely arouse a lot of controversies. In such a critical year — particularly given that some people say that although next year will be the election year, in fact, this year is already the election year; and when I look back at the NPC and CPPCC meetings and Chief Executive Donald TSANG's performance, I really feel that the year of competition has already come — will the Government change its uncompromising stance, be open to the criticisms made by various stakeholders (including criticisms and objections made by Honourable colleagues from different political parties in the Legislative Council), and be willing to put forward a proposal for our discussion? I am a little bit worried about this.

I am not worried about the personal ability of the Secretary, nor his good intentions. As the Secretary told us last year, he holds that the present problem in health care services is just like an early stage of cancer. I am a doctor and the Secretary is also a doctor, so both of us understand very well what the early stage of cancer means. It means that the patient is critically ill and if we do not take any action, we will see his death.

It is reported in some newspapers that there are some nice surprises in the Budget on this occasion or in this year, saying that the Financial Secretary has allocated an additional one-line vote of \$650 million as recurrent expenditure and another sum of less than \$300 million. On this, I am a little bit worried because this means that someone is going to give a bottle of saline to a patient at an early stage of cancer. Now, the saline has been delivered but what good will it do? It will of course do some good to give a bottle of saline to a patient, for his blood pressure will not drop to a point that will put him in a coma. However, the harm is that this will artificially create an illusion, saying that the problem has

been solved for the moment. To say the least, this year, the HA can claim that no deficit has been recorded this year, so why should there be any urgency in implementing any health care reform or health care financing proposal? Obviously, there is no more urgency.

I have boldly proposed some thing different in this motion. Many Honourable colleagues have proposed amendments to one part of it, that is, item (e). What is this part about? In (e), I talk about, "..... implementing a health care financing plan that can sustain the development, so as to relieve the burden on the public and to ensure that the grassroots and the vulnerable receive appropriate medical care services and that the middle class is given fair opportunities to obtain medical treatment; in formulating the health care financing models, the Government should consider providing tax deductions for people who utilize private medical care services and take out medical insurance, and should also consider implementing the medical fee increase option by phases and should, at the same time, establish a proper safety net as a complementary measure while implementing the option."

I boldly proposed this part because I have seen the amendments proposed by many Honourable colleagues and I also understand the amendments proposed by various Honourable colleagues. I respect them. However, as we all know, the present public health care services has a reached a stage of development that is hardly sustainable. Our tax base is narrow and the tax rates are low. However, public demands and needs for health care services are gradually increasing. In less than three decades, the elderly population in Hong Kong will be more than double the present figure. With the soaring cost of health care technologies and drugs, this system in fact does not work. Therefore, I made the bold assumption that we need to formulate a health care model and put forward a win-win proposal, so I proposed that tax deductions be provided to the middle class who utilize private health care services or take out health insurance. However, what is even more controversial is perhaps — perhaps the Secretary has also talked a lot about it — the proposal to increase fees. I would like to elaborate on this point. In many regions, including our neighbours, such as Singapore, when carrying out health care reform, the fees would also be adjusted. Though I propose to make fee adjustments, it is not for the sake of getting more money or trying to resolve the current plight facing the HA.

When the Singaporean Government carried out its health care reform in the 1990s, it did carry out a general reform on medical fees. Hong Kong may have to face this problem in the future and through the fee-charging system, the reform mainly hopes to achieve the following points: First, those with the means pay; second, promoting the concept of co-payment under the system so as to provide an incentive to arouse the awareness of those who have or have not yet used health care services to see that they have to pay the cost for not keeping themselves healthy. Of course, when putting forward this concept, an appropriate safety net or a so-called second safety net is indispensable. Therefore, looking at the original motion carefully, Members can see that the so-called "implementing the medical fee increase option by phases" does not mean implementation without any complementary measures.

Furthermore, I also think that it is necessary to reform the current operation of the HA. We all know that the current operation of the HA has a very low transparency. Many different stakeholders, including members of the public, staff and patients, have indicated that they could not accept the current operation of the HA. Therefore, the Government has the duty to promote reform within the HA. I also hope that when mapping out the direction of the reform and the objectives of public medical care services, the Government can tell us more about how the cost is calculated and how to ensure that the reform will follow the four major priorities mentioned by the Government in the past through cost-effectiveness and various systems.

We have been saying that we have to set up an electronic system for sharing patient records because we have to provide seamless services to patients of both public and private medical care systems or to make sure that important patient information will not be lost. However, I am disappointed to learn that the Government's response is that it will just set up a task force this year to conduct feasibility studies. We also know that ever since the establishment of the HA, that is, from 1992 to present, a sum of several billion dollars has been invested in the computerization of patient records or information technology. After such a long period of time, despite all the effort, there is still no practical response in this aspect. I am very disappointed about this. I hope that the Secretary and the Government can promote the work in this aspect and expedite the progress so as to prevent any impact on the administering of medical treatment due to any unnecessary delay for the patients and their consulting doctors.

As regards the demand and supply of health care manpower, plans for training and work environment improvement, and so on, they are indispensable and must be done. As a matter of fact, health care services are human services. We can never provide quality services without giving all the personnel in the system adequate training and fostering a high morale among them.

Although the lawsuit dated the 1st of March has been concluded, it is just a beginning to the reform of the health care system and health care personnel. Looking back at the past 12 years, it can be seen that health care reform is a never-ending pursuit, just like Odyssey in the Greek mythology, there is no return. From "the Rainbow Document", through the Harvard Report and the Government's responses in the 1990s, to the Secretary's first report last year, we have been on it for 13 years already. In these 13 years, it could have been done better actually. I do not wish to let the chance this year just slip away easily. This is unacceptable.

In the past decade — I am quoting the study of a scholar of the University of Hong Kong — between 1989 and 2001, the increase in public health care services has reached 208%, taking up a substantial proportion of the Government's expenditure. I am worried as I look at this trend. Without a long-term health care financing plan, no health care reform can be implemented. Therefore, I just hope that Members can take this opportunity to try our best to request the Government to put forward a practical and feasible financing proposal this year to improve and promote the development of health care services in Hong Kong.

DEPUTY PRESIDENT (in Cantonese): Your speaking time is up.

DR KWOK KA-KI (in Cantonese): I so submit. Thank you, Deputy President.

Dr KWOK Ka-ki moved the following motion: (Translation)

"That, as the Health, Welfare and Food Bureau will publish a consultation paper on health care financing this year, and the community is widely concerned about the direction of Hong Kong's health care reform and the changes in the financing models for public and private medical care services, this Council urges the Government to expeditiously examine the

long-term difficulties faced by Hong Kong's health care system, and to put forward feasible options and measures to improve the current situation; such measures should include:

- (a) reviewing the existing framework for the provision of public and private medical care services; enhancing the transparency of the operation and decision-making process of the Hospital Authority; and regulating the operation of medical groups, with a view to facilitating the communication and co-operation between public and private medical organizations;
- (b) mapping out the direction of health care reform and clearly defining the objectives of public medical care services; disclosing to the public such information as the costing methodology of the services; seeking a consensus in society on the direction of health care reform; and drawing up a timetable for implementing such reform;
- (c) expediting the progress in setting up an electronic system for sharing patient records, thereby establishing a mechanism and procedures for referring patients between public and private health care systems;
- (d) comprehensively reviewing the supply and demand of as well as the planning for health care manpower; and enhancing the training for health care personnel, improving their remuneration packages and work environment as well as boosting their morale, so as to solve the problem of wastage of health care personnel and prevent the emergence of a succession gap; and
- (e) expeditiously formulating and implementing a health care financing plan that can sustain the development of health care services, so as to relieve the burden on the public and to ensure that the grassroots and the vulnerable receive appropriate health care services and that the middle class is given fair opportunities to obtain medical treatment; in formulating the health care financing models, the Government should consider providing tax deductions for people who utilize private medical care services and take out medical insurance, and should also consider implementing the medical fee

increase option by phases and should, at the same time, establish a proper safety net as a complementary measure while implementing the option."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr KWOK Ka-ki's motion be passed.

DEPUTY PRESIDENT (in Cantonese): Mr LI Kwok-ying, Mr Andrew CHENG and Miss CHAN Yuen-han will move an amendment to this motion. The motion and the amendments will now be debated in a joint debate.

I will call upon Mr LI Kwok-ying to speak first, to be followed by Mr Andrew CHENG and Miss CHAN Yuen-han; but no amendments are to be moved at this stage.

MR LI KWOK-YING (in Cantonese): Deputy President, early last week, the High Court handed down its ruling on a case involving public hospital doctors who sought overtime compensation. Apparently, this is a labour dispute. However, the outcome further escalates the deep-rooted contradictions in the existing health care system. In the past, the Hospital Authority (HA) relied on heavy subsidies from the Government and its scope of services expanded and its utilization rate increased continually. However, government funding has been decreasing during the past few years, forcing the HA to cut down on its expenditure. The expansion of its manpower has been subjected to enormous constraints. In the face of an ever-increasing demand for services, the manpower will of course be very much stretched if it can only rely on the existing health care personnel. Therefore, to solve the problem once and for all, the promotion of health care reform and health care financing is of course the answer.

Since the publication of the Harvard Report in 1999, the issues of health care reform and health care financing have been discussed many times for more than seven years. The Government has made some proposals and the HA has also implemented some improvement measures. However, they are only patchworks which fail to address the root of the problem. Last year, the Government again floated a new package of health care reform proposals. It

proposed a repositioning of public health care services by establishing a comprehensive system of family medicine, modes of service delivery at various levels and enhancing the mechanism for co-operation between the public and private health care service sectors. Through a series of reforms, it aims at changing the public's concepts about health care, emphasizing the importance of disease prevention and the role of the individual in health maintenance, as well as fostering personal responsibility for one's own health. The DAB supports the general direction of reform, in particular, its emphasis on disease prevention and improving primary health care. Therefore, the DAB has proposed some amendments on the basis of the original motion, so as to emphasize the importance of these two areas in the overall health care reform.

Deputy President, the DAB thinks that the greatest omission in the entire consultation paper on health care reform is the status that Chinese medicine ought to enjoy in the entire health care system in Hong Kong. In December 2004, I moved a motion on the professional development of Chinese medicine. I proposed that a committee on the development of Chinese medicine be established to discuss the long-term development of Chinese medicine. However, this was categorically rejected by the Secretary. At that time, the Secretary replied, "I think it is unnecessary to form another committee for the development of Chinese medicine, lest it would give rise to superfluity. However, in the strategic blueprint drawn up by my Bureau for the overall development of medical and health care as well as health care financing, the development of Chinese medicine will certainly be included." Having heard the Secretary's reply at that time, everybody hoped that in the consultation paper on health care reform, the development of Chinese medicine would be included in the reform proposals. However, the outcome is that throughout the paper, only Western medicine is mentioned and there is no mention of Chinese medicine. Chinese medicine was again marginalized and the important principle of enabling Chinese medicine and Western medicine to develop on an equal basis was abandoned.

Apart from paying no heed to Chinese medicine in the consultation paper on health care reform, the Government has also made inadequate efforts to promote the professional development of Chinese medicine. It just assigns Chinese medicine to the community-based care level and is unwilling to make special efforts to develop Chinese medicine in-patient services and joint consultation and treatment by both Chinese medicine practitioners (CMPs) and

Western medical practitioners (WMPs). In contrast, charitable organizations in the community are more active than the Government in developing in-patient services featuring joint consultation and treatment by both CMPs and WMPs. However, there is a limit to the impetus from the community. Moreover, without any support from the Government, it is very difficult to develop any further. Compared with the Government's long-term assistance to the development of Western medicine policy-wise, we can see that the Government's propensity of attaching importance to Western medicine and neglecting Chinese medicine has not changed, thus impeding the professional development of Chinese medicine and also disregarding the demand of the public to be able to opt for comprehensive Chinese medicine health care services.

Regarding the actual demand for manpower, in the past, I have already mentioned the difficulties of Chinese medicine graduates in seeking employment and pursuing further studies. At present, the Government has targeted this situation by requiring that a certain ratio of training posts for Chinese medicine graduates be established in public Chinese medicine out-patient clinics. However, since the Government is lagging far behind the schedule for establishing Chinese medicine out-patient clinics, the training posts cannot absorb all Chinese medicine graduates, so the employment and training problems facing graduates remain unsolved.

Deputy President, some people may think that Chinese medicine and Western medicine face different problems in their development, so it is not necessary to involve Chinese medicine on the agenda when considering the health care reform. However, this does not mean that it is impossible for Chinese medicine and Western medicine to integrate and develop together. Besides, once a health care reform that only caters to the interests of Western medicine is completed, it may be much more difficult to incorporate Chinese medicine than doing so given the present opportunity. One of the amendments to the original motion proposed by me today is made with the hope that the Government and Honourable colleagues in the Legislative Council can understand that the ultimate goal of our health care reform is orientation towards the people, establishing a sustainable and quality health care system and rebuilding a clean and healthy living environment, in particular, as the Government is determined to improve its work on primary health care and disease prevention which are precisely the strengths of Chinese medicine. The involvement of Chinese medicine will by no means make reform more difficult.

Quite the contrary, it will be conducive to achieving the targets envisaged by the Government. The Government should no longer neglect the public aspirations for the development of Chinese medicine and the development of the health care system to a stage of co-operation between Chinese medicine and Western medicine. The DAB urges the Government to seize this opportunity of reform to focus more on the development of Chinese medicine system and the integration of Chinese medicine and Western medicine, so as to enable Hong Kong's health care system to develop more comprehensively.

Deputy President, the morale of front-line health care personnel in the HA and the lawsuit are also issues of concern to society. After the High Court has handed down its ruling, we all think that there is no winner in the litigation. The public does not want to see any further damage to the relationship between the management and the front-line doctors of the HA. We all hope that the new chief executive of the HA can bring out a new management style, have better communication with front-line health care personnel and listen to the feelings of the staff, so as to repair their relations. The DAB thinks that health care personnel are the nucleus of the health care system. Front-line personnel with low morale will inevitably affect the overall quality of public health care services. The management of the HA must display the greatest sincerity in discussing with health care personnel their working hours and stand-by hours, in particular, individual specialist departments having long working hours and frequent stand-by duties and increase the number of health care personnel. The Government should also provide appropriate financial support to help the HA solve the problems relating to compensations and put into practice the various proposals on boosting staff morale.

Lastly, the original motion mentions the increase in fees and charges of health care services. Both the HA and the Government have coincidentally pointed out that the fee increases are not made due to fiscal deficits but are intended to reduce the abuse of services. Putting aside the issue of whether fee increases can reduce the abuse of services, the DAB believes that under the present mode of health care financing, fee increases will mean a reduction in the proportion of government subsidy to health care services, so changes in the mode of financing is inevitable. In other words, fee adjustments are already a very important part of any proposal on financing. We hold that it is a repetition for the original motion to raise the issues of both developing a proposal on sustainable financing and adjusting medical fees by phases at the same time.

This will only deepen the public misunderstanding that the motive of the HA in increasing the fees and charges is to apparently reduce abuse but in effect to eliminate its fiscal deficit. Therefore, I have also proposed an amendment.

Deputy President, I so submit.

MR ANDREW CHENG (in Cantonese): Deputy President, health care financing is a hot potato. Be it to increase taxes, introduce an insurance system or increase medical fees, the ultimate goal is always to dig into the pockets of members of the public and seek new resources to pay for the expenditure on health care services. The slightest mishandling will always draw flak from various sectors. Therefore, the Government's health care financing reform has been delayed again and again and it seems that there is not yet any chance for it to be launched.

However, this arduous task is ultimately unavoidable. If there is no exaggeration in the Government's information, at present, for every \$100 of revenue from taxation, \$22 are spent on public health care services. With an ageing population, the need for health care services is increasing. By 2033, for every \$100 of revenue from taxation, \$50 may be spent on health care services. If we do not cut the expenditure and raise the revenue, there is no way to maintain the standard of public health care services. The Court has recently ruled that without taking doctors' overtime work into account, the HA has to pay compensations to doctors amounting to \$200 million to \$400 million for the minimum number of rest days and statutory holidays to which they were entitled. It can be seen that the public health care system is already overloaded. It seems that the current health care manpower and resources will not be able to cope with future need for services.

Deputy President, the overall health care expenditure in Hong Kong takes up just about 5% of the GDP, far less than that in most countries such as the United Kingdom, the United States and Australia, but comments on its standard of service are generally quite positive. The present problem is that the responsibility of paying for health expenses is entirely borne by the public health care system, with over 80% of in-patients using the public health care system. In most countries, financing options such as health insurance and medical savings have been put in place, whereas over 80% of the public health care expenses in Hong Kong is met by tax revenue. Such a situation surely cannot be maintained in the long run.

The "Building a Healthy Tomorrow — Discussion Paper on the Future Service Delivery" released by the Government last year marked the first step in health care reform and health care financing. The Government's proposal is to cut down on the subsidies given to the middle class, and so on by various means, such as increasing fees and charges, applying the "user pays" principle to some services, and requiring patients to pass the means test before they are eligible for service subsidies, so as to force them to use expensive private health care services. The middle-class people always feel that they are paying a lot in taxes but getting very little public health care services. Increasing fees and charges will only exacerbate the social contradictions.

In fact, a lot of people in the middle class are prepared to pay more in exchange for better health care services. However, the Government should provide incentives and suitable terms so that people with better means can choose private health care services instead. It should not just resort to fee increases to deprive the middle class of the right to use public health care services. Therefore, we have reservations about the proposal to increase the fees and charges for public sector health care services set out in Dr KWOK Ka-ki's motion.

In order to promote the balanced development between the public and private health care services, patients should first of all be given assurance on using private health care services. However, at present, most private doctors are in individual practice. Unlike the HA, there are no appropriate and systematic training opportunities or management structure, therefore, there can be mistakes occasionally and even instances such as dispensing wrong drugs. Similarly, medical groups that are profit-oriented are not subject to supervision. If there is any medical incident, under the existing supervision system, it is not possible to protect the patients' rights fairly. Therefore, it is necessary to set up a statutory organization to co-ordinate the handling of complaints against the public and private health care services and enhance other supervisory work at the same time. This is the course of action which will make the public feel better assured in using private sector health care services.

Deputy President, since most of the private health care services are beyond the affordability of middle-income earners, health insurance is another effective way to encourage the public to use private health care services. However, when encouraging the public to take out health insurance, we must try to avoid

the emergence of the American experience in Hong Kong. As the Government of the United States does not provide any subsidy, medical fees are quite expensive, so the public must take out health insurance to meet the expenses. However, the major goal of private health insurance companies is to make profits, so people in the greatest need of health care services, such as the elderly or patients with chronic illnesses are all given the cold shoulder by the companies, whereas people in good health abuse the health services after taking out health insurance. The end result is that under this financing system in which private health insurance plays a major role, the overall health care expenditure is enormous but people in the greatest need of health care services are not taken care of. When the Government considers offering tax concessions for taking out health insurance, it should examine how other countries can regulate the health insurance system effectively, for example, by prohibiting insurance companies from choosing the insured.

Deputy President, a central health insurance system is a more thorough solution which will enable all members of the public to enjoy the protection of health insurance. They can choose to use either public or private health care services according to their preferences and needs. Consequently, they will not become over-reliant on the health care services subsidized by public funds. Regarding the specific details of a central health insurance system, for example, what kinds of services should be included and what the rate of contribution should be, we keep an open attitude. The most important attribute of a central health insurance system is its assurance that all members of the public can be protected by health insurance. Those who have income will contribute according to their levels of income, whereas those with less means will be subsidized with public funds in making contributions. Insurance companies cannot choose only those people in good health and at low risk, nor can the public take out health insurance only when health problems begin to appear. In this way, since young and healthy people and old and ailing people have taken out health insurance, the risks can be shared, ensuring that the contributions made by the entire population can meet the enormous health expenditure. Deputy President, we think this is a financing option that merits the Government's careful consideration. I hope the Secretary can conduct a careful study on the feasibility of this option in the forthcoming health care reform paper.

With these remarks, Deputy President, I propose my amendment.

MISS CHAN YUEN-HAN (in Cantonese): Deputy President, this topic has been the subject of prolonged discussions in both the Legislative Council and the former Legislative Council. The Government published a consultation document entitled "Towards Better Health", commonly known as the "Rainbow Document" in 1993; in 1999, it published the Harvard Report and in 2001, the "Lifelong Investment in Health: Consultation Document on Health Care Reform". Last year, the Government reconstituted the Health and Medical Development Advisory Committee and published a discussion paper entitled "Building a Healthy Tomorrow" to explore the future service delivery model for health care. In the document, the discussion focuses mainly on such topics as how to maintain quality health care services and meet the increasing demands of the public for health care services at the same time, as well as formulating a financing model acceptable to all parties in society.

The Government has made a series of proposals, triggering extensive discussions in society on each occasion. The discussion has been going on for more than a decade. I am in favour of discussing this issue. In fact, Hong Kong is facing problems relating to the development of the public and private sectors. I think that we have to face the existing problem squarely.

What does it mean by "agree to discuss"? I think the principle must be clarified. Why? This is because I hope that the Government will examine this. At present, there are only two items of social benefits that all members of the public in Hong Kong are entitled to without having to go through any means test. One of them is education, nine-year free education, and the other is health care service. Both the rich and the poor are entitled to or can use public health care services. Since our society is totally different from Western ones, we have to pay other expenses by ourselves. Therefore, in these circumstances, when the Government looks at the health care services, which are very important to us, it has to look at them very carefully. If the Government intends to employ any tool, it has to assess how great an impact it will make.

For example, in the discussion paper "Building a Healthy Tomorrow" released by the Government last year, the concept of family doctors as the future health care service delivery model was proposed. I found that many kai fongs were very anxious and many people asked who would pay family doctors in the future. In a district, there may be the choice of a family doctor on the left side and another one on the right. If a patient seeks treatment in the clinic of the family doctor on the left side, he may be regarded as a patient with financial

difficulties, but if he seeks treatment from the doctor on the right, he may be regarded as someone from the middle class. In that case, how should the line be drawn? However, such is the picture painted by the Government.

In every consultation that I organized, I found that members of the public who attended them seemed to be very worried. During the past few years, I have organized residents' meetings to consult them on the Government's plans to levy charges for Accident and Emergency (A&E) services. At that time, residents said that the Government should be allowed to recover some of the charges. Interestingly, on the one hand, the public agrees that the Government should charge some fees, and on the other, they feel that if some definitions are not clear, the two remaining universal social benefits in Hong Kong may be changed. Therefore, everyone is very worried and such worry is not just confined to the grassroots but also the middle class in particular.

We can all see that the expenditure on health care in Hong Kong in 1994-95 was \$14.5 billion and the figure reached \$27.8 billion in 2004-05. The public knows this and the Government is also very shrewd, therefore, anyone who seeks consultation in a public hospital will receive a list showing that the Government has subsidized over 90% of the fees. Consequently, every member of the public will be grateful to the HA for enjoying such a benefit.

If the increases are acceptable to everyone — the Government now intends to increase the fees a little for some services — the public will agree to them and will allow the Government to increase the fees a little. The problem is that the Government has gone too far. After raising the fees by \$100, it said that it would further increase the fees. As a result, the public feels very disturbed. I hope that the Government can, just like everyone else, draw the line properly.

Frankly speaking, we do not support some of the contents of Dr KWOK Ka-ki's motion. I admire him for putting forward the following proposal: "Consider implementing the medical fee increase option by phases." This is a prohibited area. Why? What I mean is that I do not want to simply criticize but that I want to cite some figures for Members' reference.

We can see that at present, the HA's expenditure on all health care services is expanding continuously. Actually, how much is the expenditure on

the remuneration and administrative expenses of the entire management? I will have to wait for their answer. Is there any relationship between the soaring expenses that they incur and the bloated structure of the HA? Again, I will have to wait for their answer. These questions have all along made the public and health care workers in the HA think that the HA is making the upper levels bloated while streamlining the lower level. Such is the severe criticism levelled by the staff in the organization. Therefore, I cannot help but ask: If, throughout the whole process, actually, some expenditure has been misused in the huge HA. Everybody can see that in this year's Budget, the Government has allocated \$650 million to the HA and has converted the one-off grant to recurrent funding. In addition, additional provisions are also allocated frequently. In the next three years, an additional recurrent provision of \$300 million will be provided for each year to improve the situation of fiscal deficit in the HA and meet its service needs. It can be seen that the Hong Kong community is positive about this.

However, next comes a question. I have to raise the question that I have mentioned just now. Having got the funding, the internal structure of the HA will continue to expand. Some of the services may be unnecessary. I wonder if Dr KWOK Ka-ki is aware of that. At present, beauty care service is provided. Originally, this kind of services is provided to patients who are severely disfigured in traffic accidents, but this is no longer so. We can see that this service no longer makes such a differentiation. Actually, is it necessary to provide such a service in the public health care sector? This is a subject that has never been discussed. Deputy President, what we find repulsive about Dr KWOK's motion is that before all our queries have been answered, we have asked to take action. Therefore, we all feel very jittery.

Furthermore, we can also see some situations, such as the Government telling us that it is necessary to charge a fee for A&E services and the public also trust the Government, so they are willing to let A&E services charge a fee. Frankly speaking, this measure has been effective in the last couple of years — it was effective in preventing the abuse of services. However, the figures are now rising again because there was no abuse at all. Do Members know who are the first people that stopped seeking treatment after a fee is charged for A&E service? They are the elderly people. They are the ones who were driven away. They do not have the \$100. They complained to me that they did not seek medical treatment there because they wanted to save \$100. What I want to say is that after a fee is charged, in the end, it is not the rich people who are

prevented from seeking consultation at A&E departments but elderly people. Therefore, we must proceed very carefully. Therefore, sorry, we will not support the original motion. As regards how to improve the existing fee waiver mechanism, my Honourable colleague, Mr WONG Kwok-hing, will discuss it in detail later.

In addition, I think that the present HA is a huge structure. I really hope that there can be more transparency in its overall operation and decision-making processes, so as to let the public have a better idea of its overall operation.

Deputy President, I really hope that we can be very careful in our discussions. For instance, just now, Mr Andrew CHENG raised a point about the feasibility of a central health insurance system. If it is central in nature, I certainly like the idea. However, I think that we must solve the existing problems. If the problems are not solved, we will not agree to it. When we propose increasing MPF contributions, the grassroots will be affected and their situation can be very miserable. If something additional is added to the proposal and if the present proposal has nothing to do with a central system, I guess the Government will of course be unwilling to do it. Moreover, we are talking about private health care services. Furthermore, we still have to consider many other issues before us right now.

Deputy President, I really hope that the Government can clearly tell us everything because in this way, we can participate in the discussion. We can see that Hong Kong now needs a huge amount of health care resources and the elderly population is also increasing gradually, from 12% of the total population in 2003 to 27% of the total population in 2003. With an ageing population, this increase in health care expenditure will even be greater. How can we deal properly with the present public and private health care services? However, what needs to be done is not to increase the fees and charges to force the public to seek consultation at private medical care institutions, nor to rashly set up a so-called insurance system and force the public to join it, but to make both sectors perform properly. I always talk about private health care services. Once, I said to Dr KWOK, "It will not work, Dr KWOK. Removing an appendix costs \$40,000 to \$50,000. How can it work?" However, it is often the case that we will not be informed of the cost until all work has been done.

In addition, I also want to say that we are actually facing the problems of wastage of health care personnel and the emergence of a succession gap now. It is necessary for the Government to solve them in earnest. I really cannot accept

the authorities' claim that it is necessary to use the old system to train doctors and workers. They are actually working 60 to 70 hours per week. I have sympathy for their hardship. I hope the Government can look at their situation seriously.

Deputy President, this issue has been discussed for a very long time. To health care workers, a very heavy burden has been created. Whenever this topic was discussed in the Legislative Council or in the community, the doctors' associations under the Hong Kong Federation of Trade Unions would express a lot of views. They very much hope that some items can really be sorted out first before mapping out the future direction to be taken. Moreover, I also hope that the Government will not be so afraid of this hot potato that it dares not touch it. Ultimately, the Government has to deal with it. I remember that when the Secretary took office, he said to me, "Miss CHAN, I am willing to take up this post in the Bureau because I want to deal with this issue properly." I welcome this attitude of his, but he has to come up with a proposal for discussions first. I call on everyone not to fall into the trap so easily, not to hastily propose fee increases, or introduce an insurance system hastily. Rather, we have to fully understand the issue clearly before making a decision.

That is all I want to say. Today, we will not support the original motion. Thank you, Deputy President.

Regarding the Democratic Party's amendment, I heard what Mr Andrew CHENG say just now and I can see that he noticed that there are problems with the insurance system in the United States. However, he left out one issue. Insurance companies in the United States have actually become demons, monopolizing a lot of things. We have to respond to these issues.

DEPUTY PRESIDENT (in Cantonese): Your speaking time is up.

MISS CHAN YUEN-HAN (in Cantonese): Deputy President, I so submit.

MR PATRICK LAU (in Cantonese): Deputy President, when we talk about the direction of Hong Kong's health care reform and the changes in the modes of

financing for public and private health care services, we must bear in mind a fundamental goal, that is, any arrangement should enable the public to enjoy the most expeditious, the best and the most appropriate health care services.

In fact, Hong Kong people have always been facing a very serious health care problem. On the one hand, although the fees charged by public health care services are reasonable and inexpensive, the waiting time is far too long. Very often, it cannot provide timely treatment to patients according to their conditions. However, not everyone can afford the more expeditious private health care services. In particular, in the event that there is a need for hospitalization or operation, I am afraid that even a lot of the middle-class people may not be able to afford the expensive charges easily. This incompatibility between public and private health care services clearly shows that the Government should review the health care system in Hong Kong as soon as possible.

Deputy President, the HA is indeed in possession of enormous resources, which are sufficient to meet any need, such as that for medicine and medical equipment. In order to enable patients to enjoy appropriate health care services more promptly, I believe we should formulate a more flexible health care system. We may as well refer some cases to private clinics for treatment by means of outsourcing and introduce a day and night shift system in private clinics, so as to truly alleviate the pressure arising from long queues of people seeking public health care services. This method has two advantages. It can relieve the work pressure on health care personnel serving in public hospitals, as well as solving the problems of employment and continuous training for Chinese and Western medicine graduates.

There must be a well-developed electronic system for sharing patient records to support its operation. Therefore, I am in favour of expediting the work on setting up an electronic system for sharing patient records. However, we must not forget that there are many richly experienced Chinese and Western practitioners. Over the years, they have accumulated a large quantity of patient records, which are valuable medical information about the patients. Yet, many of them are not versed in computer operation, so it may be rather difficult to convert the information into an electronic format. Therefore, while expediting the establishment of an electronic system for sharing patient records, the Government should formulate a package of measures to assist experienced doctors in computerizing their patient database.

Deputy President, it is true that I am always talking about Chinese and Western medicine. Friends in the health care sector would all agree that its first and foremost concern is patients' health. No matter what kind of medicine is practised, the most important thing is to do the utmost to assist patients in their fight against their illnesses and in their recovery. In Chinese culture, this is called "medical ethics", which coincides with the spirit of the Hippocratic Oath in the West. From the very beginning, I have emphasized the importance of providing the most appropriate health care services to the public. A lot of clinical health care experience also tells us that often, it is more suitable to treat certain illness with both Chinese and Western medicine. Therefore, in view of this opportunity of reviewing the health care reform, I hope that the Government will consider introducing Chinese medicine into our health care system so that just like the people on the Mainland, Hong Kong people can also enjoy both Chinese and Western health care services provided by the public sector.

As regards in what way the Government should formulate modes of health care financing models, I think the introduction of a central health insurance system is a positive proposal. However, I would like to remind Members that the Government must undertake never to rely solely on private insurance companies to assume the responsibility because, to private insurance companies, medical insurance is ultimately a business. However, to the Government, medical insurance is an unshirkable social responsibility. Therefore, I hope that the Government can formulate and implement as soon as possible a health care financing scheme that will enable the sustainable development of health care services, so as to provide quality health care services for all strata of society.

Thank you, Deputy President.

MS LI FUNG-YING (in Cantonese): Deputy President, this Council is again debating the issues of health care reform and health care financing today. Members of this Council and the public are all familiar with these issues, since the Government has been saying that it plans to reform the health care system in Hong Kong for no less than two or three decades. Relevant consultation papers have been released again and again, and high-ranking officials responsible for health care services have succeeded one another many times. However, our health care reform still remains on the drawing board. This year, the Government again intends to consult the public on health care financing arrangements. However, I have a great deal of concern over this consultation.

I am not worried that in the end, the consultation by the Government will again be inconclusive, but that the Government may have already adopted a stance and will implement the measures immediately after putting up a show of consultation.

My worries mainly come from two concerns: First, all the Government's reforms in public services in recent years were carried out in the guise of market orientation but were in reality moves to reduce its commitment. It has also been trying to drive the people using government resources, especially those in need of social security, out of the security net by all means. This is basically the attitude of the Government in recent years in dealing with the remaining social services in Hong Kong; second, according to media reports, the Health and Medical Development Advisory Committee (HMDAC) is currently looking into models of health care financing. The HA is now collecting and processing patient data in order to project the proportion of medical expenses to household expenditure each year, to be used as reference in adjusting medical fees or waivers. It also emphasizes that increasing fees and charges in public hospitals will be accorded priority.

I have no objection to carrying out health care reform and putting in place health care financing, however, if there are no other complementary measures, I will not agree with according priority to increasing fees and charges in public hospitals. I may not necessarily object to increasing fees and charges in public hospitals. At present, medical expenditure already accounts for nearly 25% of the Government's tax revenue. Given the fees and charges under the present service standards and the growth in demand, by 2033, health care expenditure will take up 50% of the tax revenue. Such a proportion between revenue and expenditure is impossible in the allocation of government resources. This also means that if society as a whole does not shoulder health care expenditure, our health care services will become financially unsustainable.

However, how can we make the community shoulder health care expenditure? If any resultant measure is to accord priority to increasing medical fees in public hospitals, this will only show that the objective of the Government's health care reform is not to promote the healthy growth of the entire service environment but to shift responsibilities. Today's motion and amendments touch on the scope and direction of the health care reform. Health care financing is just one of the components, the others being enhancing private health care services, setting up an electronic system for sharing patient records, a health insurance system and reviewing the supply and demand as well as the

planning of health care manpower, and so on. Even in the discussion paper released by the HMDAC in the middle of last year entitled "Building a Healthy Tomorrow — Discussion Paper on the Future Service Delivery Model for our Health Care System", over 10 issues were raised. They include: What future service delivery model should be adopted; whether there will be any change to private health care institutions; how to formulate clearer guidelines for public hospital resources and financing is also one of the issues. If increasing public hospital medical fees is added as a component of the health care reform, the above issues must be resolved first.

Currently, private health care institutions in Hong Kong only account for 5% of all health care services. This reflects that it is not true that there are inadequate health care resources in Hong Kong, only that resources are not utilized appropriately. At the present stage, to ask private health care institutions to assume a greater role is perhaps an easier way to relieve the pressure on the public health care sector. I do not believe this goal can be achieved simply by making those with the means pay more and raising the fees and charges for public health care services. Apart from problems with fees and charges, the imbalance between public and private health care services in Hong Kong is also related to information imbalance. On the one hand, service providers have almost monopolized nearly all information, while on the other, consumers have no choice as they lack the information. Therefore, it is an important link in health care reform to make public information on health care services, so that consumers can make informed choices. "In life, there is no take two". I believe people who can pay more are prepared to switch to quality private health care institutions after getting hold of adequate information. In this way, the pressure on public health care services can be relieved.

Deputy President, in order to enable the sustainable development of public health care services, it is perhaps inevitable that the fees and charges for public health care services must be increased. However, the adjustment of medical fee cannot be the very first step in the overall health care reform, especially when our health care system has become a prime social security measure. If the imbalance in health care information is not rectified and no measures such as health insurance are available to help the public prepare for rainy days, differences in the positioning and objectives as well as planning and utilization of resources between different health care institutions will occur, whereas the emphasis in health care reform consideration is only on fees and charges and

curtailing workers' rights under various pretexts, it will lead to catastrophic consequences.

Deputy President, I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, it is announced in this year's Budget that more funding will be allocated to the HA starting from next year, from nearly \$27.3 billion last year to about \$27.8 billion. Moreover, the \$650 million one-off grant last year will be converted to recurrent provision. That means next year, there will be an additional \$800 million. Moreover, the funding will increase by \$300 million each year in the next three years, so the HA will get an additional \$1.8 billion in total.

The new Chief Executive of the HA, Mr Shane SOLOMON, welcomes the additional funding and thinks that it is a very good gift to mark his taking office. In fact, this is also an excellent gift to the staff of the HA and the public. However, we have to ask this: In the final analysis, new resources are finite, but there are still quite a number of problems facing the HA and the whole health care system that have to be solved. In which aspect can this additional sum in excess of \$1 billion be used? Can we have the Secretary's response later?

The HA has a fiscal deficit of \$670 million this year, so does it mean that the entire additional sum of \$800 million next year will be used to eliminate the deficit? We have to realize that the HA is still facing problems of over-stretched manpower and a drain of senior health care personnel. The rising costs of medicine and medical equipment are also troubling the HA. Moreover, the world is presently facing the threat of avian flu. It will be difficult for Hong Kong to remain unscathed since a case of human infection has occurred in Guangzhou. Which loophole can this additional hundreds of millions of dollars in funding plug? Given so many items of expenditure, the HA must make good use of the Government's additional funding and explore all kinds of options to raise revenue and cut expenditure.

Deputy President, the Government intends to start the consultation on health care financing options at the end of this year. This is a topic that society must explore and study carefully together, since with an ageing population, the

reliance on health care services will only increase. However, the financing options should not deny anyone adequate medical treatment due to a lack of means, or make a patient spend all his life-time savings on medical treatment.

Therefore, be it the existing or future health care financing options, a comprehensive mechanism for remission and waiver must be put in place so that all people in need can benefit. However, the application procedures under the existing remission and waiver mechanism are very complicated. For example, screening and approval by a medical social worker are required, however, as we all know, no one can foresee when one will fall ill and the time cannot be determined. However, medical social workers have regular working hours because they work according to office hours. If elderly or chronically-ill patients who want to apply for a remission or waiver cannot find a medical social worker and cannot afford the \$100 charged by A&E departments, then they may choose not to go to a doctor, thus leading to an aggravation of their conditions.

Furthermore, eligibility under the existing remission and waiver mechanism only lasts for six months at the most. Some people have to make an application on every occasion. Such an arrangement is extremely inconvenient to elderly people and the chronically ill. Since they have to seek treatment frequently and fee remissions or waivers can be granted for only six months at the most, and they have to re-apply on expiry, such an arrangement is very troublesome. We hope that the Secretary can review the situation. I suggest that the authorities extend the period of remission and waiver to one year at the least, so that the chronically ill and elderly people do not have to travel so much and they can be spared of the troublesome application procedures.

Deputy President, sufficient disease prevention is also a very effective means in cutting down medical expenses. Unfortunately, at present, the Government has allocated limited expenditure to prevention. To take elderly health centres as an example, they are designed to provide such services as check-ups, health assessment and medical treatment to the elderly. These check-ups and assessment services can detect physical problems of elderly people at an early stage, so that they can seek medical treatment before they worsen. This will of course shorten the time needed for medical treatment and also significantly relieve the strain on hospital beds. However, to use these services provided by such centres, it is necessary to become members and the waiting time is now 26 months. There are only 18 elderly health centres in Hong Kong,

so the capacity to provide services is limited. Currently, the membership has already reached 39 900 persons. In view of the more than 700 000 elderly people aged 65 or above, is this not a drop in the ocean?

Deputy President, I recently heard that the Government would consider providing tax concessions for those who take out private health insurance in its health care financing proposal. This is of course a feasible option. At least, this can encourage people with means to use private health care services instead. However, we have reservations about the implementation of a health insurance system. Miss CHAN Yuen-han has clearly elaborated this point just now. This is because health insurance is in itself a very complicated framework. What kinds of illnesses are covered or otherwise basically depends on the amount of premium and the type of insurance scheme. In some countries where health insurance systems are in practice, instances of poor people not receiving adequate health care services have occurred. Therefore, I think we should be very prudent about whether a health insurance system is suitable for Hong Kong.

With there remarks, Deputy President, I support Miss CHAN Yuen-han's amendment.

MS EMILY LAU (in Cantonese): Deputy President, I am grateful to Dr KWOK Ka-ki for proposing this motion, which can be described as very timely. This is because the Secretary is now busy dealing with the avian flu problem, so it is also desirable to make him spare some time to focus on health care reform and health care financing again. However, Dr KWOK also made a proposal to implement the medical fee increase option by phases, so I believe this will definitely lead to a great deal of resistance in garnering support for his motion. Deputy President, it may be premature to talk about this now.

Like other Honourable colleagues, I very much support the authorities in exploring health care reform and health care financing, however, there has been little success after all these years. I wonder if the Secretary can accomplish them in his tenure. I think it will be very difficult. Perhaps the Secretary can continue to work hard in his next tenure.

Deputy President, in fact, we, together with those who care about this matter in the community, also want to help the authorities and the Secretary.

Therefore, we have recently formed the "Healthcare Policy Forum", whose members come from the business sector, six to seven Members of the Legislative Council (including Dr KWOK Ka-ki), District Council members, members of the social welfare sector, academics and people concerned about patients' rights. This is a great composition. We have begun to look into the whole issue. We will not just look at the local experience, but will also make reference to overseas experience and hold forums — there will be an open forum on the 26th — and we will express some views to the Secretary. Actually, we want to have a meeting with the Secretary, however, he said that he was preoccupied with problems about chickens and ducks and could not meet us until early May. We are prepared to have a meeting with him.

We have also conducted some studies on some issues being discussed in society or by the Secretary. Concerning the whole health care reform, the Secretary himself and other people have highlighted two issues: Firstly, the abuse of services, if more people use the services, more money will be needed, secondly, an ageing population. I believe the most important thing is not to make a wrong diagnosis, otherwise, the wrong drugs will be prescribed.

Let us look at the abuse of services. Deputy President, you may have noticed that the authorities in fact do not have a very clear definition of the word "abuse". What does abuse mean? How serious is the extent of abuse? More importantly, is it the case that when fees and charges are increased, only people who abuse services will be selectively targeted? In these three areas, the authorities have not conducted enough studies, nor are there adequate studies in Hong Kong. Therefore, they have now highlighted one issue, that is, the abuse of A&E services. Then we come to ask: What counts as an emergency? And what does not? What are the differences between the two? Just now, an Honourable colleague said that given the poorly developed primary health care services in the present system, in particular, since a lot of private clinics have short consultation hours, and that patients' medical records are highly dispersed, are members of the public blameless if they consider A&E departments the most reliable first-point-of-contact in seeking treatment? Deputy President, is it fair to label these people abusers of A&E services then?

More importantly, does the Secretary or anyone else have information indicating that fee increases can selectively target abusers? Will things work out this way? We have read some studies which find that fee increases would

deter both abusers and non-abusers from seeking medical treatment. These studies also point out that low-income people are more easily affected by the level of fees and charges. Thus fee increases will have a greater adverse effect on their health. Therefore, I hope that the Secretary can give adequate justifications for whatever plan he is going to implement.

Another problem is an ageing population. This is very simple. The analogy to the early stage of cancer has been mentioned several times just now. In fact, the older one grows, the more health care services one needs and the greater amount of money one spends on this. However, Deputy President, we have also read some other studies conducted in the United Kingdom. It is believed that there is no definite relationship between an ageing population and increase in health care expenditure. Among the many studies in the United Kingdom, most of them indicate that an annual increase of about 1% in health care expenditure will be sufficient to keep pace with the health care needs resulting from an increase in the elderly population until the middle of the 21st century. People in general think that this increase is very moderate and sustainable. I hope that when we talk about an ageing population and the abuse of health care services, the Secretary will cite more local and overseas experience for our reference.

In addition, Deputy President, concerning policy objectives, in Hong Kong, we often say that no one will be denied medical treatment due to a lack of means. However, it is added that we must ensure that members of the public can continue to enjoy quality health care services which are sustainable, affordable and accessible to all people. However, these are just empty slogans because at present, many people have to wait for one, two or three years before they can get the services. Moreover, we do not have any yardstick to determine if the objectives have been achieved.

In 2002, a report was completed in Canada and indicators were laid down. The most important ones are related to what kinds of services can all people in the country afford and the standard of health of all people in the country. Some of the indicators have to do with life expectancy. That is not what people call life expectancy at birth but life at 60 years old and what is called disability-free life. That is, for how many years in one's life can one be free from disability? In addition, it also measured the affordability of the entire population in using health care services and the health of the whole country. All these are very specific indicators. In Hong Kong, the Government only talks about a few

things and they cannot be achieved after having been spelt out. In Canada, there are no suggestions to make users pay more, introduce more privatized services and achieve a balance with the private health care system. Why? Because they believe these things are not conducive to making services of higher quality available to their nationals.

Deputy President, I hope that this review will have clear objectives and eventually, it can win the support and acceptance of the Legislative Council and all members of the public. It will be successful when it is implemented in these circumstances.

I so submit.

MR RONNY TONG (in Cantonese): Deputy President, recently, I happened to come across two cases. One is about a woman who has two small children and who has been receiving Comprehensive Social Security Assistance (CSSA) for a long time. She is suffering from liver cirrhosis and has to take a drug called Lamivudine to reduce the pace of liver cirrhosis. Her monthly expense on this particular drug stands at \$700 to \$800.

Last year, the Hospital Authority (HA) introduced a system involving a new drug formulary. Unfortunately, this drug is not included in the so-called "The White List". That means a patient has to buy his own drug. To an ordinary family of "wage earners", \$700 to \$800 already constitutes a very heavy financial burden, and this is the more so for a woman on CSSA who has to take care of two small children. This lady requested assistance from the Social Welfare Department (SWD) but unfortunately, the reply from the SWD is: Much as we would like to help but our hands are tied. In the end, this lady can only rely on donations from a liver patient support group for extended periods to survive.

Another similar case involved a young girl who had just left school. There was a tumor in her liver and a surgery must be performed, otherwise she could only live for four weeks. The surgery was extremely urgent but the fees and charges were very high. With her household income of less than \$10,000, it was impossible for her to raise the money to buy back her life. In the end, this young girl also had to rely on the assistance of a liver patient support group to save her own life.

More than \$30 billion is spent on health care in Hong Kong society each year but still, some poor people have no money to seek medical treatment and have to rely on non-government organizations in the community to offer free charitable health care services. This is certainly a great irony to Hong Kong as a cosmopolitan city. Many Honourable colleagues have also said just now that the present problem facing Hong Kong's health care system is not a shortage of resources, but a mismatch of resources. One the one hand, the HA is providing inexpensive health care services of enviable quality to all members of the public in Hong Kong irrespective of their means; and one the other, every day, there are still some people with urgent needs and financial difficulties who cannot get the care and support they deserve. Both of the examples cited by me just now involve victims of such a resource mismatch.

The crux of the resource mismatch problem is in fact the imbalance between public and private health care services. At present, the health care system in Hong Kong is over-reliant on public resources. It has already reached an unhealthy stage. According to the figures provided by the World Health Organization, the ratio between private and public health care expenditures has changed from 5:5 a decade ago to 4:6 in 2001 and there is a trend of further polarization in recent years. Studies also pointed out that by 2033, for every \$100 of tax revenue, \$50 would be spent on health care services in Hong Kong. This figure is really appalling.

Concerning this problem, if we realize that the resources at our disposal have already reached its limit, how should we deploy our resources, so that those in need can get the care they deserve? How can we strike a balance between public and private health care systems?

In a Legislative Council debate conducted the year before, the Article 45 Concern Group proposed the principle of "those with the means pay more and reasonable commitment" to reform the existing health care financing system. This direction is still applicable now. However, in the discussion paper entitled "Building a Healthy Tomorrow" published by the Health, Welfare and Food Bureau last year, we can only find some principles that have been generally accepted by society without any specific implementation proposals. For example, how we can induce members of the public to seek medical treatment from private doctors and how we can enhance the public's confidence in medical groups?

Some years ago, Hong Kong society rejected the proposal to adopt a large-scale central insurance scheme as the health care financing option. Can we consider replacing it with a more decentralized and community-based health insurance system of a smaller scale? Can we encourage more people to seek treatment from private doctors in this way? Should we offer tax concessions to encourage those with the means to take out health insurance? Similarly, in the discussion paper, it is mentioned that public and private health care services should supplement and complement each other. However, when it comes to specific measures, it completely overlooked the issue of how the present market structure can be reformed to encourage those with the means to use private hospitals. What is more disappointing is that although it is mentioned in the discussion paper that resources should be pooled to help those truly in need, how do we define those who are in need? What does "genuinely in need" mean? How can health care support for those poor people in need be reinforced? There is no mention whatsoever of these in the paper. In the final analysis, the vision and objectives in the paper can only be regarded as empty talk.

Of course, we have not talked about management reform in the HA. For example, we find that given the fiscal deficits of the HA, those senior managers in the HA still continue to receive bonuses. What is the rationale behind this? Throughout the world, which company or boss can still receive bonus when the company is losing money? Is the HA an elephant? Is it necessary to dismantle it to look clearly how resources can be better allocated to benefit Hong Kong people?

From the Harvard panel of experts, through the discussion paper entitled "Building a Healthy Tomorrow", to the forthcoming health care financing policy document, we have been discussing the issue of health care financing reform for nearly a decade. How much more and how much longer do we have to discuss before a practicable action plan can be available? Thank you, Deputy President.

DR YEUNG SUM (in Cantonese): First of all, I am grateful to Dr KWOK Ka-ki for raising such an important topic, so that Honourable colleagues can express their views on such an important social issue.

In fact, Deputy President, Hong Kong's expenditure on health care is equivalent to about 5% of the Gross Domestic Product (GDP). At present,

more than 95% of members of the public who need in-patient medical treatment will basically use public health care services. Concerning out-patient consultation, about 70% of members of the public will also use public health care services. We can also say that very good results have been achieved in reducing infant mortality rate and raising life expectancy as compared to the rest of the world. Moreover, our health care services have become community-based since the 1970s and 1980s, so members of the public can get public health care services conveniently within a short time. Furthermore, as our present health care services are provided irrespective of patients' means, so social equality and universal protection have also been achieved.

In fact, a number of our friends have also mentioned that the present health care services require a lot of money. In fact, if we look at modern society, we can see that health care expenditure has to depend either on tax revenue or insurance. Of course, insurance can be provided by either the private sector or the public sector. For instance, in the United Kingdom, it is mainly dependent on tax revenue but in the United States, it is mainly dependent on insurance. The provision of health care services in Hong Kong has actually also been dependent on tax revenue. That such results have been achieved is our pride, since in fact, insofar as social policy is concerned, Hong Kong's health care system constitutes one of the most important social policies in Hong Kong and every member of the public in Hong Kong, no matter to which segment they belong, can all receive reasonable health care protection. Nobody will be denied care due to a lack of means.

Moreover, it serves to stabilize society. Everybody knows that in living in Hong Kong, nobody will be denied due protection of his life and health due to financial problems. Since infancy and even before birth, everyone is cared for by the public health care sector. After a baby is born, be it medical checks or hospitalization due to illness, in fact, fairly comprehensive and fair services, which are basically affordable to the public, have in fact been provided by society. Therefore, I believe that this kind of health care services, apart from providing to members of the public a very reasonable security net, actually contribute a great deal to social stability and a sense of belonging. Of course, from another perspective, if the health of the public is given basic protection, even if members of the public have to stop working because of illness, this will not have a serious adverse impact on economic productivity. This will be directly or indirectly beneficial to the economic development in Hong Kong.

Having said so much, I just want to stress that in view of the current resource allocation arrangement and given such achievements and characteristics, I think and I suggest that the Government should not make any fundamental deletion or change to this system lightly. I think the existing merits have not come easily. We have painstakingly established such a health care system with so many merits. If we rashly make some fundamental changes to it, I myself find that extremely regrettable and this will also have profound long-term impact on society.

Of course, we have an issue which is different from that in the United Kingdom. The similarity is that both places rely on tax revenue to support health care expenditure. The difference is that the tax rates in Hong Kong are very low, in particular, the Basic Law has provided for a low tax regime and also has some provisions on increasing public expenditure. Therefore, this factor makes it necessary for us to keep our tax revenue at a low level. As regards public expenditure, even though we have a very high GDP, at present, the Government can only say that overall public expenditure should only constitute 16% of our GDP. Therefore, there is indeed a serious problem in terms of resources.

In addition, there is a growing demand from members of the public for services. With a rising political awareness and people's awareness of the power that they can wield, the public has increasing expectation for the Government and the demand for more health care expenditure is also increasing. In fact, at present, 25% of our tax revenue is spent on health care services. By 2033, it is estimated that half of the tax revenue will be spent on health care services. Therefore, it is imperative that effective means of financing be put in place.

We in the Democratic Party is basically in favour of the Government considering establishing a central health insurance system and stipulating that employees whose income has reached a certain level should take out health insurance together with employers. As regard people with incomes below that level, the Government can, as under the present arrangement, continue to provide subsidies, so that both people with the means and those with less means can be covered by proper, affordable, effective and fair health insurance. In this way, the community can be benefited and the aim is not solely to provide funding to the health care system. If we do not implement a central health

insurance system, eventually, we may have to increase taxes and the burden of tax increases will eventually fall on the shoulders of people in the middle class.

In fact, we in the Democratic Party do not support Dr KWOK's proposal of introducing medical fee increases by phases. I know that in my university, some academics are also saying that it is not necessary to talk about health insurance anymore because even though discussions have been going on for such a long time, no consensus can be reached, so let us just charge fees and so long as the Government has a timetable, that will do. Since there should be a timetable for introducing universal suffrage, so let us also set a timetable for charging fees. When health care charges and fees have increased by 50%, people will want to take out insurance automatically. By then, there is no need to discuss any further and people will demand that a central insurance system be established. However, I think this is just like "trimming the toes to fit the shoe". Indeed, I have rarely come across this kind of suggestion. Therefore, if we say that increasing fees and charges by phases is a tactic designed to put in place a central health insurance system stealthily by putting it on stage at the right time, this is really most inconceivable.

Deputy President, I wish to reiterate that the Democratic Party opposes the practice of "those who can afford pay the health care expenses". Do Members know how expensive health care fees and charges are? The unit cost of hospitalization for one day can be more than \$3,000, but the HA charges the public \$100 only. Therefore, this kind of wealth redistribution is very important to promoting social mobility. Moreover, I wish to emphasize that the middle class is already facing a lot of difficulties nowadays. We often say that Hong Kong has a low-tax regime but we should not forget that a lot of people in the middle class have many types of virtual tax, that is, mortgage repayment. Once they commit themselves to a mortgage, they will have to endure the hardship for two to three decades and they also have to pay their children's education expenses. Therefore, if Members look at the burden of mortgage and education expenses for children borne by the middle class, these are already visible or invisible shackles on them. If we say that they should pay more because they have the means — I recently heard Mr WU, the HA chairman, say that they would consider increasing the fees and charges and making the middle class spend a certain percentage of their income on the fees and charges. I was taken aback on hearing this. I think that such a move would certainly aggravate

the deep-seated contradictions in Hong Kong and social disharmony will surely follow.

I think that a central health insurance system

DEPUTY PRESIDENT (in Cantonese): Dr YEUNG Sum, although the timer is out of order, I guess your speaking time is almost up.

DR YEUNG SUM (in Cantonese): I also find it strange that even though I have spoken for such a long time, yet

DEPUTY PRESIDENT (in Cantonese): Indeed. This is because the timer is out of order. However, I guess your speaking time of seven minutes is already up.

DR YEUNG SUM (in Cantonese): Yes, Deputy President, I have great respect for you. I had been wondering why my speaking time was still not up. Since the timer did not go off, I just went on with my speech. But I will not go on now because I have great respect for you. *(Laughter)*

DEPUTY PRESIDENT (in Cantonese): Thank you.

DR YEUNG SUM (in Cantonese): Sorry, the Democratic Party really cannot support Dr KWOK's motion. We hope that the Government can implement a central health insurance system at an early date.

Thank you, Deputy President.

MR VINCENT FANG (in Cantonese): Deputy President, as a board member of the Hospital Authority (HA), first of all, I would like to take this opportunity today to thank the Government for ceasing to reduce the provision to the HA

from the second half of this year onwards, and better still, a slight increase will be made instead.

Recently, a group of HA doctors have claimed compensation for overtime work and holidays from the HA. The press also reports frequently that there is a mass exodus of doctors from the HA. I am in frequent contact with quite a number of doctors in the HA. In fact, they work really hard and dedicatedly to serve patients. That is why so many people prefer to go to government doctors. Moreover, they have even made the quality of Hong Kong's public health care services internationally renowned.

Although the standard of our medical education is quite good and the HA provides adequate continuous training to health care personnel in service, if we want to maintain this situation, we have to commit resources continually. However, in recent years, since the Government keeps slashing funds and the HA faces a huge fiscal deficit, it has to keep a tight rein on manpower and remunerations of its staff. As a result, serving health care personnel have to endure the enormous work pressure arising from the increasing demand for services. The situation of different pay for performing the same duties and limited career prospects has affected the morale of the health care personnel in Hong Kong.

This time, with increased funding, the HA will have more time to prepare for health care reform. In order to reduce the impact of the reform on those who are currently using public health care services, we have to implement the reform cautiously and step by step.

Factors such as an ageing population, the greater threats posed by diseases as well as the rapid advance in medical technology all point to the needs for more resources to support our health care system. If we want to maintain the standard of health care services in Hong Kong and take it forward, the resources that we put in cannot be reduced. However, the focus of health care reform in Hong Kong is how a balance can be struck between increasing demand and finite resources.

I think that co-operation between the public and private health care sectors will surely be the way forward. Health care development and research require the input of large sums of money. The Government has the unshirkable responsibility in studying how to fight against and prevent diseases and finding

out various ways of treatment. For example, Hong Kong has made significant contributions to devising the polymerase chain reaction test for SARS. Last winter, Hong Kong also did a great deal to prevent a flu pandemic and that is why we have avoided an outbreak of a flu pandemic so far.

Therefore, the Liberal Party is in favour of the idea that the public health care system should focus its resources on prevention, treatment of serious illnesses and provision of A&E and specialist services. As regards basic health care services, they should be provided by private doctors and private hospitals through a well-developed public-private interface.

However, we are not going to push patients into private-sector service in this way. In order to ensure that patients can obtain comparable quality health care services at reasonable charges, the authorities have to further enhance the current functions of the Medical Council of Hong Kong, so as to enable the Council to monitor the service quality and charges of private medical practitioners and medical groups.

Nevertheless, the reason for patients' confidence in the public health care services in Hong Kong is the fairly high standard and quality. We can see that after the Government has increased the fee for A&E services to \$100, the number of people who go there to seek treatment has not decreased and the majority of these people are those with minor illnesses. We also know that the basic charge of some 24-hour private clinics is \$120 only. The mentality of these people seeking treatment is obvious.

(THE PRESIDENT resumed the Chair)

Some Honourable colleagues think that in the process of drawing up a health care financing model, the increase of medical fees and charges should be put on hold, however, I think the Government should "walk with both legs". In order to reduce the Government's direct subsidies for public health care services and to use resources effectively on those people with genuine needs, I support the principle of "those with the means pay" and gradually raising the fees and charges for public health care services according to the costs. Only in this way can the co-operation between the public and private sectors be complemented and doing so will not be at variance with any health care financing model. I agree

that no matter if the charges and fees are increased or a health care financing model is introduced, we need a well-conceived safety net system as a complementary measure to provide the necessary health care services to patients who cannot afford the fees and charges. In particular, we have to offer appropriate waiver to people who are on low income, impoverished, suffering from serious illnesses or acute illnesses, as well as the chronically ill and the elderly. Regarding the middle class, who is at present bearing the heaviest financial burden, we should either set up a secondary safety net for them or consider providing tax concessions to those who take out health insurance when implementing a health care financing model.

I hope that with increased resources, the work conditions and career prospects of serving health care personnel can be improved. Through health care reform and the introduction of a model of health care financing and the co-operation between public and private health care services, I hope that the pressure on public health care services can be gradually alleviated, our health care resources can be increased and the service quality and standard can be raised. This will be a win-win situation for health care personnel in performing their duties and the welfare of the public. I so submit. Thank you, President.

DR JOSEPH LEE (in Cantonese): Madam President, the prototype for a healthy city should be built on a prophylactic model of healthy behaviour and structured on the concepts of primary health care and positive health care services. Unfortunately, all along, the Government has focused only on developing therapeutic health care services and seldom has it committed enormous resources to the development of prophylactic work such as primary health care. The health care reform report entitled "Towards Better Health" proposes to make family doctors health guardians in local communities. This further imparts a pattern to health care services and fails to make it health-oriented. This is making disease treatment part of health promotion. The health care policy in Hong Kong has not departed from the strait jacket of focusing on the development of therapeutic treatment, showing that the mentality of local doctors and nurses is a structural problem. Such a seriously lopsided policy also makes the allocation of resources unhealthy. There is not just a lack of vision on promoting public health, but also a serious imbalance between public and private health care sectors as therapeutic work incurs huge expenses. As a result, the onerous burden arising from therapeutic work becomes unbearable. It will be

difficult to maintain the quality and quantity of the health care services in Hong Kong.

At present, the public health care system has shouldered about 90% of all in-patient services and nearly 100% of rehabilitation services. In order to ensure both the quality and quantity of services, the front-line staff of the HA has to cope with extremely heavy workloads and pressure. Contract nurses even have to put up with the unfair treatment of different pay for performing the duties. It is inevitable that their morale is low. In recent years, this has even led to many instances of public hospital health care personnel quitting their jobs and a wastage of experienced personnel. In the meantime, both in terms of technology or public acceptance, the private health care system does not have the capability and the market conditions to directly assume the work passed on by the public health care system.

Madam President, concerning public health care services, a "therapeutic" medical and health policy and health care system are the root causes leading to all sorts of imbalances. They are the crux of the problem that causes Hong Kong's health care system to flounder in a long-standing quandary. In fact, any health care financing proposal may not necessarily be able to solve the exiting complicated problems caused by the health care system. Therefore, I support the original motion and think that at present, the first and foremost task is to set as soon as possible a definite direction for the development of the health care reform, specify clearly the objectives and the nature and scope of the secondary and tertiary services provided by the public health care system, establish a mechanism for fees and charges, publicize the method for cost calculation and increase the transparency in policymaking, provide a safety net for the low-income grassroots under the new system, as well as providing a marginal safety net for the middle class. At the same time, the "therapeutic" policy of the present public system must be further revamped by boosting the resources for the first-line (that is, primary) health care services, formulating a community-based prophylactic primary health care service plan, promoting primary health care, providing comprehensive health services to local communities, for example, by establishing more Chinese medicine out-patient clinics, promoting community-based dental care services, as well as enhancing community-based rehabilitation service and health care facilities and complementary facilities with a view to transferring patients in stable conditions to community-based rehabilitation centres. Family doctors should play the role

of a "community-based rehabilitation guardian". Apart from that, community-based rehabilitation teams consisting of nurses, nutritionists, physiotherapists and pharmacists should also assume this responsibility. They can share some of the community-based prophylactic work, preliminary treatment and rehabilitation work. This can effectively reduce the demand for secondary and tertiary health care services in the future. Developing a healthy community can raise the fundamental health and quality of life of members of the public.

Madam President, the HA has stressed that the most important thing in the health care system is human resources. However, the HA has along been doing a disservice to its front-line health care personnel. Apart from the fact that the historical issue of different pay for the same duties has not been properly resolved and dealt with, the HA also lacks a well-developed plan or system to accurately regulate or standardize the current front-line staff establishment. For example, there has never been any pledge on the ratio between nurses and patients. In the past, we have heard a lot of assumptions saying that 20 years later, the elderly population in Hong Kong accounting for about 20% of the entire population will increase the therapeutic workload by so much and so much, however, we have never learned of any detailed projection or planning made by the HA on future demand for services, or any news on strengthening prophylactic health care service or making any long-term plans on the manpower ratio. I earnestly hope that the forthcoming health care financing plan can paint a clearer picture of the planning on the actual manpower for health care.

Concerning private health care service, for a long period of time, the Government has failed to lay down a definite policy and service positioning. This has caused front-line health care personnel in private hospitals to express their strong dissatisfaction with the imbalance between private and public health care sectors. Therefore, we think that it is necessary to clearly define the role, the development objectives and scope of services of the private health care system in the whole health care system in Hong Kong at a policy level. It is also necessary to enhance the transparency in the levy of charges to ensure that the charges on and quality of the services provided by the private sector can reach a reasonable standard of good quality. These can help to clear the fundamental hurdles in co-operation between the public and private sectors. The Government must also step up the work relating to the training, co-ordination and supervision of family medicine, so that

community-based doctors and health care service teams can enable the primary health care model to take root in local communities.

With constant innovations in medical development, in order to maintain the existing edge in the quality of health care and to ensure that members of the public can continue to enjoy equal rights to health care services, we believe it is necessary to transform, through health care reform and a mechanism of charging for health care services, the concept of society being responsible for the health of the public and the habit of the public totally relying on the Government for service provision to an individual responsibility and an issue of social justice and to create the value system of health as an individual responsibility for society. Under the principle of preventing abuse and ensuring that no patients will be denied timely service due to a lack of means, it is possible to percolate the concept of "he who has means pays more" through society and to change the established thinking that medical and health services are a type of social welfare by increasing public health care service fees and charges, narrowing the difference between public and private health care service fees and charges, as well as encouraging members of the public to use private health care services or to take out social, private or mixed insurance.

From international experience, there are currently about five different ways of health care financing including tax revenue, social insurance, user pays, medical savings account and private insurance. As Hong Kong is one of the world's developed free economies, and while each of the above means has its own merits and risks, we think that a mixed model of health care financing can effectively distribute risks through diversification. However, I urge the authorities to collect views from the community as soon as possible. Regarding health care financing, consultation should be conducted as soon as possible. One should not formulate a set of concrete plans before consultation. Rather, a consensus in this regard is required. Madam President, I so submit.

MRS SELINA CHOW (in Cantonese): Concerning the issue of health care financing, as many Honourable colleagues have pointed out, it is indeed true that it has been discussed for many years, however, it seems that there is still no conclusion. I hope that this time, the Secretary can really act decisively and give us some answers. Today, we are having a debate here and of course, we

hope that many of our views will be adopted or considered. A point of great concern to us is of course the issue of money.

We all know that if we want to maintain the health care standard, it is inevitable that we have to continue to increase the investment, in particular, as technology is advancing, the financial support required will only become greater and greater. It seems that everyone has accepted that in principle, those without means must get social assistance. However, often, once a line is drawn, we then have to assist the grassroots who do not have the means. As regards other members of the public in the so-called middle class or above with the means, it will be most satisfactory if they can all move in the direction of "user pays".

However, Mr Vincent FANG of the Liberal Party already made it very clear earlier that in fact, the middle class can also be divided into many strata. As a matter of fact, people in the middle class who are not eligible, for example, those people in the middle class who cannot pass the means test actually fare the worst. If we think that all people in the middle class have to shoulder the same fees and charges if they are above the line, I believe the people in the lower stratum of the middle class will have a hard time. Therefore, I believe that when considering the issue of financing, everything should be taken into consideration and a secondary safety net is one of them and other sources of financing is another. Also, there should be greater flexibility so that people in the middle class, who are often neglected, will be taken into account as far as possible.

Another thing is the issue of Chinese medicine. In fact, we all know that there is a growing demand for Chinese medicine in the market. Actually, the demand has always been keen. In the past, the former Administration in fact paid little heed to this. However, we now all know that the Government attaches greater importance to Chinese medicine, so the Chinese Medicine Council of Hong Kong and some sort of registration system have been put in place. We also have to do more in this regard under the overall health care system. Of course, market demand has to be met, however, I find that in the past, often, for some reasons unknown, it seems the Western medicine sector was somewhat discriminatory against Chinese medicine. Although the present government policy seems to have recognized this issue, when we talk about Chinese medicine with Western medical practitioners, many of them would still wittingly or unwittingly caution against excessive confidence in Chinese

medicine. Or when we sought advice from them, they would say that they did not know about Chinese medicine and we should not ask them. Since Western medical practitioners are slightly prejudiced against Chinese medicine, I think if the Government considers that there is a need to develop Chinese medicine and members of the public also have a keen demand for it, it may have to carry out some education and promotion in this regard. We can see that the mainland authorities have done a very good job in this regard. Often, they would provide combined training in both Chinese and Western medicine. However, in Hong Kong, it seems that for the time being, there is still a great divide between Chinese and Western medicine. I think we may have to consider this matter in the context of future development and see what we can do in terms of policy to help Chinese and Western medicine integrate.

When considering the issue of financing, I believe that another very important issue is the morale of doctors. We can often see that senior doctors of course have their own problems but more junior doctors have even more pent-up grievances. Various areas such as their working hours and working environment may not be conducive to boosting their morale. Therefore, we have been hearing that some issues have to be settled in Court. I think all these issues in the entire system must be dealt with seriously. I believe members of the public do not want to see that the problems remain unresolved and do not want to see this group of doctors harbour such grievances all the time.

I believe that another even more important issue that the Government has to consider is that, very often, what the market demands may not necessarily be an injection of large sums of money. Take "queuing up for chips", which is a very simple example that the Secretary also knows, as an example, at present, patients can make appointments by phone and certain pilot schemes are being implemented on the Hong Kong Island. Actually, can the Government give more thoughts to the need of the market and patients and make adjustments, which do not require too much funds accordingly, so as to make those people who use such services feel more at ease and happy, as well as making everybody feel at ease with the operation of the system?

I believe that apart from the issue of financing, there will be a lot of arguments over other areas as well, because at the end of the day, who will give? Who will take? Regarding this point, I believe there are some considerations. I believe the Secretary and the Government have to hurry up and set out the options, so that members of the public can discuss them earlier and a decision

can be made. It is very important to make decisions, otherwise, discussions and debates will go on without end. If the debate still goes on after five years or a decade, I do not think that would be acceptable. I hope that we will learn about the Secretary's decisions on various issues.

MRS SOPHIE LEUNG (in Cantonese): Madam President, the imbalance between public and private health care services has always been a subject of great concern to us. The statistics of the Hospital Authority (HA) shows that as of 2003, the HA was responsible for 93.6% of the secondary and tertiary health care services in Hong Kong, and private hospitals and private doctors account for just 6.4%. It is believed that this situation will not see much improvement in the future. The total number of in-patients at public hospitals also increased from 640 000 persons in 1990 to more than 1.1 million in 2004, which is an increase of 73%. If things go on like this, the whole public health care system will collapse.

To enable the public health care system to develop, the Liberal Party is in favour of steadily implementing health care financing and hopes that the Government can conduct a review of the public and private health care systems immediately, including the repositioning of the two systems and promoting their communication and co-operation. This will establish the public-private interface more effectively and relieve the burden borne by the public health care system.

In fact, in the discussion paper entitled "Towards Better Health" released by the Government last July, a new development model for the future health care reform in Hong Kong is proposed. There are eight major directions, including emphasizing the importance of primary health care; using finite resources on people with genuine need in the most appropriate way; raising the public's health awareness; hospitals should focus on providing emergency and secondary health care services and promoting the division of labour between public and private sectors.

Basically, the Liberal Party agrees with these directions. In particular, the Government should step up its publicity and education to cultivate among the public the concept of being responsible for one's own health, as well as to make them understand the importance and relationship between disease prevention and health maintenance. In the long run, this will help alleviate the burden on

public health care expenditure. And strengthening the co-operation and division of labour between the public and private sectors is also an effective way of making use of public resources.

The original motion proposes to expedite the progress in setting up an electronic system for sharing patient records. I agree that this is an important aspect in promoting public and private co-operation. However, although there is an existing system for referring patients to private health care services for medical consultation, very often, the only information that can be exchanged is limited to the clinical notes summary of the patient. Some detailed examination results and laboratory reports cannot be handed over to private hospitals or clinics. As a result, patients have to go through the same examinations and laboratory tests again after referral. This does not only make patients pay more unnecessarily but also cause delays in diagnosis, thus significantly dampening people's wish for referral. Therefore, regarding the sharing of patients' records, we hope that the Government can do a better job, and this should be done in a more thorough-going way.

However, on the issue of enhancing co-operation between public and private medical institutions, we notice that there are voices in the community calling on the Government to carry out adequate supervision on private health care groups, for instances of providing inferior services for lower fees have occurred. This makes people doubt if such problems as "price jacking" exist. Moreover, the lack of transparency in the fees structures of private doctors and medical or insurance groups also makes it impossible for patients to see clearly the health care services and the quality they will get. This has in turn made members of the public less willing to make use of private health care. Therefore, in this regard, I hope that the Government can conduct further studies on how to tighten the control and see if there is such need. However, I hope that when conducting these studies, there must not be any discrimination and the entire private health care sector must be covered, instead of merely the so-called medical groups.

The Liberal Party agrees that it is necessary to strengthen the role of Chinese medicine in the entire health care system, especially in primary health care. Unfortunately, neither the original motion nor the consultation paper entitled "Towards Better Health" have talked about this in detail. The Liberal Party wonders if it is possible to facilitate the transfer of knowledge on Chinese medicine to our posterity by, for example, incorporating some experienced

Chinese medicine practitioners into community-based health care networks, so that they can train less experienced practitioners by mentoring a few trainees at a time. I hope that the Government will carry out further studies, examination and supplementary work in this regard in future.

The road ahead for promoting health care reform and health care financing is very bumpy. Apart from the views on various aspects expressed by interested parties, there can be no shirking of our responsibilities to members of the public. Therefore, the health care financing reform can no longer be deferred. I just hope that people in the health care sector can put behind them their views concerning their own domain and look at it from a macro perspective, otherwise, the problems will become more serious. I hope that all sectors in society can be rational and forward-looking, discuss the problems practically, make the interests and actual needs of the public their prime consideration and carry out the reform with determination.

Madam President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, ever since I became a Member of the former Legislative Council in 1995, I have often heard government officials say that in Hong Kong, no one will be denied public health care services due to a lack of means. Certainly, I agree with this remark. In fact, to grassroots members of the public, in particular those who lack any means, not only does the Hong Kong Government provide such services in such a way in health care, it also does so in education and housing. This is something that we must approve of.

However, the question remains whether members of the public will be satisfied with the public health care services because of such a remark. I can tell the Secretary surely that it is not so. Just now, a number of Honourable colleagues have already said that when a line has to be drawn in health care services, people below the line must be protected. However, what about people on both sides of the line? This is where the biggest problem lies. In fact, we know that when the Government drew this line, it was drawn really low, so people beyond the line had to face a lot of problems.

I often hear people in the street say that if they have no money, they can still get medical care. However, if they are afraid of expensive medical fees

and charges, what will happen then? They may refrain from seeking medical treatment. They may become ill because of the delay in seeking treatment and people with minor illness may become seriously ill and people with serious illness may lose their lives. I wonder if the Secretary can feel this deeply or if he understands the problem. This is what worries us most. I can see that the population in Hong Kong is ageing. If they avoid seeking medical treatment at the onset of an illness due to the very expensive medical fees and charges, their illnesses will gradually become more serious and may eventually evolve into unfortunate incidents.

I think that to increase medical fees and charges in order to solve the health care financing problem nowadays is not a very good approach. Doing so cannot solve the problem of members of the public in taking care of their physical health. Quite the contrary, I think that it is more appropriate for the Government to take a more positive attitude by dealing with this problem from various perspectives.

Many Honourable colleagues have asked why the Government does not increase resources as quickly as possible now, so as to expand Chinese medicine services. In fact, the effectiveness of Chinese medicine services will not be inferior to that of Western medicine and the cost is also cheaper. Why do we not work on this aspect? As a matter of fact, developing Chinese medicine services can reduce our present expenditure on Western medicine. This is an iron-clad truth. Why does the Government not consider this? In fact, during the TUNG Chee-hwa era, the Government already indicated that it wanted to promote Chinese medicine services. Unfortunately, so far, the progress has been slow like a snail's crawl. This is really most regrettable. If the Government wants to solve this problem, it should make a greater effort in this regard and do more.

Moreover, apart from expanding Chinese medicine services, I think the Government also has to enhance community-based health care education and services because doing so can help reduce the overall health care expenditure. The Secretary also admitted that this is effective. However, it is a pity that the effect and progress we can see today are still very limited. If the Government really wants to reduce health care expenditure in this regard, I hope it can make a greater effort and undertake more community-based health care and rehabilitation work.

Furthermore, today, a number of Honourable colleagues have raised the issue of taking out insurance. Personally, I have great reservations about this. If all people have to take out insurance, I can see from the experience of some countries that the outcome will not be very desirable. Why? This is because having taken out insurance, many people may abuse health care services, eventually leading to increases in insurance premium. We are afraid that this will become a vicious circle. However, how can we deal with this problem of financing? I think we can only encourage some people to take out insurance in some circumstances. This is better than asking all people to take out health care insurance. As I have said just now, if a universal health insurance scheme is implemented, it may lead to more cases of abuse. In the present circumstances, the Government can perhaps consider encouraging employers to take out health care insurance for their employees or encourage individuals to take out their own insurance by means of tax concessions. I believe encouraging individuals to take out their own insurance is more preferable than a universal health insurance scheme, otherwise, I am afraid health care insurance premium will keep rising.

Apart from discussing health care financing today, I am also concerned about the work of health care personnel. In the past, we found that the morale of health care personnel was very low and their workload was increasing. If the Government does not think about how this problem can be solved, the quality of health care services will be directly affected. I hope that the Government will not take the work in this area lightly, otherwise, even if we commit more resources to this area, the effect may not be as desirable as expected. Therefore, I hope that the Government will not overlook this issue.

Lastly, when discussing health care services, if the Government decides to press ahead with increasing medical fees and charges, the most important consideration is the drawing of a line. If this line is not drawn properly, the resultant problems will be very serious.

President, I so submit.

MS AUDREY EU (in Cantonese): President, many colleagues have mentioned today the pressing need for medical care reform. The need for such a reform has been mentioned in many consultation documents such as the "Rainbow

Document" and the Harvard Report since 1993. Moreover, the Government introduced a Health Protection Account scheme in 2000, under which people aged between 40 and 64 would be required to contribute 1% to 2% of their income to cover medical expenses of their own and their spouses incurred after the age of 60. However, as the reform met immense resistance and the effectiveness of the scheme was deemed minimal, the reform has made little progress to this day.

Like sailing against the current, further deterioration is the price to pay for sitting on a problem. The heavy burden of medical care services of Hong Kong has fallen on the Hospital Authority (HA), resulting in an accumulated deficit of \$1.21 billion over the past four years. Although the Financial Secretary informed us in the recently released Budget that the HA's one-off grant of \$650 million last year would be converted to recurrent funding and additional recurrent funds rising by \$300 million per annum over the next three years would be provided so as to ensure the protection of the HA against insolvency over the next few years, the core issue of the loss of balance between the public and private sectors has remained unsolved. The Financial Secretary projected in the Budget that the proportion of the population aged 65 and above would rise from 12% in 2003 to 27% in 2033. Inevitably, medical costs will rise at the same time.

The health care system of Hong Kong has mainly relied on the public sector. The discussion paper of the Health and Medical Development Advisory Committee reveals that although around 72% of the population prefers the private sector for general out-patient service, when it comes to high-cost in-patient service, as high as 82% of the population chooses to seek treatment in public hospitals.

It is necessary for the Government to provide substantial subsidies for public health care services. Take general out-patient service as an example, the cost per consultation is \$250 while the charge is \$45, that means the HA has to subsidize 82% of the cost. The subsidy level for other services is even higher: A&E service has an average of 85.71%; specialist out-patient service 92.87%, and in-patient service as high as 97.13%. Therefore, while we keep discussing the issue of health care financing, learning of these medical subsidies certainly made us ask a question: Is this a direction for sustainable development?

The over-reliance on the public health care system has led to a gradual decline in resources, and hence a lot of other problems. The median waiting time for specialist out-patient service is six long weeks, sometimes even 17 weeks. Medical personnel have been subject to mounting pressure. Excessively long working hours mean some of the doctors have to work over 70 hours each week. Being denied adequate rest is no good to either doctors or patients. The recent lawsuit has resulted in a downturn in morale, a drain of health care personnel and a succession gap in administrative staff. Many colleagues have mentioned in their speeches various kinds of problems in the health care system.

To put reform in place, the objectives of public health care services should first be clearly defined. The public sector should primarily ensure that nobody is denied proper treatment due to a lack of resources. Besides, it should make up for the inadequacies in the market. Resources should be allocated to special medical care services that might not be undertaken by the private sector, such as expensive surgeries like liver transplant. Meanwhile, primary health care services should be provided by the private sector as far as possible, with a view to alleviating the pressure on hospital services through the implementation of community health care system and promotion of the family doctor concept.

However, it will be fruitless if the reform just receives encouragement but no proper complementary financial support. In reality, medical care services provided by the private sector are far more expensive than those provided by its public sector counterpart. Preference for the public sector is only rational especially when it comes to services that bear a significant difference in charges, such as in-patient and specialist services. Therefore, how can sustainable development be ensured in terms of health care financing? Divergent views have been raised in colleagues' speeches today. This is because the original motion moved by Dr KWOK Ka-ki has suggested that "(the Government) should also consider implementing the medical fee increase option by phases and should, at the same time, establish a proper safety net as a complementary measure while implementing the option." Miss CHAN Yuen-han and Dr YEUNG Sum of the Democratic Party in their speeches today expressed an unwillingness to support this part of the motion. However, I find these wordings not totally unreasonable after studying them carefully. As the major premise is sustainable development, it is necessary to consider enabling those

who have means to bear the increased medical fees and charges and, at the same time, establish a proper safety net.

Therefore, based on these principles, I think the wordings of this part of the motion are right and proper and should be given support. We have criticized the Government before in the review of District Councils for asking us to conduct discussions and review while presenting us a prerequisite of refusing to change the demarcation of the 18 districts. For how can we conduct a review under such circumstances? Similarly, it is absolutely impossible to discuss health care financing with the prerequisite of no increases in fees and charges on the one hand, and having a perfect solution as well as no deficits on the other. Therefore, in regard to this issue, the Article 45 Concern Group supports the original motion moved by Dr KWOK Ka-ki. Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): President, the issue of health care reform has long been under discussion. As far as I can recall, a proposal on a "mandatory health care fund" was introduced but it "came to an end" soon afterwards. In times of economic recession, a contribution of 1% of income for an individual, as well as another 1% for his/her non-working spouse was regarded as an extremely heavy burden.

I would like to speak on the concept of sustainable development, under which there are a lot of perspectives. From the mathematical point of view, the greater is the demand, the greater the expenses. It is inevitable that the current fees and charges structure is unable to sustain. However, who can make our society sustainable? When we look back on the wealth distribution of Hong Kong over the past 15 years, we will be aware of a loss of balance in the distribution, that is, a growing disparity between the rich and the poor. Even in the recent economic recovery in the wake of the burst of the bubble economy, a huge gap is still there between the highest and the lowest 10% income group. Therefore, it is impractical at the present time to suggest pooling funds from the public to implement health care reform.

The poor are becoming poorer. How can they undertake this responsibility? Why are they becoming poorer? It is the result of the past economic policies of Hong Kong. Therefore, those who have kept tilting the balance of the economy should pay more to attain sustainable development. This is the rationale behind the National Health Service (NHS) in Britain. NHS

has not come from a country with nothing. It is a particularly significant cornerstone in the YOUNG Reform in post-war Britain.

In many cases, we are aware that even some of the basic amenities are regarded as luxuries. Please allow me to cite an example. If there was no French Revolution, there would not be any gas streetlights. Not many things could be done at night in Europe. People would have been unable to read or to do research. We might, to this day, be leading a life in the Middle Ages. If the establishment of primary school was not promoted during the French Revolution, Secretary Dr York CHOW might, to this day, be working in the fields. At that time, people even considered Napoleon a lunatic and such an invention a luxury because farming was their only occupation, it was natural for them to go to bed when night came. This shows that the yardstick of every society will change along with the development of its material civilization and spiritual civilization.

The material civilization of Hong Kong can be said to have reached an over-ripe stage. The index of our stock market has surpassed this point or that point, or has hit a record high. And our fiscal reserves have seen an "upswing". We have learnt from the Financial Secretary that our fiscal reserves should be the equivalent of 15 months of government expenditure. And if it is equivalent to only 12 months of government expenditure, it is "really not that much". We have also learnt from the Financial Secretary that public expenditure would continue to be "cut" and be kept below 20% of the Gross Domestic Product.

These facts tell us that society is getting richer. However, only a minority of the people have become rich. The majority of them are unable to enjoy the riches brought by the development of modern material civilization in the wake of the development of modern spiritual civilization. What I mean by riches has nothing to do with putting money into people's pocket, but just keeping people alive and physically sound. However, under the same sky, the rich can lead a happy life by affording their own medical treatment and health care services.

Has this Council conducted discussions targeted at this problem? I hold that the implementation of health care reform should be synchronized with social reform. The problem we are facing today is: As an affluent city, Hong Kong has an extremely despicable taxation system. Only a minority of the people are able to make a lot of money. The majority of them cannot even have money to

fulfil their obligations. They cannot afford to contribute a portion of their income to protect their own health. Their experiences are sad and miserable. They have not exactly abused the health care services.

Has any one of you visited the A&E Department? I believe most of the Members have not been there before because they never go there. Even if they need A&E services, they will only go to the A&E Department of the St Paul's Hospital. Do you think a visit to the A&E Department "fun"? Let me tell all of you: I have been to the A&E Department and abused the services there. I once suffered from a skin ulcer that caused me so much pain in the middle of the night that I had to seek treatment in the A&E Department. I waited for three hours before I could see the doctor. He told me that I would gradually recover from the skin ulcer and I could go home. Why did I wait that long? Because I had no money, so I had to wait that long.

Honourable colleagues, what health care reform should we put forward? Like the reform in education or in other areas, wealth created together by members of the public should be converted to public wealth in this reform. Those who earn more should pay more; and those who are unfairly treated in the first round of distribution should get their fair share of social resources in the second round of distribution. This is the principle of socialism. This is the principle of socialist democracy. Some colleagues have claimed that they belong to the labour party or whatever party. Gentlemen are sociable, but not partisan. If a party is formed, its members should do something for the public. And if they want to do something for the public, they must not abandon those who have been suffering from discrimination and humiliation while helping create the basic wealth of society.

An American politician once said that if there were a poverty class, he would be one of its members. Today, here I declare that I will follow his example. I hope that all of us will be brave enough to promote social reform or health care reform that may narrow the gap between the rich and the poor.

PRESIDENT (in Cantonese): Mr LEUNG Kowk-hung, your speech is not related to those things in front of you. If those things are not related to the Agenda today, please remove them from the table. I have no idea to whom you want to give them.

MR LEUNG KOWK-HUNG (in Cantonese): I will leave those things until next time. I will put them away first.

PRESIDENT (in Cantonese): Please put those things away now.

MR WONG YUNG-KAN (in Cantonese): Madam President, the strengthening of primary health care services and the promotion of the family doctor concept is one of the focuses in the Building a Healthy Tomorrow — Discussion Paper on the Future Service Delivery Model for our Health Care (the Discussion Paper) released by the Government last year. The Discussion Paper suggests that family doctors will play an integral part in the entire health care system. Not only will they provide front-line health care services and promote health education, they are also the prominent gatekeepers in referring patients to in-patient, emergency and specialist services, as well as the crucial health care personnel who provide continuous care for patients who need specialist services. They can be regarded as the major link of cohesion in the entire health care system.

The DAB supports the promotion of the family doctor concept. As family doctors will play a significant role in future, it is natural for the public to expect all family doctors in Hong Kong to have received relevant professional training to bring the whole-person care concept promoted in Family Medicine into full play. Unfortunately, the Discussion Paper has given family doctor a much broader definition, where it is not necessary for a doctor to have received specialized training in Family Medicine to take up the role of a family doctor. We have reservations about this. There are currently only 1 000-odd family doctors who have received specialized training and they can hardly satisfy all the primary health care needs, the Government should therefore aim at giving in-service training to front-line general medical practitioners or other specialist doctors to ensure there are sufficient family doctors. The Government should not lower the professional requirement of family doctors, thus producing family doctors with different qualifications in the market. This will only undermine the confidence of the public in family doctors, and bring with it negative consequences to the reform.

Moreover, public acceptance of Chinese medicine has been on the rise in recent years. A lot of people have sought Chinese medicine treatment for both first-tier medical care and continuous health care. Therefore, to avoid wastage of resources arising from duplication of treatment, as well as to reduce the division between Chinese and Western medicine, it is necessary for the Government to engage in thorough discussions with the profession on the integration of Chinese medicine into the existing health care system, which should cover the transfer of patients between Chinese and Western medicine, the referral protocol of laboratory services for Chinese medical practitioners, and a review of the restrictions on Chinese medical practitioners in the utilization of medical instruments and the application of medical expertise. Consequently, Chinese medicine will undergo an all-rounded development, and it will integrate into the existing health care system at the same time.

Madam President, the Discussion Paper also put forward the proposal of repositioning public health care services. We are made aware that it is the intention of the Government to designate the poor and vulnerable as the target groups of public health care services, and the financially competent as service users of the private health care market. However, the DAB is of the view that in the introduction of this policy, the Government should not simply rely on the increase in fees and charges of public health care services to push the financially competent back to the private market. More importantly, it should find ways to provide incentives to encourage these people to leave the public health care system of their own accord. Loose governance and insufficient transparency of its fees and charges are the major drawbacks of the current private health care market. The emergence of medical groups, in particular, has given the public a cause of concern that these groups will seek profits and cost control at the expense of service quality, thus rendering patients improper private medical care. The DAB thinks that the existing regulations governing private health care services are obviously backward. In addition, no specific regulations have been introduced to supervise newly-emerged medical groups. It is apparent that the Government should review the existing regulatory mechanism for private health care services in order to boost the confidence of the public in those services.

Moreover, as early as in its response to the proposals in the Improving Hong Kong's Health Care System — Why and for Whom? (known as "the Harvard Report"), the DAB proposed the introduction of tax deductions for contributions to medical insurance schemes to attract more people to turn to

private health care services through the taking out of medical insurance. This proposal was widely accepted by the public and early implementation was urged. Although the Government has stated time and again its intention to turn people to private sector, it has decided that studies on tax deductions should go hand in hand with those on financing options. We have found this decision most puzzling. The DAB hopes that this widely-accepted proposal will be introduced as soon as possible so that there will be an added incentive for people to turn to private health care services.

Madam President, any proposals on health care reform will inevitably touch the highly controversial topic of health care financing. I believe everybody will agree that should there be no financial difficulties, the need to reform the existing health care system will be denied by both the Government and the public and the present predicament of the HA will not be exposed. The DAB is of the view that the rationale behind health care financing in Hong Kong and other areas varies, with different advantages and disadvantages. From the experiences of the past deliberations on health care financing in Hong Kong, we have seen heated debates no matter whether it was on the central health care insurance system proposed in the Harvard Report, or on the Health Protection Account scheme proposed by the Government. And in the end, all proposals were turned down. When we review the course of deliberations in the community at the time, as there was a general lack of support by data on medical costs, members of the public could only base their analysis on matters of principle. It was difficult for them to gain a thorough understanding of the implications of the financing proposals. Therefore, they had reservations about all the proposals. In fact, the public would like to know the estimates of medical costs, and truly understand the use of resources and the rise in costs. With regard to the above issues, I hope the Government will do better in the reform..... *(the buzzer sounded)*

PRESIDENT (in Cantonese): Your speaking time is up.

MR ALAN LEONG (in Cantonese): Madam President, exactly one week ago, the High Court handed down its ruling on the case of public hospital doctors' claim for compensation for their holidays. The Court ruled that the doctors were only entitled to compensation for their lost weekly rest days and statutory holidays, but not for their overtime work. From the legal point of view, the

doctors and the Hospital Authority (HA) have their own gains and losses. Just as Secretary Dr York CHOW said, both parties were in a "double-loss" situation. However, if we are unable to give an effective response to the deep-seated problem reflected by the ruling, it is possible that the "double-loss" situation will turn to a "triple-loss" one where the health and well-being of the people of Hong Kong will be lost along with them.

Madam President, in the judgement, the Judge supported the stance of the HA in agreeing that the fixed monthly entitlement of \$3,500 for the doctors should be regarded as compensation for the doctors' overtime work. It is not difficult to imagine the doctors' indignation because, theoretically speaking, as long as the HA gives doctors the \$3,500 allowance, it will not breach any laws or contracts even if doctors are forced to be at work all the time except on their holidays.

At present, the standard weekly work hours of most of the public hospital doctors are 44 hours. But a lot of specialist doctors, such as surgeons, orthopaedists and gynaecologists usually have to work 60 to 90 hours weekly. And it is very common for doctors to work continuously for 24, 28 or even 32 hours. We should always bear in mind that doctors are not only in a profession that conventionally demands constant care for patients, but also extreme precision and concentration. The fact that doctors have to work continuously for 20 to 30 hours over the years is absolutely unfavourable to both the morale of the health care workers and the safety of the patients.

Madam President, with regard to the safety and well-being of patients, an unpleasant fact is that the focus of every consultation on health care reform is always on the alleviation of financial constraints faced by the public health care system, but never on the right of the largest recipient or clientele of the system, that is, the users of health care services.

Let us take a look at the membership list of the Health and Medical Development Advisory Committee (HMDAC) established last year. Of the 12 unofficial members, seven are doctors or high-level members of the HA, two come from the business sector, and two come from the biological science sector, but no members from patient rights group. It is really doubtful whether the consultation directions drawn up by the HMDAC will fully take into account the need to consider patient rights. In the end, there really is an absence of any

chapter on patient rights in the discussion paper entitled "Building a Healthy Tomorrow" published by the HMDAC.

Madam President, a rationalization of the operation of the medical care framework does not necessarily mean patient rights will naturally be protected. This is because there is usually a gap between the operational efficiency of the medical profession and the expectation of service users. For example, the medical profession has been advocating the setting up of a territory-wide information system of medical records to facilitate easy reference of patients' medical records for health care personnel of the public and private sectors and prompt treatment of patients. However, from the patients' point of view, medical records will possibly be regarded as highly private information. They are certainly concerned about the damage that may be caused by the disclosure of information in their medical records. Therefore, the voice of the patients should not be neglected in the course of health care reform. It is necessary to avoid the scenario of solving some problems while causing others, and to address to the worries and concerns of the users.

Madam President, the Government has always maintained that the large number of patients in the public sector should be transferred to its private counterpart. However, apart from always talking about finding ways to drag patients from the public health care system, we should also consider finding ways to attract patients to the private medical system. In recent years, there has been an emergence of group-operated private clinics. And the number of complaints lodged against these medical groups has sharply increased from 10 cases three years ago to 51 last year. If the Government intends to allow the private sector to share the burden of its public counterpart, it should pay due attention to the general need of greater confidence in the private health care sector.

The Government thinks that the mechanism for investigating complaints targeted at the private sector through the Medical Council of Hong Kong is an effective means to monitor the integrity of private doctors. I hope the Government will not maintain this backward attitude that no longer suits the present situation. Clinics solely operated by individual doctors and those operated by a group are vastly different in terms of fees and charges, service flow and medication. To strengthen the protection of the patients' rights against giant medical groups, the Government should consider as soon as possible

introducing reforms to the health care supervision mechanism, in which the beliefs of safeguarding the profession and protecting the consumers will be upheld at the same time. As a result, the transparency and credibility of the private medical market will be enhanced and public confidence in it boosted. Only then can it really share the heavy burden of the public sector.

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

MR LEE CHEUK-YAN (in Cantonese): President, Dr KWOK Ka-ki proposed an extremely timely motion today because I think the Government should be more honest with the public about its health care policy. What I mean by honesty is that I think every move taken by the Government now has actually been designed to pave the road for the future. However, worst of all, I do not know what kind of road the Government wants to pave for the future.

Firstly, it is apparent that the present moves of the Government and the Secretary are intended to sever some of the operations from the Hospital Authority which is the public health care system to its private counterpart. However, the Secretary is unwilling to give the public a clear explanation. Let me give an example. The Secretary must also be aware that with regard to many surgeries that used to be undertaken by public hospitals, hospital personnel will now tell the public that those surgeries will not be accorded priority if they are performed in public hospitals. I have learnt of some cases of ostealgia. This disease made the patients suffer a lot of pain, which caused serious problems with their health. However, hospital personnel told the patients that they had to wait over 10 months to have the surgery performed in that hospital. But the waiting time would be much shorter if the surgery was performed by a private doctor. The children of some patients would then spend over a hundred thousand dollars to have their father or mother transferred to a private hospital for the surgery. In this way, the Government can spend a little bit less.

I want to ask the Secretary: Is it the intention of the Government to separate patients who are under public medical care from the system and to drive them away as far as possible? What is the objective of such a move? In the last consultation document, the Government professed the need to put institutions in their proper perspective. It clearly stated that public hospitals would only be responsible for the treatment of acute and life-threatening illnesses. And the

Government hopes that it is not necessary for public hospitals to involve in the treatment of non-acute, that is, secondary illnesses.

I think this is a big issue. In the last consultation on health care services, the Government categorically put forward this positioning issue. It has stated that it is the responsibility of public hospitals to handle illnesses of acute, life-threatening and serious nature, as well as the chronically ill. Any illnesses other than these will be rejected by public hospitals. And this is what the Government is doing now.

Secondly, the Government has clearly stated that the entire public health care system will contract gradually and will finally be reduced to a minimal level. And the Government is also prepared to increase medical fees and charges, in the hope that a sharp increase in fees and charges leading to a rise in medical expenses will make people turn to seek treatment in private hospitals instead. However, there is also something wrong with this. In the case of the low-income group, the Government will readily point out that there is a mechanism for fee waiver in place to exempt the poverty-stricken from paying the fees and charges. But the biggest question is: A lot of Hong Kong people are not actually poverty-stricken. Then what will happen to them? If the costs or the fees and charges of the medical system are high, even the middle class will immediately become the proletariat after suffering from an illness. This is because even though the middle class usually have an income, they will have none once they are ill. And even if they have savings, all of their savings might be exhausted after just one illness. For example, at present, the costs of medicine are high. If better medicines are preferred, some of them will cost almost \$20,000 a month. Even the middle class will find it difficult to cope.

Another current option of the Government's is an increase in fees and charges. After fees and charges are increased, the middle class will definitely be subject to misery beyond words. Nobody knows what the Government plans to do next. Therefore, the Government might as well be more honest and tell the people of Hong Kong what it actually has in mind. I guess it is the ultimate aim of the Government to have everyone in Hong Kong taken out medical insurance. If this is the case, please tell the public as early as possible. However, it is also impracticable to ask people to take out medical insurance to seek treatment in private hospitals. The provision of tax concessions to those who have taken out insurance was proposed today. But there is also something wrong with taking out insurance. We have learnt of a case in which the insured

was taken ill once and he only received compensation once. Afterwards, it was not possible for him to take out insurance anymore. Assuming the tenure of a policy is 10 years, it is possible that the insured falls ill after having made contributions for 10 years, and after his claim for compensation, it is impossible for him to take out insurance in future anymore. This is because he has fallen ill once, it is difficult for him to take out insurance again. Had this happened to any one of you before, I believe you would have the same sort of experience.

Therefore, what exactly does the Government hope to achieve if it asks the public to take out insurance? After the public have taken out insurance, will they be covered in the public health care system? I think we should have frank discussions on these matters, instead of the current practice of having some services gradually shrunk; some patients driven away; then fees and charges increased and its intention hidden from the people of Hong Kong. I very much hope that the Secretary will take this opportunity today to confess what long-term actions the Government will take and what kind of problems the Government faces.

Lastly, I would like to spend some time discussing the Secretary's opinion once expressed on his acceptance of doctors working 65 hours. Perhaps when the Secretary was under training, there was such a rule. Sometimes, doctors like the Secretary and his peers may think that as they have endured the hardship, it is the turn of doctors of this young generation to do the same. However, it is the hope of the community to have progress and balance, that is, a balance between family and work; a balance everyone including doctors should maintain. I very much hope that the Secretary will take back his words, that is, working 65 hours is acceptable. He only has to admit that the Government is not able to improve doctors' work hours in the near future. Please do not say it is acceptable. This is because should the Secretary say it is acceptable, he actually sinks the general public of Hong Kong into injustice, that is, it is all right to work long hours. I hope this is not what the Secretary really thinks. As a doctor, the Secretary should understand that long work hours will affect the health of any wage earner.

Thank you, President.

MISS TAM HEUNG-MAN (in Cantonese): Madam President, in the '70s and '80s of the last century, the quality of the private medical care services of Hong

Kong was far better than that of its public counterpart. At that time, private hospitals were equipped with the most advanced medical facilities. Therefore, those who could afford the expenses would prefer private medical care services. However, with the passage of time, the situation has changed. Today, a vast majority of the people of Hong Kong, regardless of their social stratum and financial means prefer public medical care services, thus bringing immense pressure to bear on the public health care system.

Statistics show that in recent years, the market share of the public health care system has reached 92%, with over 850 000 admissions to public hospitals each year, and a daily cost of over \$3,300 for each in-patient. However, the present charge for an in-patient in a general ward is just \$100, only 3% of the total costs. With a limited income and high costs, the financial pressure on the public health care system of Hong Kong can easily be imagined. And the reason why the Hospital Authority (HA) has been in deficit despite big cuts in spending is obvious to all.

To broaden sources of income and to reduce expenditure are the only possible solutions to the deficits of the HA. However, the room for the HA to reduce expenditure is considerably limited. It has been very common for health care personnel to work extended hours. Moreover, after the implementation of the Standard Drug Formulary scheme, patients have to pay out of their own pocket for most of the drugs that carry a higher price tag, better healing effect and fewer side effects. Costs have also hindered the HA from introducing some of the most advanced medical technologies. Therefore, a further reduction of expenditure of the HA is impossible while maintaining the quality of the present public health care sector.

As reduction of expenditure is not the solution to deficits of the HA, we have to look for ways to broaden sources of income. In the short term, consideration may be given to a further increase in the fees and charges of public hospitals. Some people opine that a lot of the users of public health care services are the low-income group, the vulnerable and the chronically ill, so an increase in fees and charges will bring them a heavier burden. However, a safety net is currently in place to provide subsidies to patients with financial difficulties. And a slight increase in the fees and charges of public health care will not become a very heavy burden to other members of the public.

However, the root of the problem does not lie in the rate of increase in medical fees and charges, but the imbalance between public and private health care sectors. At present, there is indeed a significant difference in their respective fees and charges. A minor surgery that incurs a fee of several hundred dollars in public hospitals may end up with a bill of \$20,000 to \$30,000 in private hospitals. When faced with such a big difference in fees and charges, which will the people choose? If this situation goes on, the imbalance between public and private health care services will only persist. As a long-term policy direction, it is necessary to carry out health care reform as soon as possible to rectify the imbalance between public and private health care services.

One of the measures to help promote reform in health care financing is the provision of tax deductions for contributions to medical insurance schemes. A number of patients have decided to use private medical care services because they have taken out medical insurance and their medical expenses will be the responsibility of the insurance company. This is also the reason why they can afford those services. Most of these people belong to the middle class. Should future health care reform adopt the "earn more, pay more" principle, the middle class will naturally bear a heavier burden. At that time, more people will take out medical insurance to ensure the payment of their medical expenses.

Information provided by an insurance agent reveals that the annual premium of medical insurance for a four-member family is at least \$6,000 to \$7,000. It is possible for the premium to be over \$10,000 and \$20,000 if a more comprehensive insurance scheme is preferred. This is a big expense to the middle class. The provision of tax concessions to the middle class to encourage them to pay for their own medical expenses through taking out medical insurance may facilitate a smoother implementation of the health care reform.

Madam President, health care reform is an issue of great complexity and importance. I hope the authorities will give colleagues' views presented today careful consideration and consult the opinions of the public and the health care profession as soon as possible in order to map out together the development of the medical system of Hong Kong to ensure everyone in Hong Kong will enjoy quality and reasonably priced health care services.

I so submit. Thank you, Madam President.

DR FERNANDO CHEUNG (in Cantonese): Several colleagues have mentioned the imbalance between public and private health care sectors, with 95% of in-patient services provided by the public health care system and only 5% provided by private hospitals. However, when we look at.....

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, is that badge related to what you are speaking now? If not, please take it down.

DR FERNANDO CHEUNG (in Cantonese): It is related to the next motion.

PRESIDENT (in Cantonese): Please take it down. I do not know what it is. However, anyway, what you wear.....

DR FERNANDO CHEUNG (in Cantonese): This is a badge on anti domestic violence.

PRESIDENT (in Cantonese): Please take the badge down and put it under the table.

DR FERNANDO CHEUNG (in Cantonese): All right.

(Dr Fernando CHEUNG took the badge down and put it under the table)

PRESIDENT (in Cantonese): Thank you. Please continue with your speech.

DR FERNANDO CHEUNG (in Cantonese): A group gave it to me when I entered the Legislative Council Building some time ago.

PRESIDENT (in Cantonese): However, Members can only show things that are related to their speeches when they speak.

DR FERNANDO CHEUNG (in Cantonese): Yes. Thank you, President.

I was referring to the issue of imbalance between public and private health care services. When we look at out-patient services, basically each sector has an equal share. The private sector has a market share of 50%, and so does the public sector.

As regards the issue of imbalance under discussion now, should the direction of our future health care reform or health care financing be either reducing public medical care at this level as far as possible and pushing these services to the private market, or employing private insurance to absorb these costs? Is this going to be our direction?

At the mention of the reform of the medical system, we cannot help recall the Chief Executive not long ago visiting in person the elderly people who had queued up late at midnight or early in the morning for out-patient services. Mr LEE Cheuk-yan has also just mentioned that patients who needed a minor surgery had to wait for one to two years. As some of them really could not endure the pain during the wait, in the end, they decided to go through the painful experience of another nature, that is, to pay out of their own pocket for higher fees charged by private hospitals. In fact, the current costs or fees and charges of private hospitals have far exceeded the affordability of the general public. Is it the direction of our current reform to have these high-cost and high-fee services promoted and introduced to the public as far as possible in order to ensure a relieved burden on the public health care sector? Is this going to be our direction? This is my major concern.

In the paper "Building a Healthy Tomorrow", an image of a sustainable and healthy development of our future health care system has been depicted. Basically, it has proposed a greater share of medical expenses by the financially competent to improve the private health care system of Hong Kong, as well as enhanced collaboration between private and public health care systems. It seems that the major premises are acceptable to all. However, will the proposed health care financing arrangement turn out to be stealing from the pocket of the people of Hong Kong, just as Mr LEE Cheuk-yan suggested? To what extent will the spending on health care services — perhaps we should not call it spending because it is one of the public services — affect the future financial situation of Hong Kong? Is it true that it will go bankrupt?

We noted that an academic of The Hong Kong Polytechnic University has prepared an estimate based on a number of basic assumptions. Current population projections show that should the annual growth rate of our economy be 2% in the next 20 years, and as long as our expenditure on health care is maintained at the current investment level, that is, public spending continues to be kept at 18% of the GDP, we will be able to afford the expenditure on health care in the next 20 years.

What exactly is the extent of the financial crisis our medical system is now facing? How urgent is the need to accelerate the increase in fees and charges, as suggested by the Secretary and the newly-appointed Chief Executive of the HA? In fact, after the Government introduced the Standard Drug Formulary last year, a lot of patients have had to pay out of their own pocket for medicines that are not listed in the Formulary. And the fees and charges of A&E services and other services have been increased secretly or half-secretly. Should we not stop the increase in fees and charges first when the public have yet to get a picture of the burden of medical expenses, and of the extent of the impact of more expensive medical services on the grassroots in the future health care reform or health care financing? Is it necessary to improve the existing mechanism for medical fee waiver?

In the year of 2003-04, the number of fee waiver cases for non-CSSA recipients only accounted for 0.5% of the total attendances. In 2004, the number of successful applications of non-CSSA recipients for fee waiver also accounted for only 0.8%, that is, less than 1%, of the total attendances. The existing mechanism for fee waiver is not at all helpful to the grassroots. Under these circumstances, should the mechanism for fee waiver not be reviewed in order to make life easier for the grassroots, particularly the vulnerable and the chronically ill, so that they do not need to worry about facing major financial difficulties because of any ailment?

Lastly, I would like to say that no matter whether we are discussing health care reform or health care financing, we should look at the issue from a people-based point of view. We should bear in mind that the public are not unwilling to pay. The most important point is that they should not be required to queue up early in the morning anymore; and patients with physical pain should not be required to wait for years for treatment anymore. There is a pressing need for a reform to improve these measures and quality of service. I so submit.

MR FREDERICK FUNG (in Cantonese): President, the consultation paper on health care reform released by the Government in the middle of last year has set out in detail a number of proposals on future service delivery model for health care, for example, the promotion of the family doctor concept and the primary health care service, which, in my view, are most desirable. However, it is a great pity that a very shocking projection was presented at the beginning of the consultation paper when expenditure on future health care was mentioned. It suggested that should there be no reform to the health care system, the expenditure on public health care will rise from the present ratio of \$22 out of every \$100 tax revenue collected to well above \$50 in 2033. I think this projection is somehow a generalization from a single example, which aims at building up a pressing need for reform in order to pave the way for the increase in medical fees and charges.

There is no doubt at all about the need for health care reform. However, the reform should be based on facts and comprehensive data, but not a misleading representation that deliberately interpreted medical expenditure as a certain percentage of tax revenue. Why did the Government not mention the percentage of medical expenditure in the overall public spending; or its percentage in the Gross Domestic Product (GDP)? It is apparent that the Government has made such a statement with the sole purpose of creating a more pressing need for health care financing, or even to heat up the idea of an increase in medical fees and charges. This manoeuvre is exactly the same as the one underlining this year's Budget, which is to employ a conservative estimate of surplus to dampen public aspirations for relief of people's hardships.

In fact, the Organization for Economic Co-operation and Development has devised a set of standardized methodology on the classification and calculation of the total spending account on medical and health services of different countries to facilitate comparison of medical expenses among nations. Under this set of methodology, the current overall spending on health care in Hong Kong has only accounted for a considerably low percentage, around 5.3%, of the GDP, (in which only 2.8% is public spending,) which is lower than the 8% to 12% of other developed regions. In his reply to my question on 26 October, the Secretary projected that the total spending on health care of Hong Kong in 2033 would represent around 10% of the GDP, in which 6.4% would be public spending. This projected figure has just almost measured up to the present percentage of the other developed economies.

Apart from tax revenue, the Government also has other sources of income. Besides, the growth of tax revenue, possible reform in the taxation system, restructuring of economy and changes in the GDP over the next 27 years are all unknown to us. It is really erroneous to assert that spending on public health care will represent over 50% of tax revenue in 2033. It is hoped that the Government can provide more comprehensive data and estimates, and release projected findings based on different assumptions in the next round of consultation for public reference.

President, the original motion and the amendments have highlighted various areas of concern in health care reform. I would like to discuss, in particular, the positioning of the public and private health care sectors. It is the view of the authorities that there has been a serious imbalance between the public and private sectors. Thus, there is an intention to strengthen the role played by the private sector, which will be designated as the service provider of personal health care and for people with an average income. This direction apparently aims at diverting some of the patients to the private sector. However, there are various problems in the existing private health care sector, such as overcharging of fees, inadequacy in transparency, an absence of a fair and effective mechanism for monitoring and complaint, and so on. Patients will eventually become victims of a blind push to the private sector for treatment.

The Hong Kong Association for Democracy and People's Livelihood opines that the effective means actually lies in the strengthening of primary health care and the promotion of family doctor service. In fact, from the experiences of many countries in Northern Europe, it is not difficult to see that public demand for hospital services will be effectively reduced through the promotion of preventive care and health education, and the stepping up of support for primary and community-based health care services. Past figures reveal that the expenditure on medical care of Sweden has accounted for a lower percentage of its GDP instead of a higher one despite its ageing population. This shows that the strategy of preventive care has struck a success.

President, as regards health care financing, first of all, I have to stress that I do not want to see the commitment of the Government to health care be regarded as a social burden or a millstone round its neck in the wake of education being regarded as an investment or equated to commercial dealings. Health care services should not simply be treated as "a business account" or considered in the light of commercial principles. Opinions such as income will fall short of

expenditure or "the pot will certainly burst" in future are nothing but insular views. They have apparently neglected the social function embodied in the health care policy itself.

President, it is the compelling obligation and the bounden duty of a caring and just society to take care of the vulnerable and to provide services to needy patients. This is also a manifestation of Article 25 of the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including medical care and necessary social services. At a more profound level, the policy of relatively low medical fees adopted by the Government in the past actually had the effect of stabilizing the community and freezing over-inflated wages to lower costs of business operation. And the value behind the policy is the improvement of the life of the people and the protection of the right to medical treatment for everyone ill. Therefore, consideration should be given to these profound impacts when the relevant policy is to be changed or any suggestion of health care financing is to be proposed.

I agree to most of the essential points in the original motion proposed by Dr KWOK Ka-ki and in the various amendments. However, the original motion has suggested the implementation of the medical fee increase option by phases, about which I have serious reservations and disagreement. This is because it is really putting the cart before the horse to rashly put forward suggestions that include an increase in fees and charges before a widely acceptable financing model for health care is devised. It obviously neglects the affordability of the grassroots, and the last remaining support for the middle class. Therefore, I will vote against the original motion.

With these words, I oppose the original motion and support the various amendments.

MR ALBERT CHAN (in Cantonese): President, we should ask a fundamental question when we discuss health care financing, and that is: What is the objective of the discussion on health care financing? Is it an improvement of services and a satisfaction of public demand through an increase in expenditure; or an avoidance of responsibility of the Government through a new financing arrangement? I think we have to clearly determine and identify the objective

and background. Otherwise, although it is our intention to improve public health care or to promote public-private collaboration through a new model to enhance the quality of care and to upgrade the life of the people, it is very possible that behind all these, the Government will manage to absolve itself of the responsibility and effect a substantial cut in its spending on health care. Therefore, we have to handle this issue with extreme care to ensure that the Government will undertake its due responsibility to fund medical subsidies and expenses.

In the '70s and '80s, Hong Kong was going through a process of development. The Government then had the courage to take up the responsibility for medical care. At that time, medical care was one of the four pillars of our community infrastructure. Government policy clearly stated that it would assume the responsibilities in this area. And health care services were regarded as a basic need of the public. However, the Government now has always "advertised its difficult financial position" and evaded a greater commitment to health care by every possible means despite the fact that it has a surplus of hundreds of billions of dollars. I do not approve of such an attitude.

On the whole, it is obvious that our existing health care system is suffering from a serious illnesses. Private health care services can be said to be suffering from obesity, with fees and charges so high that they are beyond the reach of the general public. For example, one of my friends has recently had some problem with his heart. He briefly enquired about the costs for treatment. And the reply he got was a minor surgery of around one to two hours would cost \$100,000 to \$150,000. And that is just a so-called minor heart surgery. How can the general public afford these medical care services?

As regards public health care services, they can be said to be suffering from nutritional disturbance. Public health care services have achieved great success over the past 20 years. As a result, those who used to utilize private health care and private hospital services but found them harsh, extremely unreasonable and most expensive have turned to the public health care services. Some tycoons who suddenly had ailments when playing golf preferred treatment in the public hospital nearby to private hospitals. Experiences of public health care have left these rich tycoons full of praises for the top quality of these services. The success of public health care has led to its increasing popularity among the public, including those who are financially competent.

However, this success has given rise to a lot more problems. The waiting time for specialist out-patient services has stretched to six to 12 months. I met a resident of Tin Shui Wai yesterday. His four-year-old boy was sick and needed specialist out-patient service. The boy had to wait until early 2007 to have consultation at the Nethersole Hospital in the North District, and even for such services at Tuen Mun Hospital, he had to wait until the end of this year. Therefore, people who have medical needs usually have a very long wait for a preliminary consultation in the public medical sector. In fact, some elderly people were still in the queue for specialist services when they passed away. These problems are very common everywhere in Hong Kong. Under these circumstances, the life and health of the people will suffer because of the shortage of public health care services. And people's life will then be at risk.

I think a prescription must be sought to cure these illnesses. It is necessary for the private health care services to set their fees and charges at a reasonable level. I think it is unreasonable to charge \$100,000 for a surgery of over an hour. In fact, I find this utterly outrageous. Therefore, fees and charges of all private health care services should be set at a reasonable level. It is unreasonable to charge \$10 for a ball of cotton wool, isn't it? Fees and charges must be priced at a reasonable level. It is unacceptable to take advantage of the general shortage of medical services now to increase fees and charges for exorbitant profits. This practice should be stopped and condemned. Therefore, "slimming" is the cure for this problem of obesity. "Slimming" has become a popular modern trend. A "slimming" of the private health care services will not only foster increasing popularity, but also provide a stronger safeguard for people's life. With fees and charges specifically set and clearly listed, and with quality services at a fair price, the public are then offered a reasonable option.

As regards public health care services, I suggest a three-tier system for fees and charges be adopted. Many users of public health care services are willing to pay a higher fee. This is because current fees only account for around 10% of the total costs, and a day's stay in hospital only costs over one hundred dollars. But the Government, of course, should not recover the full costs when it comes to some expensive services. Bearing in mind the affordability of people, I think many of them are willing to pay higher fees and charges than those set at the present level because even if public health care

services are geared towards cost recovery, they are still a lot less expensive than those of private hospitals. So I think many people are willing to bear the costs of general public health care services. Of course, they may not be able to bear the full costs of the very expensive drugs and surgeries, but some of them should be willing to bear the costs of basic public health care services. A three-tier system for fees and charges should be set up in accordance with the affordability of people and the share of costs, under which the most financial competent will pay fees at a higher level while the less well-off will pay fees at the present level. As a result, people's power to pay will be guaranteed and overall health care services improved. In this way, the serious illnesses of the medical system of Hong Kong will be cured, and the people of Hong Kong will be given proper medical care when they are ill.

Thank you, President.

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

MR ALBERT CHENG (in Cantonese): This is not the first time the Legislative Council of this term discusses health care financing. I remember I have expressed at least several times my opinions on health care financing.

The motion today is on a review of the public health care sector and health care financing of Hong Kong. I actually offended Secretary Dr York CHOW last time when we discussed this issue. He accused me of rambling in an illogical manner. However, I think Secretary Dr York CHOW need not worry about this problem. A colleague has just said that as public health care services have done a good job, it is natural for them to attract a lot of users. And it is also natural for supply to fail to meet the demand when there are so many users.

I have always opposed financing. This is because structural problems do exist in the Hospital Authority (HA), and they are, first, the insufficient allocation of public funds; and second, the unfair phenomenon of the HA subsidizing the medical insurance of some insurance companies. Why do I make such a comment? At present, when anyone is injured in the workplace, in an accident or traffic accident, the ambulance called will definitely send him to public hospitals. Afterwards, he will receive a bill from the public hospital with

services charged at the present subsidized level. However, there is no reason why insurance companies should not pay full fees. Therefore, I think something will go really wrong if health care financing is carried out before the reform. I have always suggested over the years that everyone admitted to a hospital should first fill in a form. This is indeed very simple. As the Secretary has made a living in the HA for so many years, he should know how to do it without any instructions from me. If a patient can make a claim on an insurance policy which includes personal insurance and accident insurance, he has to fill in a form. When he is discharged from the hospital, the HA will ask the insurance company to pay for the full costs of services, that is, the hundred percent fees. It is as simple as that. Only after this problem is solved will we know how exorbitant a profit insurance companies gain from the spending on public health care.

As regards health care financing, the amendment and the original motion proposed today have all encouraged people to take out medical insurance. However, is there any proper medical insurance on the market for the public? Sometimes, serious illnesses are not covered, and sometimes, premiums are not clear and well-defined. Moreover, there are problems in the private medical sector, such as a lack of transparency, a demand of high fees and charges and an absence of credibility. Before the sector has undergone a reform, how can the public be forced into using private health care services? Therefore, I think this is an issue concerning the interests of the profession.

Therefore, most importantly, first, the HA should review whether there is enough government funding for public health care. Second, it involves the insurance companies. At present, even if medical insurance is taken out, the policy has flagrantly stated that should the insured fall ill, he has to seek treatment in the HA hospitals instead of private hospitals. Money thus saved will then be equally shared between the insurance company and the insured. This is an open secret. I do not know the reason why. I think this must be illegal, but people are allowed to do so. Everybody knows that being ill means having a share of money. This is entirely a structural problem.

In addition, there is the issue of health care for civil servants. I think the concept of "money-follow-patients" will be best tried out on the medical and health care for civil servants to allow the money for medical and health care for civil servants to follow the patients. Civil servants may choose to go to either

the HA hospitals or private doctors for treatment with a card. We can then see whether the scheme works. Our current spending on public health care has only accounted for a single-digit figure of GDP, that is, less than 5%, whereas a double-digit figure is recorded in the developed countries. I had differing opinions with Secretary Dr York CHOW last time because he thought our current spending on public health care had developed a cancer but I thought otherwise. I thought it just had a common flu, not even an avian flu. Therefore, I think the Secretary should not overstate the issue with alarmist talk.

We have to take a look at the taxation system of Hong Kong to solve the problem of public health care services. At present, everyone says that we have a simple taxation system with low tax rates. But a colleague has just mentioned that we have overlooked the indirect taxes. Hong Kong has adopted a high land price policy. Whenever a need of dwelling arises, everyone has to pay either high rents or high property prices except those who live in government housing. Repayment of mortgage for several decades can be considered as a form of taxation. After deducting the expenses on housing, the money we can bring home or put into our pocket is less than 50% of our income. In other words, we have been paying a 50% tax. Therefore, there is really something wrong with our taxation system.

Moreover, in connection with the Budget this year, colleagues of this Council and members of many political parties have kept voicing their concerns for the interests of the middle class. The middle class is actually the sandwich class. How much does a public hospital charge for a surgery on hernia? And how much does a private hospital charge for the same surgery? A "stenting" surgery performed in public hospitals takes tens of thousands of dollars while the same surgery performed in private hospitals takes hundreds of thousands of dollars. Is this within the affordability of the middle class? Therefore, before the private medical sector can genuinely take care of people's needs, I think it is totally inopportune to discuss financing or an increase in fees and charges — particularly an increase in fees and charges or an increase in fees and charges by phases.

Therefore, let me reiterate that I hope the Government will actually solve the structural problems first, which include whether there is enough funding and the issue concerning insurance. Before these problems are solved, any reforms are inopportune. President, this is similar to a doctor's decision. A doctor

will definitely not remove a patient's tumour before he has developed a cancer. This is because at least a tumour has to be formed and tested. Should it be tested malignant, the doctor will then decide to have it removed. He has no reason to remove the tumour has it been tested benign. He cannot have it removed regardless of its nature. This also explains why people are so afraid of seeking treatment in private hospitals — I do not mean all the private hospitals. People are scared because of the issue of credibility. They are scared that in private hospitals, anything will be removed regardless of its nature. Apart from having a piece of flesh removed, their "purses" will also be removed and even disappear. But the disappearance of one's "purse" is nothing when compared to the "devastating" fact that a piece of flesh is removed for no good reason.

Therefore, I oppose the original motion today. Many Members oppose the original motion because of its mention of an increase in medical fees and charges. I am also against these wordings. The amendments propose the implementation of reform and therefore the need for financing, that is, to adopt the "user pays" policy. I do not agree to this principle. Therefore, I oppose the original motion and all the amendments today.

I so submit. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no Member wishes to speak, I will invite Dr KWOK Ka-ki to reply. Dr KWOK ka-ki, you may now speak on the three amendments. You have up to five minutes.

DR KWOK KA-KI (in Cantonese): To start with, Madam President, I would like to thank several colleagues for proposing amendments to my motion.

Actually, I had expected many colleagues to propose amendments to the original motion when I proposed it. This is fully understandable. I was described by Miss CHAN Yuen-han earlier as making such a bold move as proposing "increasing charges by phase" in this Council.

I am also very grateful to other Members, including Ms Audrey EU, for stating very clearly that I have pointed out clearly in the original motion that the problem is not going to be resolved with a single method. I have pointed out in unequivocal terms in both the original motion and my speech that we have to review the entire health care system and identify a sustainable health care financing plan. Before a suitable safety net is put in place and problems caused by fee adjustments are resolved (the speech made by the Chairman of the Hospital Authority (HA) recently has caused lots of hidden worries among the public), I personally disapprove of any attempts by the Government to increase charges indiscriminately.

I fully understand Mr LI Kwok-ying's amendment. Actually, I have great respect for the participation of Chinese medicine in Hong Kong's health care services and the significance of Chinese medicine. I also agree with the proposal raised in the amendment that employment and training opportunities should be provided for Chinese medicine graduates.

Mr Andrew CHEUNG's amendment is concerned mainly with private medical care services, particularly the regulation of medical groups and private medical practitioners. I agree with and understand his view, as we can see from many cases that public confidence in the services provided by many private medical groups is still lacking. By virtue of their financing models, the medical groups might charge exceedingly high administrative fees, sell medicine by illegal means, impose restrictions on the treatment of patients, and so on. These are incompatible with the wishes of the public at large.

Of course, I do agree with Mr Andrew CHENG's remarks about the feasibility of implementing a central health insurance system, but I wish to express some views on this point. There are bound to be objections to any views expressed by colleagues, whether concerning fee adjustments, contributions, insurance, and so on. It can actually be said that there are bound to be objections to everything. Frankly speaking, I understand that no options, even those concerning such uncontroversial proposals as fee adjustments, central health care insurance, voluntary health care insurance, and even tax rebates, can avoid controversy. Anyhow, as Members should also be aware, health care resources can be likened to a pie. When the pie is cut, if we cannot allocate a portion of the pie (services) to the most vulnerable and seriously ill in society, they will ultimately be unable to benefit.

It was earlier pointed out by many colleagues, including the movers of amendments to the motion, that the HA would provide services to meet different treatment needs, such as plastic surgery, an example cited by Miss CHAN Yuen-han. Can these resources help such patients as cancer patients or patients who have to spend \$20,000 on medication? The answer is definitely no.

I fully appreciate the amendments proposed by colleagues today. Even though I cannot fully support their philosophy, I am still very pleased to see that 24 colleagues have expressed their views in the light of their philosophy. They share one thing in common: they request the Government not to give up health care reform. Actually, Members do understand that the Government might possibly say in this critical year that review is essential — we call it the "preliminary" period of the election year (although Mr Albert CHENG said that the review might not be essential, anyhow, I still believe he will not object to the review).

The essence of this motion moved by me is to propose a feasible or sustainable review study and put proposals into implementation. As regards which method of implementation should be adopted, I believe collective wisdom has to be pooled, for different views have their own merits, justifications and desirability. I respect all the views.

Whether the motion or any of the amendments will ultimately be passed today, I will still be thankful to colleagues for their concern about this issue. Lastly, I hope, after this motion debate, the Government can show us what it has achieved shortly to enable this flawed health care system to be truly improved in concrete terms.

I so submit. Thank you, Madam President.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, ever since taking up my job in October 2004, one of my focuses has always been on health care reform. Recently, I have the chance to meet Mrs Elizabeth WONG, a former Secretary for Health and Welfare who initiated deliberations on health care reform. She is now writing a novel. As I do not possess such literary talent, I had better concentrate on the present subject. I fully appreciate the public's concern for the development and continuity of Hong Kong's health care system. Today, three Members have proposed

amendments to Dr KWOK Ka-ki's original motion which has a wide coverage. According to my counting, a total of 25 Members have spoken. I thank Members' enthusiastic response to today's motion debate, which has aptly reflected Members' concern towards health care reform.

Dr KWOK queried from the very start whether the Government intends to delay handling the issue or just give it an IV drip. I can definitely say that, at least at my Bureau, at present there are several Deputy Secretaries and Assistant Secretaries conducting studies in this area full time. We hope to submit our comments within this year — hopefully by mid-2006 — for everybody's discussion and review. However, as far as this proposal is concerned, I do not want it to be only a conceptual one like before, but instead a substantive and specific one, so that everybody will understand how we view the entire issue, and how much burden and what problems will be faced by the public. Please allow me more time to give a detailed explanation.

Fifteen months ago, we had also given this issue an extensive discussion. At that time, I pointed out that our first and foremost piece of work was to put public health care institutions in their proper perspective, to be followed by public consultation on feasible directions for the important issue of health care financing.

A health care system is built on the needs of the community. The original motion of Dr KWOK touched on public and private health care institutions, the operation of the Hospital Authority (HA) and the operation of medical groups. Mr Andrew CHENG's amendment also mentioned stepping up regulation of private medical services. There are of course different participating units in the health care system, from the large public HA, private hospitals, group- or chain-managed health care institution to private clinics operated by a single medical practitioner. The operation of the whole system must be put under definite regulatory measures to ensure professional and service standards and protection of public health.

At present, public health care services are provided by the statutory HA. The terms of reference of the HA are laid down in the Hospital Authority Ordinance. Policy decisions are made by the HA Board. It submits reports, plans, income and expenditure figures each year. The Government will explain to the Legislative Council during every year's Budget debate the allocations to and service targets of the HA. Questions raised and discussed at the Legislative

Council Panel on Health Services are often related to the HA's work. Dr KWOK and quite a few other Members, for example, Mr Vincent FANG and Dr Joseph LEE, are also members of the HA Board. They have definite knowledge of the operation and decision process of the HA. We will discuss with the HA your views on its operation just now in due course.

As regards private health care services, they are regulated by existing laws, for example, private hospitals must be registered with the Department of Health. The health care profession has also in place a smooth running self-regulatory system. Of course, as Members have also mentioned just now, it is very important to enhance professional standard and service quality. Especially when we are striving to step up public-private interface, enhancing and safeguarding the professional standard becomes a focus of our work. The regulatory system should not be discriminatory, not to have even a private-public distinction. The professional and ethical levels and fee transparency of private practitioners (working individually or in groups), private clinics, private hospitals and private health care institutions should also reach a definite standard. We understand the views of Mr CHENG and we are preparing to follow up. I have discussed the matter with the medical sector especially the Hong Kong Medical Association. However, I understand that this issue involves changing different established modes of operation, the ideology of the professionals, even as far as amending the law. In fact, some private institutions, especially private hospitals, have already implemented several reform measures recently to keep abreast of the times. We first need to reach a consensus. When we talk about health care financing, because it touches on the allocation of public funds, the public naturally would like to voice their aspirations and views on the health care professions, regulation of medical institutions and self-regulation models. On the other hand, the relevant institutions and professions must be fully aware of the available space and prospects for future development, and therefore will also more actively enhance their service standards.

The motion mentioned the direction for health care development and targets for public services. In our discussion paper released last July entitled "Building a Healthy Tomorrow — Discussion Paper on the Future Service Delivery Model for our Health Care System", we had identified four major work directions and had incorporated them into the HA's annual plan. Members of the community also agreed to these directions. A moment ago a Member asked whether the HA would only concentrate on these four directions. My emphatic

answer is no. These are only major services of the HA, but other services have to be maintained. We have a broad safety net to assist the underprivileged and the needy, and give training to our health care staff, which mean that many of our present services need to be maintained.

As regards health care financing, first I must point out that we have never tried to exaggerate the need for it. The general public knows why we have to work in this direction. A moment ago Members mentioned it only takes up a low portion of our GDP. However, if we raised it to say 10% of our GDP, it would mean we have to spend 50% of our present public expenditure on health care. I believe most of us, especially those Members coming from other industries or service sectors, are not going to accept this. Because of this, we must explore new means to more extensively inject funds into our future health care services.

The Health and Medical Development Advisory Committee (HMDAC) established a working group last October to study health care financing options. A moment ago a Member alleged that there is no patient representative in the HMDAC. In fact, I must point out that there is a lady surnamed CHUNG representing patients on the members' list. Moreover, the health care financing working group (the Working Group) is chaired by Mr Ronald ARCULLI, with members from the medical, insurance, banking, academic, social services sectors and representative from the Mandatory Provident Fund Schemes Authority.

The Working Group spend a lot of time studying overseas experience. The preliminary conclusion was that, in nearly all countries and places studied, there was a definite link between health care charge and its cost. Under nearly all circumstances, patients were required to shoulder a co-payment, especially on medicine. One of the reasons was to prevent abuse of these health care resources. Overseas experiences are definitely useful to Hong Kong. However, we must develop our own health care financing options based on local situations.

No matter what option we adopt, it must guarantee to protect the most needy group, including the underprivileged, the low-income group, acute patients and patients requiring complicated or major operations, as well as patients requiring long-term care.

Appropriate safety nets will be established for all price adjustments, to ensure that nobody is deprived of medical treatment because of lack of means.

At present, the Working Group is collecting data to calculate the existing service cost and to analyse the health care cost and distribution of resources based on future health care service models. It is estimated that a consultation paper would be published in the middle of the year for general discussion.

Now we come to the study on e-medical record system. Last year, I told you the scheme would be implemented. To achieve better co-operation between public and private health care systems, this is one of the important basic service tools. This is a major project involving private and public hospitals and their doctors, and other relevant service institutions.

The HA will start a "Pilot Scheme on interlinking of medical records" (the Pilot Scheme) in the second quarter of this year to enable private health care units obtaining via the Internet and under the patient's consent, the latter's medical record kept at public hospitals.

The Pilot Scheme aims at assessing the technical feasibility of the medical records interlink and the acceptance of the users. It is estimated that around 10 000 patients from over 200 private health care service units, including private hospital, clinics, aged homes and shared care projects will participate in the Pilot Scheme. The HA will conduct a detailed review of the Pilot Scheme in the fourth quarter of 2006.

In the meantime, we will be looking into the use of hardware to take care of Hong Kong's medical services, the so-called patient database. I hope to discuss with Members on this later.

A lot of people talk about the possibility of central health care insurance system and various insurance systems. We all remember that in 1997 the Government commissioned the United States Harvard expert group to look into the Hong Kong health care system. The Harvard group later released its report in 1999 and recommended Hong Kong to adopt the central health care insurance system. However, no consensus was reached in the community at that time.

The HMDAC re-examined the health care financing issue at the end of last year. The HMDAC not only will look into the up-to-date global trend and

development on health care financing, but will also consider the comments by the public so far on this issue.

Some Members asked whether special concessions such as tax concession can be given to the public on taking out insurance. In the absence of Mr Albert CHENG, I would like to mention that our present insurance system is not worthy of government subsidy, because it is actually not a very good insurance product. If we are to give out any tax subsidy or concession, we must ensure our insurance systems give protection to all, and that they are under the Government's regulation. We are now giving this a detailed study and will only proceed when the rights of taxpayers and consumers are adequately protected.

Financing models very often affect the conduct of the user and service provider. The HMDAC will also take into consideration the recommendations for health care reform after last year's extensive consultation, and examine financial models which will change the conduct of users and service providers and promote service model reform.

We will also analyse and predict existing and future health care costs, so that the public will have a better understanding of future needs and be able to conduct in-depth discussions.

Several Members mentioned the issue of Chinese medicine. I believe, over the past year or so, I have given detailed accounts of this issue on different occasions or even at the Legislative Council. First I must stress that the Government accords great importance to the development of Chinese medicine. However, we must appreciate over the past years Chinese medicine only provides service at out-patient clinics or general medicine and has never given treatment in hospitals or to more serious diseases. Many people regard Chinese medicine as a general service, so we must proceed step by step. Yet, our goal is very clear. We would like the public and patients to receive high level professional health care. We must raise the standard of Chinese medicine practitioners and develop Chinese medicine clinical studies and practice. As we all know, apart from expanding Chinese medicine out-patient service to all 18 districts in phases, we are also providing assistance to the HA and other relevant Chinese medicine service providers to develop suitable service, and also in clinical work. I must stress this is not a local community project. The plain

truth is that it could only be achieved through massive support from the Government.

We intend to set up six extra Chinese medicine clinics in 2006 in Wan Chai, Tseung Kwan O, Yuen Long, Kwai Ching, Tuen Mun and Kwun Tong respectively. We will continue to seek other suitable sites in order to implement as soon as possible the plan to open 18 public Chinese medicine clinics.

As regards the training of Chinese medicine graduates, the three Chinese medicine clinics now employ a total of six Chinese medicine graduates. As to the six new clinics, we will require and subsidize each clinic to employ no fewer than five Chinese medicine graduates for training. It is estimated that no fewer than 30 Chinese medicine graduates will be given training opportunity within the year.

Evidence-based research is an important component of Chinese medicine development. Our Chinese medicine clinics will provide a platform for promotion of evidence-based medicine. On the in-patient joint consultation of Chinese and conventional medicine, non-government organizations will join hands with hospitals to set up Chinese and Western medicine treatment centres to provide clinical Chinese medicine treatment for hospital patients, including Chinese medicine, acupuncture, massage therapy, and so on. There should be a lot of space for the development of this sort of Chinese and Western medicine consultation.

Some Members asked just now whether certain Western medicine doctors tend to resist Chinese medicine. Of course I believe some Western medicine doctors think along this line, but this is not the view of the Government. The view of the Government is to encourage/assist co-operation between the Chinese and Western medicine in the overall health care and drug development, especially in the areas of scientific research and professional co-operation.

I want to say a few words on the health care manpower. We are constantly reviewing the demand for health care manpower. The relevant information will be supplied to the University Grants Committee for the determination of the number of degree students required for doctors, nurses and other allied health professionals.

On the training front, the HA provided 297 new specialist training places in 2005-06. During the past five years, the Department of Health employed an average of over 20 specialists per year, and other institutions also give recognized training in individual specialties. As regards nurses, the number of nursing degree graduates will be increased to 600 next year. For other health care staff, the Government has all along been giving out subsidy to local tertiary institutions to provide full-time degree or other courses, so as to provide training for aspiring radiographers, optometrists, physiotherapists, occupational therapists, and so on. The annual number of graduates is around 200. Continued education arrangements are in place for all professions.

Besides, for the next financial year, the HA has set aside from its budget \$25 million for special training purposes, to be used on training for doctors, nurses and allied health professionals.

Finally, I would like to talk about the HA budget and fees which are the concern for all. We are now conducting a new round of review of public medical charges, mainly by the HA. The purpose is to more appropriately use existing government subsidy on the most needy patients, and to impart a proper value of the services obtained to the users of the HA services, in order to reduce abuse and wastage of health care resources. The review is still underway. Any adjustment to medical charges will take into consideration the financial affordability of the service users.

We understand a safety net now exists in the HA. Some Members mentioned that we should try to reduce the administration trouble caused to the public. I would also like to mention that the safety net not only includes Comprehensive Social Security Assistance patients, but also includes low-income group patients.

As regards the financial condition of the HA, we should know that the allocation to the HA for 2006-07 has just been increased. Furthermore, the HA has been asked to adopt other money saving measures, so we are optimistic that in the coming few years the HA could attain a balanced budget.

Madam President, history and overseas experience have told us that proposals for health care reform are always controversial. We would not underestimate the challenge before us, nor would we recklessly give out dishonoured post-dated cheques without adequate consultation. I believe that,

in the implementation of a major reform, a consensus must be achieved among society. I expect the extensive discussion upon the release of the consultation paper on health care financing in the middle of the year could gather social consensus. In this respect, I hope it (the reform) could be introduced to the society in the next term.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr LI Kwok-ying to move his amendment to the motion.

MR LI KWOK-YING (in Cantonese): President, I move that Dr KWOK Ka-ki's motion be amended.

Mr LI Kwok-ying moved the following amendment: (Translation)

"To delete "Hong Kong's health care reform" after "concerned about the direction of" and substitute with "the reform of the Chinese and Western health care systems in Hong Kong"; to delete "Hong Kong's health care systems" after "the long-term difficulties faced by" and substitute with "the Chinese and Western health care systems in Hong Kong"; to delete "and" after "mapping out the direction of health care reform" and substitute with "which includes the Chinese medicine profession, with emphasis on the importance of disease prevention and comprehensive primary medical care services,"; to add "Chinese and Western" after "the planning for"; to delete "problem" after "to solve the" and substitute with "problems"; and to add "as well as employment of and continuous training for Chinese medicine graduates," after "wastage of health care personnel"; and to delete ", and should also consider implementing the medical fee increase option by phases and should, at the same time, establish a proper safety net as a complementary measure while implementing the option" after "take out medical insurance"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LI Kwok-ying to Dr KWOK Ka-ki's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Andrew CHENG, as Mr LI Kwok-ying's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR ANDREW CHENG (in Cantonese): Madam President, I move that Dr KWOK Ka-ki's motion as amended by Mr LI Kwok-ying, be further amended by my revised amendment. Madam President, I am not prepared to talk too much because I believe the history in respect of the motion today reflects that too many amendments have been made again and again. Members have also heard a lot of views on this. I hope, after the passage of today's motion, Members can move in the direction of implementing an overall health care financing option. Thank you, Madam President.

Mr Andrew CHENG moved the following further amendment to the motion as amended by Mr LI Kwok-ying: (Translation)

"To delete "and" after "prevent the emergence of a succession gap;"; and to add "; in considering the provision of tax deductions, the Government

should, at the same time, study the impact of developing a private health insurance system on the overall health care system, the regulation of private health insurance systems in overseas countries, as well as the feasibility of implementing a central health insurance system in Hong Kong; and (f) enhancing the regulation of the operation of private medical care services, including medical groups and private medical practitioners, etc.; and establishing an independent statutory body for handling complaints about public and private medical care services, so as to ensure that patients are provided with good medical care services and enhance their confidence in using private medical care services" after "take out medical insurance".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Andrew CHENG's amendment to Dr KWOK Ka-ki's motion as amended by Mr LI Kwok-ying, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Members have been informed by circular that Miss CHAN Yuen-han will withdraw her amendment if Mr Andrew CHENG's amendment is passed. Since Mr Andrew CHENG's amendment has been passed, I will not call upon Miss CHAN Yuen-han to move her amendment.

Dr KWOK Ka-ki is supposed to reply at this stage, but his speaking time has been exhausted. Therefore, I now put the question to you and that is: That the motion moved by Dr KWOK Ka-ki, as amended by Mr LI Kwok-ying and Mr Andrew CHENG, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Domestic violence.

DOMESTIC VIOLENCE

MS MARGARET NG (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

For years, the problem of domestic violence has been the focus of attention of the community. Actually, the community has reached a major consensus that the problem is so serious that inter-departmental efforts embracing co-ordination and co-operation among various parties are required before the problem can be effectively tackled. Yet, despite the consensus, we can still not see the Government taking concrete actions and carrying out reforms to put the consensus into implementation. In April 2004, the entire community was shocked by a tragedy involving a four-member family in Tin Shui Wai.

Everyone had the same questions: How could the incident have possibly happened? What went wrong? Could it be our policy, measures, law, manpower or ancillary facilities? The incident should have provided an important opportunity for an in-depth understanding of the actual implementation of policies for the existing flaws to be rectified to prevent history from repeating itself. If this can be done, the victims of the tragedy would have not died for no good reason.

In the light of the strong public response to the tragedy then, the Director of Social Welfare set up a three-member working group to review the family services provided in Tin Shui Wai. It is however a great pity that the report published by the working group in November has done nothing at all to conduct a concrete review of the course and causes of the tragedy for lessons to be learned. It has merely conducted a general discussion as a matter of principle to examine what can be done to improve the relevant social services provided in Tin Shui Wai. The report has altogether put forth more than 20 recommendations. Meanwhile, this Council has also set up a Subcommittee to conduct heated discussions in a series of meetings held afterwards. We have also listened to the views expressed by a number of organizations and groups, as well as their account of their work experiences. Despite all the discussions and the publication of reports one after another, what has been accepted and implemented by the Social Welfare Department (SWD) is very little, and the progress has been extremely slow too. Despite the Chief Executive's assertion in the policy address in last October of the Government's "zero tolerance" of domestic violence, the number of domestic violence cases has been on the rise. As reported by the Commissioner of Police to the Panel on Security in end January, the police last year received some 2 800 domestic violence cases, 21% up from the previous year, with approximately 1 200 of the cases, 41% up from the previous year, involving criminality. These official figures represent only the number of cases received by the police. Obviously, the actual figures are several times higher than these. I firmly believe that it is imperative for this Council to urge the Government: Action please!

Madam President, some people might ask why Members representing the legal profession are particularly concerned about domestic violence issues. Members of the legal profession, being front-line workers involved in domestic violence incidents, sense from their first-hand experience the urgency of resolving the domestic violence problem. This explains why we have been very active in participating in and promoting the formulation of measures preventing domestic violence. Meanwhile, legal reform and enhanced legal services are

also key elements in domestic violence prevention. In this respect, the community, the profession, and even the Government and the Judiciary have reached a major consensus and put forth specific recommendations. The Government should be the fastest and easiest party to achieve this if it is sincere.

The fact that several Members have proposed amendments to strengthen my original motion does reflect the great concern of this Council for the problem of domestic violence. While we support all the amendments, I would like to thank Mr Alan LEONG for his amendment in particular. His amendment has manifested the original intent of the original motion in an even more concrete manner. Next, I will focus on discussing the proposals for an overhaul of the Domestic Violence Ordinance. While Mr Alan LEONG will specifically deal with the establishment of a Court dedicated to domestic violence cases, Ms Audrey EU and Mr Ronny TONG will separately discuss such issues as legal services, training and ancillary facilities.

Reforms to the Domestic Violence Ordinance

The Domestic Violence Ordinance (DVO), the principal legislation that directly deals with domestic violence, seeks mainly to enable a party to a marriage or cohabitation of a man and a woman to, if he/she or a child living with him/her has been molested by the other party, apply to the District Court for an injunction to restrain the other party from committing the act of molestation or exclude the other party from a specified area. In the event of a breach of the injunction order, application can be made to attach a power of arrest to the injunction order for the purpose of arresting the abuser and a Judge will be requested to impose punishment. The DVO, enacted two decades ago, is a simple piece of legislation. As it has since never been reviewed, it can no longer meet the needs of society. As such, a number of groups have proposed that amendments be made. The Law Society of Hong Kong has recently released a comprehensive report on reviewing the DVO and, after studying and comparing the legislation of other places, put forth detailed recommendations for reform. Not only are the relevant recommendations appropriate, they have also gained the majority consensus in society. In brief, the recommendations include the following:

- (a) To expand the scope of protection to cover, for instance, former spouses or co-habitants, same-sex co-habitants and other family members;

- (b) To define "domestic violence" clearly to cover psychological abuse and intimidation without waiting for violence to have truly occurred;
- (c) To strengthen the injunction order by, first, renaming it as "Restraining and Protection Order" (RPO), which is more easily understood by ordinary people, and give the Court greater flexibility to, for instance, strengthen the order for mandating the abuser to participate in counselling programmes and the order for compensating the damages suffered by the abused. At the same time, the order may be extended according to actual needs, unlike the present arrangement whereby extension can be made only once within a three-month period;
- (d) To enforce the power of arrest automatically: first, the power of arrest shall automatically be attached to all court orders; second, in the event of a breach of an order by an abuser, the police will be automatically empowered to enforce the power of arrest and responsible for considering such enforcement without the need for the victim to re-apply to the Court;
- (e) To establish a dedicated family court to deal with family cases, including domestic violence cases.

None of these proposals are too contentious. Once they are implemented, the present situation can be instantly improved so that more victims can receive greater protection more speedily. I simply cannot see the reason why the Government has yet been able to make any decisions and take any actions.

Madam President, I recall that the issue of parental abuse, that is, abuse of the elderly, was raised during a Question Time not long ago. Actually, this issue can be resolved through amending the DVO, since extending the scope of protection to cover other family members, including parents, can enable abused parents to apply for suitable protection orders under the DVO.

The issue which is slightly more controversial is the so-called criminalization of domestic violence, though the divergence of views is not very substantial. Physical abuse, even intimidation, should be treated as criminal offences. It must be emphasized that even if these acts take place in the family, they should still be treated as criminal offences. The problem merely lies in

whether such acts should be covered by the DVO for the purpose of expression. Another issue concerns whether a breach of an injunction order by the Court constitutes a criminal offence. The last point concerns whether legislation should be enacted to prohibit acts of harassment within the scope of family relations. Insofar as this point is concerned, I would also like to express some opinions. The restraint orders and protection orders issued by the Court can simultaneously prohibit an abuser from engaging in acts of harassment. The wordings used can be very simple — the abuser shall be prohibited from following the other party everywhere or making non-stop phone calls to molest the latter. This should not be a big problem. Moreover, such issues should not delay the Government in introducing other amendments.

Lastly, I have to emphasize that the existence of legislation itself cannot resolve the problem. Instead, the legislation must be enforced effectively. Ancillary initiatives, such as a more speedy provision of legal advice and legal aid, are therefore crucial. Even if an excellent and easily comprehensible DVO is enacted, if victims are unaware of its existence and how they can be protected under the legislation, the best legislation is still useless. I expect Members who will speak after me will discuss this issue in a more concrete and in-depth manner.

Madam President, persons who are violently attacked or intimidated persistently will not only suffer physical harm, but also see their basic dignity seriously eroded. If such incidents occur in the family, the damage will be even more profound. It is simply inappropriate for the Government to treat these problems as welfare or social service issues. Madam President, with due respect to the Secretary, I do not mean his ranking is too low, only that these issues can simply not be treated as health and welfare issues, since a number of government departments and the law are involved as well. The slogan of "zero tolerance" has indeed been heard so very often that it has been abused. What the Government should do is to formulate effective initiatives and take actions.

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

Ms Margaret NG moved the following motion: (Translation)

"That, in view of the serious problem of domestic violence, this Council urges the Government to expeditiously formulate effective measures to curb such violence."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Margaret NG be passed.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, Mr Alan LEONG and Mr Albert HO will move amendments to this motion respectively, and Dr Fernando CHEUNG will move an amendment to Mr Alan LEONG's amendment. The motion and the amendments will now be debated together in a joint debate.

I will call upon Miss CHOY So-yuk to speak first, to be followed by Mr Alan LEONG, Mr Albert HO and Dr Fernando CHEUNG; but no amendments are to be moved at this stage.

MISS CHOY SO-YUK (in Cantonese): President, today is International Women's Day, perfect timing for discussing this motion as women are very often among the first victims of domestic violence cases.

The Tin Shui Wai family tragedy has merely exposed to the community the tip of the iceberg of the domestic violence problem. According to the information provided by the police, in the past three years, the proportion of domestic violence cases referred to the Court after investigation has risen year on year, with the total increase reaching 15%. Even the figures of domestic violence cases alone are extremely worrying. In 2005, the number of such cases rose to more than 2 800, 20% more than the previous year. In other words, a domestic violence case occurs every three hours on average. What is more, it must be noted that, according to a survey carried out by Harmony House, the actual situation is much worse than what is revealed by the official figures.

President, given the prominence of the problem and the acuteness of the situation, the Democracy Alliance for the Betterment and Progress of Hong Kong (DAB) believes the solution will not be a simple one. Moreover, the effect cannot be instantly felt. As Leo TOLSTOY, a great Russian writer, once put it, "Happy families are all alike; every unhappy family is unhappy in its own way." The causes of domestic violence incidents are wide-ranging and complicated. They can simply not be tackled by one or two formulae or by providing one or two more social workers or professionals. To prescribe the right remedy, a comprehensive package of improvement initiatives must be

proposed targeting the Government, the police, the Social Welfare Department, service providers and the public in the light of different circumstances from different angles.

The Review Panel on Family Services in Tin Shui Wai (the Review Panel) and the Coroner's Court made a series of recommendations in the year before last and last year respectively. The recommendations include how to implement the concept of "zero tolerance" towards domestic violence in Hong Kong, reviewing legislative provisions on domestic violence, enhancing public education and training of public officers in tackling domestic violence, clearly defining the Government's role in community building, establishing a comprehensive social welfare planning mechanism, reviewing District Co-ordinating Committees, flexibly deploying district resources, promoting co-operation across Policy Bureaux and sectors, and so on.

Owing to the time constraint, we cannot possibly express our position on each of the recommendations. Generally speaking, the DAB considers the recommendations quite comprehensive. Basically, the actual needs in various aspects have been covered. In particular, we greatly welcome the implementation of the "zero tolerance" concept in Hong Kong. In this connection, the Government must seize the time by immediately commencing studies and formulating specific plans and relevant indicators to enable the concept to be implemented in Hong Kong as early as possible. Furthermore, we urge the Government to take one more step by promoting the "one social worker for each police station" scheme whereby a professional social worker is provided for each district police station to offer immediate professional assistance when necessary as domestic violence cases often involve family disputes of a complex nature. It is inappropriate for front-line police officers to intervene to mediate indiscreetly.

President, we believe the Government has not acted rashly in handling the issue of curbing domestic violence. In the Budget just published, the Financial Secretary announced his decision that, starting from the next fiscal year, an additional provision of \$100 million will be allocated annually to help the disadvantaged groups, with the largest portion of it pinpointing domestic violence. The Chief Executive also stated clearly in the policy address late last year that domestic violence would not be tolerated. Furthermore, he undertook to commit more resources to supporting families in need and resolving family crises. Nevertheless, the DAB holds that, in order to truly prevent unfortunate

incidents from happening, it is most crucial to, apart from providing comprehensive social support, build a community milieu of mutual support, care and love.

To tackle domestic violence incidents, the Government must propose specific and feasible temporary solutions and, equally importantly, spell out clearly solutions to address the problem at root. Otherwise, the efforts made will merely be superficial.

It might be held by some that people find it even harder to communicate as they get physically closer and closer. This is fundamentally a common problem for all cities. Any proposals to alter such a reality are probably a bit unrealistic. Nevertheless, it is our belief that the fickleness of the world and human relationship is not necessarily the portrait of Hong Kong society. While community acceptance and a sense of belonging might appear to be quite abstract, it is often these intangible but crucial features that form a safety net for members of the community. If a troubled family can receive assistance from other families, it will be easier for emotions to be relieved even if one faces adversity. Furthermore, through fostering mutual care among neighbours, problematic families can be detected more easily. This will enable professionals to intervene to assist as early as possible to prevent the occurrence of tragedies.

Since strengthening the sense of belonging involves re-establishment of concepts, the DAB has not underestimated the difficulty of this task. We therefore proposed a motion on "Promoting community spirit" in this Council as early as four years ago in the hope of enabling the concept to trickle through sustainable efforts into the community at different levels on a long-term basis.

Hence, we are very pleased that the Chief Executive raised in the policy address years ago the idea of employing the "third sector" to resolve some social problems considered by the market and the Government difficult to tackle and subsequently established the Community Inclusion and Investment Fund to optimize the utilization of social resources through collaboration between the Government, businessmen and the people, to achieve the goal of providing cross-sectional and cross-sectoral services.

In order to further strengthen community ties, the DAB urges the Government to comprehensively assist residents to set up self-help organs, such

as mutual aid committees and co-operatives, to capitalize on the inherent strength of the residents in promoting ties among neighbours for the purpose of resolving disputes more directly and speedily. Meanwhile, the Government must note that social capital can be established and accumulated gradually but destroyed easily too. For instance, when old districts undergo replanning and redevelopment, the relations support network previously built up by the residents will inevitably be destroyed. Furthermore, there is a lack of understanding and liaison among residents of some newly developed districts. To enhance trust among the residents and their sense of security, it is imperative for the Government to commence work through service providers as early as possible to form an effective resident support network.

Lastly, I would like to state the DAB's position on the amendments to be moved by several Members later. As many points in the amendments have been raised in the two reports on the Tin Shui Wai incident, I am not prepared to repeat our position of support here. We support Mr Alan LEONG's proposal of establishing a dedicated Court because the DAB considers that the Court will facilitate the speedy handling of domestic violence cases, thus preventing victims traumatized physically and mentally from feeling even more badly because of extended trials. As regards Mr Albert HO's proposal of making it mandatory for the relevant professionals to report domestic violence cases handled by them, we worry that the opposite result will be achieved, for the victims will become even more reluctant to speak their minds to the professionals. They will thus become even more hesitant and helpless. As for Dr Fernando CHEUNG's proposal of establishing a central inter-departmental co-ordinating committee, given that a number of inter-departmental working groups, such as the Against Child Abuse Limited, the Working Group on Combating Violence, and so on, have already been set up to tackle domestic violence issues, we are therefore sceptical of the effectiveness of establishing another inter-departmental working group of a similar nature and functions. The DAB also has reservations about Dr CHEUNG's proposal of having the co-ordinating committee chaired by the Chief Secretary for Administration as the domestic violence problem is already given a high degree of attention by the Government.

President, I so submit.

MR ALAN LEONG (in Cantonese): Madam President, today is International Women's Day commemorating women's pursuit of equality, independence and

freedom. I very much agree with Miss CHOY So-yuk that it is most appropriate for this Council to debate this motion on "domestic violence" today, as women are very often the principal victims of domestic violence incidents. As revealed by a consultancy report published by the University of Hong Kong (HKU) on child abuse and spousal abuse, in 2005, some 60 000 children below the age of 15 were subject to physical abuse of a serious or very serious nature by their parents, while according to conservative estimates, one in every 10 couples, or some 160 000 couples, had the spousal abuse problem. The cases indicated in the report far outnumber the reports recorded by the central database on child abuse and spousal abuse. The severity of domestic violence can be described as very alarming. Many hidden family stories of blood and tears may probably be found besides us.

The Chinese saying that "each family has its own problems" aptly reflects the complexity of family problems. However, Madam President, the saying also implies the passive and indifferent mentality that outsiders should not intervene in family problems. Owing to this sense of value, we have very often overlooked the seriousness of family problems and the plight of the abused. As a result, we do not realize the severity of the problems until tragedies have happened.

If we put ourselves in the shoes of the victims, we can easily imagine the plight confronting the abused under the existing system: Despite being badly hurt physically and mentally after being violently treated by their loved ones, the victims are still not given effective support. For instance, the police often put the onus of deciding whether or not to press charges on the victims, who will be asked to decide whether their spouses should be prosecuted. Some front-line social workers also persuade the abused wives, for the sake of maintaining the integrity of the family, to return to their husbands in the belief that "bad feelings between husband and wife never last long". Given their concepts of "honouring their marriage" and "not letting domestic shame be known to others" and, having regards to such factors as the financial position, the impact on their children, and so on, many women would prefer making concessions to settle the matters in the end. No wonder only 5% of the abusers in spousal abuse cases have ended up being charged and prosecuted, as revealed by the HKU study.

Madam President, when victims decide to seek legal aid, they must be prepared to face complicated judicial proceedings, such as taking civil action to apply for an injunction order or a power of arrest. If an abuser is charged of

assault or wounding, the victim will be required to appear before a hearing at a Magistracy or District Court. The complicated judicial proceedings will deter the victims, particularly those who are financially incapable or poorly educated. And yet, the Legal Aid Department has failed to provide them with effective assistance. Accordingly to the survey conducted by the HKU, only some 20% of the respondents considered legal aid effective. As a result, the number of successful prosecutions has been relatively low. For instance, in 2004, only 106 abusers were convicted by invoking the criminal law of assault or wounding offences. This figure represents merely 2% of the 3 993 newly reported cases published by the Government in 2004. The victims can simply not rely on the law to protect their own safety and that of their family members, not to mention that the law can achieve a deterrent effect on domestic violence abusers.

Madam President, under the existing system, civil and criminal cases have to be processed separately, and the processing time has thus been prolonged substantially. According to a British study, successful prosecution often hinges on the length of the processing time. The study has also revealed that most victims would withdraw the relevant applications and prosecutions within one month from the date the prosecution was instituted. Such a revelation is not difficult to understand as the longer a domestic violence case is delayed, the greater pressure will be felt by the victim, and thus the more likely the prosecution is to be withdrawn. The existing system has not only failed to provide victims with effective support, it is also not cost-effective from the angle of resource utilization.

Madam President, in order to ameliorate the various problems with the existing system, I propose that the Government follow the example of Britain to set up a Court dedicated to domestic violence cases. In October 2002, the British Government launched a Specialist Domestic Violence Court pilot scheme whereby all domestic violence cases were dealt with by the Specialist Domestic Violence Court in one single hearing. The pilot scheme has proved hugely successful. According to a relevant report, the Specialist Domestic Violence Court can achieve the following results: (a) enhancing the efficiency of the Court and the support services offered to victims; (b) streamlining advocacy and shortening the processing time of domestic violence cases; (c) making sharing information easier because of the central processing of domestic violence cases; and (d) enhancing victims' participation in the system and their degree of satisfaction. Because of the satisfactory result, the Home Office of Britain has

announced the expansion of the number of Specialist Domestic Violence Courts from four to 25 in April 2006 at the latest.

Madam President, the Court dedicated to domestic violence cases as proposed by me shall be responsible mainly for hearing all domestic violence cases, be they civil or criminal. Its scope of work will include pre-trial hearings, bail applications, pleas, pre-trial reviews, pre-sentence reports and sentencing. The setting up of this dedicated Court can obviate the need for victims to go to different Courts to attend hearings or complete formalities. Through the provision of one-stop services, the victims will receive comprehensive and suitable support, and need not face different judicial staff to recount their painful experience again and again. Furthermore, the Judges responsible for examining the cases can gain a more comprehensive understanding of the cases and, in dealing with civil arrangements, better protect the needs of the victims.

Furthermore, the dedicated Court can resolve the existing problem of overlapping of resources and enhance administrative efficiency to benefit the victims, as well as the people and organizations offering support to the victims, including the police, front-line social workers, lawyers and the Court. The establishment of the dedicated Court can also deliver a clear message to the public, that the community is determined to combat domestic violence.

Madam President, having regard to the complex psychological conditions of domestic violence victims, the dedicated Court may draw reference from the *modus operandi* and equipment of Children's Court for the purpose of relieving the tension of the victims. Meanwhile, the training of the Judges specifically responsible for examining domestic violence cases has to be strengthened. Apart from familiarizing themselves with judicial proceedings, the Judges should also understand the psychological conditions and needs of the abusers and the abused for proper judgement to be made. Counselling training should also be provided to the judicial staff to enable them to take care of the emotions of the victims they are dealing with. Furthermore, the Government should conduct a fresh review of the existing judicial proceedings for handling domestic violence and examine whether there is overlapping in resource deployment, and draw up a systematic prosecution procedure to provide the victims with efficient and comprehensive support.

Madam President, comprehensive ancillary measures are essential to curbing domestic violence. In addition to the establishment of a Court dedicated to domestic violence cases, I also propose extending the Domestic Violence Ordinance to cover more people, including empowering the party being molested by his or her former spouse, ex-boyfriend or ex-girlfriend to apply for an injunction order, and enhance the protection for those under protection. Furthermore, additional resources should be allocated for the purpose of expeditiously providing domestic violence victims with the legal services they require. Besides judicial support, it is equally important to provide training for front-line officers, such as police officers and social workers. Only in doing so can proper intervention be made and support rendered.

Madam President, the Chief Executive has in the policy address stated clearly that domestic violence will not be tolerated. There is no reason for the executive not to expeditiously formulate and implement effective measures to curb domestic violence. I hope next year today will be more than International Women's Day. It will even be the day for us to commemorate our success in tackling domestic violence more effectively.

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

MR ALBERT HO (in Cantonese): Madam President, the domestic violence problem is getting increasingly worse in Hong Kong in recent years. The number of domestic violence cases received by the police reached 2 784 last year, up 21.6% compared with 2004. Moreover, a daily average of 7.6 reports of domestic violence cases was recorded last year. For three consecutive years, the number of reports of spousal abuse cases in the territory reached 3 000, with 90% of the victims being female. In addition to spousal abuse and child abuse, the elderly members of the abusers' families were very often among the victims too. There is a tendency for the number of elderly abuse cases to rise too. According to the information provided by the Social Welfare Department (SWD), 176 elderly abuse cases were recorded in the first nine months of last year, with 80% of the cases involving bodily abuse.

The rise in the number of domestic violence cases is a matter of concern. However, I must point out that these figures cannot reflect the reality. We have reasons to believe that the actual figures are far more than these. Perhaps the number of cases not yet been exposed is several times higher. This is because,

for numerous reasons, the abused are very often reluctant to seek outside help, unless they are forced to do so or cannot bear anymore. Therefore, these cold figures we have at hand may probably represent just the tip of the iceberg.

Actually, home should be everyone's safest fortress and sanctuary. When people encounter difficulties or hardship in life, they naturally hope to have the comfort and support of their family members when they return home every day. For some unfortunate people, however, home is not the place they turn to for peace and comfort. On the contrary, home brings them a lot of pain and trouble. The Government must address the seriousness of the domestic violence problem and come up with counter-measures expeditiously.

The Democratic Party supports the motion proposed by Ms Margaret NG today as well as the amendments proposed by a number of colleagues. We have merely put forth six more proposals in the hope that the Government can adopt them to improve its existing policy.

First of all, we propose to amend the existing Domestic Violence Ordinance (DVO) by extending the definition of "family members" in the Ordinance to cover former spouses or co-habitants, and even further extending the definition in the future to cover any persons related by affinity. Given this, in addition to spouses and children, other family members should also be protected under the DVO against abuse. Furthermore, an abused family member may also apply for an injunction order from the Family Court to exclude the abuser from the matrimonial home, or from a reasonable boundary in the vicinity. We also propose that the maximum validity of the injunction order may be extended from six months to one year to prevent the abused from being constantly threatened by the abuser. We also propose that the definition of domestic violence be defined in a clearer and substantive manner so that its coverage can be widened to include intimidation, other forms of psychological abuse, and so on.

Second, we propose that the Court be empowered to, when necessary, order the abuser to receive counselling and treatment to eradicate the abuser's habit of resolving family problems by means of violence. Of all forms of domestic violence, child abuse is one of the areas which must be taken seriously. Actually, after the occurrence of several child abuse cases one after another earlier, we are more convinced of the need to make it mandatory for the abusers

to receive counselling and treatment. Similarly, abusers of domestic violence should be made to understand that the treatment and counselling are not only helpful to them, but also the best ways, insofar as family members and other people are concerned, to improve mutual relationship. The counselling and treatment should, at the fundamental level, help change the behaviour, habits and concepts of the abusers. We should therefore improve the existing system expeditiously.

Third, we propose that the Government follow the example of Britain in introducing a mechanism for conducting post-incident reviews of family tragedies. Instead of conducting isolated reviews in the light of uproars in society triggered by certain occasional incidents, such as the Tin Shui Wai tragedy, we recommend that the mechanism should be permanent. Actually, after the occurrence of every serious domestic violence incident, various government department officials or people of various organizations who have been involved in the case, including professionals, police officers, and so on, should jointly convene a cross-sectoral meeting to study the experience and lesson gained from the incident. This will enable all the parties involved to learn from the experience of summing up the incident to grasp the crux of the problem in a more suitable manner for speedy and timely intervention to be made in the future to prevent the recurrence of similar tragedies.

Fourth, we propose that the Government draw reference from the practice of the United States of requiring some front-line workers to report child abuse cases and, likewise, require relevant professionals to report domestic violence cases. Actually, a number of women's groups have pointed out that the constant rise in the number of domestic violence cases is often linked to the way in which such domestic violence cases are handled by law-enforcement officers, and even front-line officers. In short, the first thing police officers must do in handling disputes between people on the streets is to bring the relevant persons back to the police station for statement taking purposes before deciding whether prosecution should be instituted. The police officers will not involve themselves in so-called unnecessary reconciliation and put the heavy burden, such as the responsibility of deciding whether prosecution should be instituted, on the spouse of the abuser, that is, the abused. Meanwhile, there is a lack of adequate training in identifying domestic violence and the required sense of crisis among many front-line workers. Actually, I was most impressed by one of the dead victims of the Tin Shui Wai incident, that is, JIN Shu-ying. Before her death, she made numerous attempts to seek assistance from different government

departments, organizations, and police stations. Unfortunately, all the people who offered her assistance could still not help her escape from her poor fate in the end. This was because, as I pointed out earlier, their awareness and ability in identifying domestic violence were still inadequate.

We consider this reporting system very important because, if a shared database can be established, all the relevant parties will be able to share the data for more accurate judgement and more timely intervention to be made. It must be emphasized that there are two major types of cases. Cases of the first type are of a serious nature, and prosecution will definitely be instituted. Cases of the second type are merely for record purposes for future reference.

Lastly, we agree that compassionate housing services should be offered to enable the abused to leave the places where they are threatened by violence as far as possible and as quickly as possible. The Government should actually be aware of the importance of this policy. We believe the Government is considering it.

PRESIDENT (in Cantonese): Speaking time is up.

DR FERNANDO CHEUNG (in Cantonese): President, it is International Women's Day today — this is related to domestic violence. Thank you, President. Your reproach was right. (*Laughter*)

The International Women's Day is designated for the recognition of women's contribution to human society and expression of approval of and support for women. It is a great pity that we learned two days ago from the press a piece of tragic news. In Ma On Shan, a single mother solely responsible for taking care of five daughters died suddenly in a refuse chamber suspectedly for excessive fatigue. The woman, in tough luck all her life, had suffered from heart disease and hypertension. Her husband had not only refused to give her money to support the family, but also ill-treated her with frequent scolding and beating, blaming her for giving birth to five daughters but failing to deliver a son to carry on his family line. Her daughters had reported to the police a number of times simply because they could not tolerate their father's behaviour.

After divorce, this woman led an independent life with her five daughters. Here was her daily work schedule: At 7.00 am, she would set off from her housing estate and bring her two primary school daughters to school. At 7.30 am, she would perform a cleaning job in the housing estate. At 3.00 pm, she would pick up her two daughters from school and then buy groceries in the market, return home to tidy up her house, and prepare dinner. At 7.00 pm, the whole family would have dinner. At 8.00 pm, she would work as a part-time cleaning worker for three hours in a shopping arcade. At 11.00 pm, she would scavenge the refuse chamber for items that can be traded for money before returning home at 2.00 am. Despite toiling 19 hours a day, she got only \$5,500 a month. The entire family was in straitened circumstances. The popular expression of "living with dignity" can kill.

I would like to pay tribute to such a great mother here — she was a victim of domestic violence too — and hope the relevant authorities can follow up her case closely to ensure that the five girls receive proper care. Domestic violence has been getting increasingly serious. Last year, the number of women and children admitted to refuges for women rose 20% over the figure in 2004. The number of domestic violence reports received by the police also rose 20%, with half of the reports involving criminal offences, including intimidation, assault, rape and murder, the figures of which even rose sharply by 40%. Given that an average of 7.6 domestic violence cases occur daily in Hong Kong, how should the Government respond when the problem is so serious?

Let us look back at some related incidents: In response to a family tragedy involving the killing of Madam JIN's family in Tin Shui Wai in April 2004, the Government swiftly commissioned a three-person working group to conduct a review. In May 2004, the Women's Commission proposed amending the Domestic Violence Ordinance (DVO). In November 2004, the three-person working group completed its report and made 25 recommendations. In June 2005, the University of Hong Kong (HKU) completed the first part of its Study on Child Abuse and Spouse Battering and put forth a number of recommendations. In September 2005, the Coroner's Court made 10 recommendations after the hearing on Madam JIN's family tragedy, with five of the recommendations for social workers, and the remaining five for the police. In January 2006, the Women's Commission published a report entitled "Women's Safety in Hong Kong: Eliminating Domestic Violence", in which 21 recommendations were made. Recently, the HKU raised 21 proposals in relation to amending the DVO. The Law Society of Hong Kong has also made

39 recommendations in relation to the review report of the DVO. Has the Government responded positively and specifically?

A closed-door meeting was held last year by the Subcommittee to study issues relating to the strategy and measures to prevent and tackle family violence set up by this Council. At the meeting, we summed up the authoritative and independent reviews and a number of recommendations made by various organizations in relation to the existing policy, legislation, services, initiatives, procedures, and so on, and requested the Government to reorganize, re-determine priorities and specifically discuss with us the recommendations *seriatim* to decide how to expeditiously implement the recommendations made by a number of experts. We have been waiting for the Government's response since November last year — the Subcommittee is still waiting for the Government to reorganize hundreds of proposals before discussing the matter with us. Despite waiting four months, we have yet to receive any response.

Meanwhile, casualty cases attributed to domestic violence continue to occur. During a discussion on domestic violence two years ago, we were clearly told by the Government that it had an excellent policy of "zero tolerance". I found the idea pretty good and asked the government representative what it was all about. I was told that the policy was very substantial. When I indicated my wish to read the relevant policy paper, however, I was told that there was no such paper. Hence, we requested the Government to provide us with a document on the policy of "zero tolerance" dealing with domestic violence. One month later, a five-page policy report was submitted to us. However, the content of the policy was pretty hollow. Moreover, there was no plan, goal or timetable. The report mentioned an inter-departmental working group to be led by the Director of Social Welfare. This (*the buzzer sounded*)

PRESIDENT (in Cantonese): Sorry, your speaking time is up.

DR FERNANDO CHEUNG (in Cantonese): Thank you, President.

MRS SOPHIE LEUNG (In Cantonese): Madam President, I feel very deeply about this motion on domestic violence, as statistics show that more than 85% of

the victims of domestic violence cases are female. I have maintained very close contact with domestic violence victims in the past five years and shed tears for them a number of times.

To address the domestic violence problem was one of my major tasks while I was Chairman of the Women's Commission. It took years of conception before members of the Commission finally decided to follow their heart in deciding on how the Report should be compiled. The Report, entitled "Women's Safety in Hong Kong: Eliminating Domestic Violence", was compiled after more than a year of in-depth study and repeated exchanges with the Government, various community organizations and bodies, discussions and analysis. Several years ago, I was asked by some members of the Commission and individual organizations why the Report had not been published more quickly. It was because I felt that members of the Commission were not yet ready and they still preferred "pure discussion". It took me years to conceive the Report before its completion. President, the sky will remain dark when people do not share the same vision; only when they do can the sky turn blue.

We hoped a better understanding of the domestic violence problem could be gained through this Report to better enable Members to provide a framework for mapping out the strategies in such aspects as helping victims boost their capabilities, preventing violence, timely and effective intervention, community education and corresponding support. The Report was not intended to be exhaustive. I believe many colleagues will talk of pigs can fly today, and plan to do a lot of things. In contrast, our Report seeks to begin from an absolutely feasible perspective in the hope that the whole community can join hands in taking the first most feasible step instead of indulging in the wishful thinking that the goal can be achieved in one step. I believe domestic violence cannot be truly curbed until the first step is made.

We will begin by following three major directions: First, strengthening co-ordination between the public and private sectors. The causes of domestic violence are very often numerous. As such, the problem must be tackled through numerous channels. Liaison between government departments, co-operation between the Government and non-governmental organizations (NGOs) and their mutual co-ordination and communication are crucial. In the past, there was a lack of sense of communication between the Government and NGOs and, as a result, they acted in their own way. This led to the creation of a vacuum or overlapping in policy formulation, matching support in legislation,

and even provision of services. As resources could not be utilized effectively, the problem got worse and worse. Therefore, breaking the barriers between departments and removing the communication obstacles between the Government and NGOs are the prime tasks in curbing domestic violence.

We have also suggested that, in addition to the Government, all citizens are also responsible for eliminating domestic violence. The Government, neighbourhood organizations, and even schools, the health care sector, and so on, must be aware of the need for partnership and co-operation. All parties are obliged to take preventive measures. As domestic violence is a social time bomb, every member of the community is responsible for defusing it.

Second, an effective surveillance and evaluation mechanism is also very important. To defuse the domestic violence bomb, the first step is to find out where it is placed. Domestic violence is, in most cases, a hidden crime. An effective surveillance and evaluation mechanism is therefore vital. We propose to make reference to the approach taken by the World Health Organization to address domestic violence and its definition, using a co-ordinated community intervention model to address domestic violence. In this connection, a central platform will be required to, first, exchange information; second, identify and address problems in the provision of services; third, promote good practice through training and drawing up guidelines; and fourth, enhance community awareness and improve prevention strategies.

The central platform seeks mainly to connect various departments and organizations through the mechanism to facilitate sharing of key information obtained when they separately deal with their cases and, through close exchanges of information, upgrade their ability in grasping and identifying their cases. Furthermore, the provision of services can be better complemented and balanced to enable various partners to perform their functions effectively.

We are also prepared to step up and promote a counselling scheme for abusers. We also recommend the social welfare sector to strive to promote this scheme and draw up a greater variety of programmes of integration into society.

Madam President, if assault is treated as abuse, psychological abuse is even harder to bear. Psychological abuse, a form of domestic violence, remains an issue not yet experienced by many modern societies. The

establishment of a stable family and harmonious society is based on society's basic respect for individuals. If we are to truly and radically counter domestic violence, we have to take into account various forms of violence contributing to psychological abuse. In this connection, we hope to promote in society the gender culture of mutual respect as our basic initiative in curbing violence.

Madam President, I am very pleased that the family problem has once again aroused Members' concern today and a number of Members have proposed amendments to the motion. Domestic violence is a social problem. We must listen attentively and act "from the heart" before the problem can be completely resolved.

PRESIDENT (in Cantonese): Your speaking time is up.

MRS SOPHIE LEUNG (In Cantonese): Thank you, Madam President.

MR WONG KWOK-HING (in Cantonese): President, I am here delivering my speech today with this badge given to me by some anti-violence petitioners. As it is International Women's Day today, I would like to take this opportunity to pay tribute to women around the world.

President, the idea of designating an International Women's Day was first raised in an international women's conference 96 years ago. Here in Hong Kong, this motion debate on domestic violence happens to be held in this Council today, exactly 96 years after the International Women's Day was designated. To me, the motion carries some profound significance and a great sense of mockery and accusation. Today, in such a modernized city as Hong Kong, the domestic violence problem is still not taken seriously and resolved. This deeply reflects a serious sickness of Hong Kong society. Domestic violence is actually a profound social problem and a sickness.

I will support the motion and all the amendments today. In my opinion, however, the numerous measures and methods proposed in the motion and amendments for treating domestic violence are merely temporary solutions. This is because domestic violence as a sickness is rooted in society and its source

is both ideological and cultural. If various temporary measures are taken without the right medicine for the illness, it will still be impossible for the domestic violence problem to be tackled at root.

The source of domestic violence as a social sickness is the growing disparity between the rich and the poor. It is pointed out in a recent survey conducted by a university that the wealth gap is the largest contradiction in Hong Kong's disharmony. In a petition staged by a group of women's representatives from the Social Affairs Committee of the Hong Kong Federation of Trade Unions (FTU) yesterday, it was clearly indicated in their banner that 220 000 female workers, twice the number of male workers, in Hong Kong earn less than \$5,000 a month. As the Chinese saying goes, poor and lowly couples often land in multiple plights. Why have so many domestic violence and abuse incidents taken place in remote new towns and the poorest parts of Hong Kong? What have happened in these places? It is because the wealth gap is the largest there, where there are the largest number of families in difficulty, the largest number of families on CSSA, and the largest number of women in need of help and assistance. And yet, has society looked at this social problem squarely? Has our Government addressed it squarely? This is the greatest root of the problem in society, and women became victims at the lowest social stratum under such enormous pressure.

Another social source is the ideological and cultural source. Under the feudal system practised in China for thousands of years, men were considered the centre of society. This gave rise to such concepts as "women are inferior to men" and "males and females should be treated differently". This explains why domestic violence victims are often women and children. How can this problem be tackled? It seems that the motion and amendments have failed to pinpoint this problem. However, I find the Government's policy extremely important. Is it the case that the Government will under no circumstances tolerate domestic violence, as stated by the Chief Executive? Probably not. Let me cite the Government's policies for helping the poor as an example. The recent Budget has spelt out a number of policies for helping the poor, which will incur a total expenditure of \$80 million to \$90 million. However, this sum is even less than the amount of \$100 million or so required for the conversion of a pavilion on the Peak, which is still in good shape, into a Victoria-styled pavilion cum toilet. The Government is going to spend less than \$100 million on helping the poor. Are the poor families being taken very seriously? This is indeed a very big mockery. Does our society attach great importance to tackling the source of illness in society? The answer is negative. Therefore, I appeal to

Members today in the hope that colleagues can support the proposal of legislating on a minimum wage and standard working hours expeditiously. Only in doing so can we genuinely help poor families to rid themselves of poverty and prevent the occurrence of domestic violence.

In terms of ideology and thinking, I believe behavioural violence originates from violence related to language and thinking. How can this be rectified? In a women's function I attended the other day, I heard a very important voice and found it very meaningful. I would like to take this opportunity today to ask in public whether Members of this Council can lead the whole community to participate in a campaign against foul language. This is because foul language is essentially a form of verbal violence, for the language is all about sex organs of men and women. Moreover, the target of humiliation is mostly women. Therefore, if we are to oppose domestic violence, can we lead the whole community to take action against verbal violence?

I hope Members who will speak later, particularly those from the education sector, can respond to this point. Can Mr CHEUNG Man-kwong do so? Let schools and the whole community be the starting point and let opposing verbal violence and foul language be our new way of thinking.

PRESIDENT (in Cantonese): Speaking time is up.

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

MR CHEUNG MAN-KWONG (in Cantonese): President, the repeated occurrence of domestic violence incidents and family tragedies in the past several years is as terrifying as thrillers. Being a representative of the education sector, I am particularly concerned about the child victims of domestic violence cases, who are the most helpless. It is evident from numerous child abuse tragedies that children have often been victimized in domestic violence cases. These children are the most vulnerable members of families, helpless sufferers. In a recent child abuse tragedy, a child even died in a dark suitcase. How sad it is to bear and learn of it!

As revealed by child abuse statistics, the Social Welfare Department (SWD) receives an average of 600 to 700 reported cases annually, whereas the

police receive some 1 000 help-seeking cases annually. However, according to a survey just published by the Department of Social Work and Social Administration of the University of Hong Kong, 44% of the parents admitted having administered bodily abuse or corporal punishment to their children, with 10% of them even conceding having administered serious corporal punishment. All this shows that corporal punishment of children is commonly found in local families. Yet, the number of reports made to the police and SWD represents just the tip of the iceberg.

Hong Kong society has often reacted to domestic violence and child abuse cases strongly temporarily, but indifferently perpetually. While the making of headlines by domestic violence cases will often trigger widespread discussions among people on the streets, after the interest in the news has subsided, people will continue to tolerate in silence the violent acts that occur beside them without making any attempts to prevent or report them. In Chinese traditional culture, there are such deep-rooted notions as "each family has its own problems", "it is hard for even an upright official to understand a family quarrel", and "people should better tell others to chastise their sons than advise them to abandon their wives", which are feared by even professionals. These notions have thus become the "Mount Five Fingers" in everyone's heart as well as the basis of child abuse.

More saddening is that even though some victims are obviously seriously injured physically and mentally, they are still reluctant to seek help owing to their mentality of "domestic shame should not be made public" and refuse to report. These Chinese traditional concepts, though probably out of goodwill, have made it impossible for domestic crises to be prevented expeditiously and difficult for family and child abuse tragedies to be prevented. As a result, the gene of answering violence with violence continues to reproduce in families and even spread to the next generation.

The Universal Declaration of Human Rights put forward these concepts: All human beings are born free and equal in dignity and rights; Everyone has the right to life, liberty and security of person; No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one will object that these are the universal values of human civilization. The Education Ordinance has explicitly stipulated a long time ago that teachers should not administer corporal punishment to a pupil. Even the Child Care Services Regulations provide that no person shall administer corporal punishment to a child in a centre. Such being the case, why can families and parents be the

exception? Is only the beating of students, but not child abuse, be treated as violence? Owing to this double standard for human rights and humanitarian society, serious child abuse cases can be hidden deeply in family suitcases until someone dies without any cries or struggles.

President, families are supposed to be the safest port and warmest haven for children. Western countries respect human rights, particularly children's rights and interests. For instance, schools and families are treated equally under the law, and teachers and parents are prohibited from administering corporal punishment to children. This is probably the major difference between Eastern and Western cultures. Mrs Priscilla LUI, Director of Against Child Abuse, who has been making relentless efforts in protecting children's rights and interests and opposing corporal punishment, has made it very clear that the spirit of legislation is neither to intervene in others' family affairs nor to punish parents. Instead, it is hoped that, through early intervention by professionals, assistance can be offered to needy families in facing their hardship and escaping from the dark.

Despite the saying that "poor and lowly couples often land in multiple plights", even rich families cannot be immune to child abuse. Notwithstanding the wide range of causes of domestic violence and differences between Eastern and Western cultures, the Government and people share the responsibility of combating domestic violence, rescuing the weak from danger and assisting violent families in heading towards a new life. After examining the periodic report (Hong Kong and Macao are also covered) submitted by China last year, the United Nations Committee on the Rights of the Child urged the State party, in all areas under its jurisdiction, to explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings. Furthermore, all countries are prohibited from allowing abuse, neglect, violence and maltreatment of children. Mandatory reporting requirements are imposed on staff working with children, such as doctors, teachers and social workers to make instant reporting once child abuse cases are detected.

President, curbing domestic violence, offering children full protection, and preventing the recurrence of tragedies are the shared responsibilities of the Government and the public. Both the professionals who are working with children or neighbours living with children day and night should not tolerate the continuous occurrence of child abuse cases beside them. Such being the case, when necessary and when advice and dissuasion no longer work, reports should be made instantly for the protection of children. A civilized society should act in such a humanitarian manner.

PRESIDENT (in Cantonese): Mr CHEUNG, your speaking time is up.

MR CHEUNG MAN-KWONG (in Cantonese): Thank you, President.

MR PATRICK LAU (in Cantonese): President, it is held by many that the causes of the domestic violence problem are none other than financial problems, work pressure, gambling, disputes with mother-in-law, relationship problem with the opposite sex, and so on. However, I would like to look at the problem from another angle. Is the living environment also a key factor? As revealed by a survey by Movement Against Discrimination, despite the improving economy, the problem experienced by women in different sectors has not yet been ameliorated.

On the contrary, it is found in a survey by the Hong Kong Family Welfare Society that 86% of the respondents are willing to help their abused friends or relatives to seek outside assistance. Therefore, to resolve the domestic violence problem, we should encourage the molested to take the initiative to seek help from others. To improve the living environment and promote mutual assistance among neighbours are effective ways to achieve this.

In my opinion, President, inadequate community planning and facilities are among the key factors contributing to domestic violence. According to some earlier reports, the domestic violence problem in the New Territories is relatively more serious. Both the policy address and Budget have also made special reference to the need to provide additional family service support in the New Territories. Actually, it is precisely owing to the lack of community centres providing family counselling services in the New Territories where community facilities are most lacking that the victims of domestic violence incidents often have no idea where they can seek assistance.

The planning of some communities is so crowded that even a park for the residents to take a walk or breath some fresh air is unavailable. Because of the lack of cultural and recreational facilities in their own districts, the residents have to travel long distances to other districts if they want to relieve their stress through playing ball games or watching movies. After riding in buses crowded with commuters, the residents might find the supposedly relaxing activities very irritating.

These problems are partly due to the failure of initial planning to fully match actual construction. The Government's go-slow approach in community building has also impeded the pace of various construction works and resulted in stagnancy. Of the 100 or so projects left behind by the former Municipal Councils, the Government has merely undertaken to speed up 20 or so. If not for the repeated appeals by the relevant group of the Legislative Council, the Government would not have agreed to bring the construction date earlier from two years to one and a half.

Therefore, in order to radically resolve the domestic violence problem, all community building works must be commenced immediately. Moreover, the construction period of the projects must be shortened before timely counselling services can be offered to the needy and suitable leisure facilities provided to promote the physical and mental well-being of the residents.

President, the design of buildings is also very important. In the past, neighbourhood relationship was very close, with every household keeping their doors open for ease of taking care of each other. Nowadays, people emphasize privacy and keep their doors shut all day long. Not only has the relationship among neighbours turned more alienated, people also find the building environment very cold, completely devoid of warmth. They could even be so indifferent that they will offer no assistance even when requested.

Actually, some efforts can be made in the design of buildings to ameliorate the problem from the architectural angle. For instance, the growing of more plants around the buildings and the construction of a sky garden can make it easier for residents to get in touch with Mother Nature. Furthermore, a relaxed environment can enhance the chances of communication between neighbours so that people can find someone to talk to when they feel emotionally disturbed.

Furthermore, buildings nowadays are really over-crowded. Conflicts will increase if too many people live in a tiny space. This is also one of the factors contributing to domestic violence. Therefore, I consider it very important too for the problem of crowded living environment to be ameliorated. Each family should have at least one room so that when a quarrel broke out between the couple, they can have their own space to cool down. Even if one of them is so angry that he or she chases the other party with a knife, the room can served as a refuge. If the one being chased has no place to hide because there is simply no room in the house, the quarrel might end in bloodshed.

President, housing is also extremely important. We have to uphold the Chinese traditional family concept. For instance, people used to live in courtyard houses where each family had their separate accommodation while living near each other in the hope that family members could, through their close ties, help each other when problems occurred. Nowadays, this is no longer taken into consideration by the Government in allocating housing. Family members have to move out after getting married. Because of the great distance between homes, they find it difficult to see each other very often. Furthermore, their relationship is no longer as close as before. When problems occur, distant water cannot put out a fire close at hand. Furthermore, as people are not on intimate terms as before, they might not be able to find someone to help.

Therefore, in allocating housing to the public, particularly family members from split households, the Government should allocate nearby housing to them to make it easier for relatives to take care of each other. In particular, young family members can strive to take up the responsibility of looking after their parents and other elder members of their families. Such an arrangement can also ameliorate the problem of children being left alone at home. Even if parents need to go outside but find it inconvenient to bring their children along, they can request their relatives living nearby to take care of their children temporarily. If this is possible, such tragedies as putting a child into a suitcase for fear of not being attended to would not have happened.

President, I consider it necessary for community planning and building, building design, housing allocation, and so on, to be co-ordinated with the legislative and other measures raised by other Members. This is the most effective way to curb domestic violence. Thank you, President.

MRS SELINA CHOW (in Cantonese): President, the mention of domestic violence brings back the memories of the Tin Shui Wai tragedy. Though it has been two years since the tragedy, if we ask whether we have learned a lesson from it to enable us to ameliorate the domestic violence problem, I believe the answer will be negative. The problem at present can even be said to have worsened.

For instance, according to the statistics published by the police in 2005, the number of domestic violence cases received throughout the territory reached 2 784, 20% up from 2004, which means that more than seven domestic violence

cases happened every day. Of these domestic violence cases, 1 274 involved criminal offences, representing a rise of 40% over that of the previous year. According to a district-based analysis, Yuen Long is the worst hit by spousal and child abuse problems, compared to other districts. During the first nine months of last year, up to 100 child abuse cases and up to 398 spousal abuse cases, representing some 18% and 16% respectively of such cases in the territory, were reported in Yuen Long.

It is noteworthy that these figures have not yet included those cases involving victims preferring suffering in silence without reporting to the police. The actual figures of these cases might even be many times higher. In my opinion, even one domestic violence case is too many. However, from the abovementioned figures, it can be seen that an average of at least seven spousal abuse cases occur throughout the territory each day. In Yuen Long District alone, at least one spousal abuse case occur every day. Such being the case, how can the domestic violence problem be said to have been ameliorated or come under control? How can we deny that the domestic violence problem is serious as ever?

A number of colleagues have pointed out that today is the International Women's Day. We should indeed take this opportunity to draw a lesson from our bitter experience and strive to come up with counter-measures to resolve the domestic violence problem. This is because, as pointed out by Mrs Sophie LEUNG earlier, more than 80% of the domestic violence victims are women. Moreover, many people simply treat them as weak or vulnerable. For the domestic violence problem to be resolved, the existing co-ordination mechanism must be strengthened. For instance, a central inter-departmental co-ordinating committee can be set up, to be chaired by a senior official or even an official at the level of Secretary of Department, with its status the same as that of the Fight Crime Committee. I believe only through the establishment of such a high-level committee can the co-ordination of various departments be strengthened, thus enabling resources to be allocated and utilized more effectively.

At the district level, after the publication of the Report of the Review Panel on Family Services in Tin Shui Wai District, attempts have already been made to strengthen district co-ordination. For instance, a Yuen Long Welfare Services Planning and Co-ordinating Advisory Committee has been set up by District Social Welfare Officer (Yuen Long), and a Tin Shui Wai Planning and

Community Development Working Group by the Yuen Long District Council. Unfortunately, as reflected by the figures mentioned by me earlier, spousal abuse in Yuen Long remains very serious. The Government is obliged to review the adequacy of district co-ordination and support, and look for ways to enable various organizations to give play to their roles even better.

Furthermore, we have to tackle the problem at the community spirit by, for instance, enabling the public, through education and publicity, to build up a critical mind and abandon such old-fashioned concepts as "treating spousal abuse or child abuse as other people's business" and "it is hard for even an upright official to understand a family quarrel". In this respect, we should properly promote the spirit of mutual assistance in the community to publicize the important message that domestic violence will not be tolerated by society, and abusers will be condemned and punished.

Actually, I once took the lead in promoting an "anti-domestic violence charter" in Tin Shui Wai and urged people and organizations in various sectors concerned about domestic violence to sign the charter to publicize the anti-domestic violence concept, to educate the public, to promote harmonious family relationship and the notion of mutual care and respect and, through pooling the forces in the community, to abandon our wrong mindsets and form a social network of mutual assistance. I believe it is worthwhile for the authorities to promote this practice of leveraging on the people's forces.

The above proposals are put forward by me mainly at three levels, namely central, district, and community, for precautionary purposes. However, when domestic violence incidents occur, the handling mechanism will play a very important role too. I believe Members can easily imagine the helplessness of help-seekers subject to domestic violence. It is crucial for a 24-hour hotline and a team to be put in place to provide violence victims with immediate, timely verbal or practical assistance. More importantly, the Government should provide the abused a temporary shelter where they can recuperate from the traumas inflicted by domestic violence. The Government should also endeavour to provide the abused with compassionate housing or temporary accommodation to protect them against abuse or molestation.

While we certainly must not tolerate abusers, we must also not forget the problematic psychological condition of abusers and the need to help them change

their bad behaviour at root by every possible means. For this reason, I support the proposal of making it mandatory for abusers to receive counselling.

President, all Members of this Council, regardless of faction and constituency, recognize the terror of domestic violence and agree that all parties concerned must work in collaboration to curb domestic violence through actively considering and adopting legal, judicial, law-enforcement, education or counselling initiatives.

Thank you, President.

DR YEUNG SUM (in Cantonese): Madam President, it is International Women's Day today. I am very grateful to Ms Margaret NG for raising such an appropriate topic, domestic violence, for discussion. Insofar as domestic violence is concerned, according to a household survey conducted by the Department of Social Work and Social Administration of the University of Hong Kong (HKU) in 2005 on child and spousal battering — for there is no survey on the overall situation of child abuse and spousal battering in Hong Kong — domestic violence can be categorized into two aspects, namely child abuse and spousal battering. Child abuse can be divided into physical abuse, psychologically abuse and neglect; spousal battering can be divided into physical abuse and, in many cases, physical injuries thus resulted, and even violent sex. All these can be seen as the indicators of domestic violence.

According to the survey, 45% of the interviewed child abuse victims were physically abused by their parents, and 9% seriously abused. Nearly 70% of the interviewed victims admitted having been psychologically abused, and 36% neglected, by their parents. It was estimated by the survey that some 29% of the children interviewed throughout the territory had been subject to serious physical abuse. This shows that the situation is extremely serious.

What are the common features of people who have been seriously abused? According to the findings of the survey, these people are more likely to defy discipline during their growth. Moreover, they disrespect discipline deep in their hearts, probably because they find that even their loved ones could have abused them. Apart from developing a relatively low self-image, they are accustomed to dealing with their anger by violent means for this is the usual way adopted by their parents.

One special point about the abused children is that, during the past 12 months, 48% of the seriously physically abused children have witnessed their parents fighting each other, and 80% have witnessed their parents psychologically abusing each other. It is thus evident that parental conduct has a significant impact on children.

Insofar as spousal battering is concerned, 9.6% of the interviewees admitted being abused physically by their spouses. During the past 12 months, 4.5% of the interviewees were seriously abused, with 3.7% of them being injured as a result. As regards violent sex abuse, 6.9% of the interviewees were subject to more violent sex abuse by their spouses. Madam President, if we estimate on the basis of this survey, we will find that 13.9% of the interviewees in the territory are abused by their spouses.

How about the specific figures? According to this survey conducted by the HKU, it can be estimated that there are 70 000 child abuse cases and 160 000 spousal battering cases annually. This is the first time a survey of this kind is conducted in Hong Kong. The figures provided by the Social Welfare Department or the police are very often merely the tip of the iceberg. Based on the views of the interviewees and the estimate made according to the ratio between the territory's population, household population and child population, I would like to repeat that 70 000 child abuse cases and 160 000 spousal battering cases are happening every year. This record can actually be described as extremely shocking.

What are the common features of women abused by their spouses? First, both their self-image and self-confidence are relatively low. Second, they generally feel that there is a lack of support, and sometimes feel quite helpless. Third, as shown by the findings mentioned earlier, they are accustomed to dealing with their emotions and anger with violent means. One more point is that they seldom seek help. This has probably something to do with the Chinese custom that "family troubles should not be made public", particularly in the cases of women abused or sexually abused by their spouses. Very often, they would rather suffer in silence and seldom seek professional assistance. One rather special point is that, Madam President, the abused might become abusers in the future. As the terrible experiences of the abused will influence their personality, there is a possibility for them to abuse others. Therefore, the impact on the abused can be very profound indeed. This also shows that the provision of assistance is a matter of great urgency.

Basically, I greatly approve of the proposals and methods raised by Ms Margaret NG and a number of colleagues today. I hope the Government can take this issue seriously and consider whether an inter-departmental and diversified profession should be established and then, in the light of the situation of various districts, provide adequate ancillary facilities to tackle this problem.

As regards the Domestic Violence Ordinance, I very much agree with the suggestions made by colleagues to expand the scope of the Ordinance to cover psychologically abuse, intimidation, molestation and even neglect, as neglect is actually a form of abuse too. I hope that the Ordinance can be amended to empower the Court to require abusers to receive mandatory counselling. I also hope more efforts can be made by the relevant professionals in training.

Thank you, Madam President.

MS AUDREY EU (in Cantonese): President, most Honourable Members have mentioned in their speeches that today is 8 March, International Women's Day and the topic is therefore most fitting. However, President, I would like to state that to me both sexes are equal and so I am also concerned about the plight of the battered men.

Just now Dr YEUNG Sum said in his speech that battered women must have been very dejected and through a miserable time. We can thus imagine that the case of the battered men would be far worse. Actually, the Legislative Council has received reports of such cases. Everyone in Hong Kong knows that when women are abused, they may go to Harmony House, but have we ever thought where battered men can go? Therefore, when debating on this motion, we should not only be concerned about women and children but also battered men.

I would not repeat what other members from the Article 45 Concern Group have talked about already. According to the division of labour among us, my duty is mainly to discuss the issue of resources. The Government has said that it has "zero tolerance" of family violence. However, President, when there is zero growth in resources, the result would likewise be zero. So, I will talk about the issue of resources today.

The most obvious difference between domestic violence and other cases of violence is that both parties, that is, the abuser and the abused, live in the same place. When violence occurs, the most pressing problem is how to protect the abused and prevent them from living together or living in fear. According to the Domestic Violence Ordinance, if a party to marriage or cohabitation has been molested, the party molested may apply for an injunction. Actually, the scope of an injunction is very wide. Many Honourable colleagues have pointed out that it does not include mental abuse — but I do not agree with Dr YEUNG Sum when he proposes that this should include neglect, because I am worried that if it includes neglect, then my husband will certainly complain that I have neglected him. In fact, the scope of the Domestic Violence Ordinance is such that an injunction can be applied to restrain that other party from molesting the applicant or any child living with the applicant, or excluding that other party from the matrimonial home. Molestation certainly includes mental abuse and the Court has granted injunctions on such ground. Unfortunately, many people do not know the scope of such injunctions and this explains why they are seldom applied for such purpose.

According to figures from the Judiciary, 80% of the applications for such injunctions can be granted on the same day when an application is made. However, if we look at the figures provided by the Social Welfare Department, in 2003, of every 100 victims of domestic violence, only one person applied for such kind of injunctions. What then is the problem? First, not many people know of this. This includes social workers, Honourable colleagues who have spoken today as well as people in the Legal Aid Department (LAD). Some social workers told us that people in the LAD had said that the victim did not have any visible injury and so an application for an injunction could not be entertained. This is actually not true. The scope of an injunction covers molestation and this also includes stalking which we have talked about before. Therefore, we think more resources should be injected by the Government in this area. At least more publicity should be undertaken. In places such as the United States, Canada, Australia, and so on, the judiciary there would provide related legal training to some voluntary organizations so that social workers and volunteers at the front line would know how to give the right kind of help to the victims. Other than that, the judiciary there may even provide legal advice, training in gathering evidence and enhanced support. All these mean extra resources and training.

Another reason why injunctions are seldom applied is the expenses involved. Many women or victims may not meet the requirements for legal aid. Even if they can meet such requirements, the time involved in the application would be very long. The Legislative Council once requested the LAD to provide figures on victims of domestic violence seeking help. But unfortunately, the LAD said that the computer information system of the Department does not have any breakdown on the nature of injunctions applied. In other words, some people have applied for injunctions, but it is not known whether these cases are domestic violence cases. It is because many other kinds of injunctions are also included. This shows that the LAD does not pay much attention to domestic violence.

The third problem is the inadequacies in the law itself. Mr Alan LEONG suggested earlier in his speech that an injunction should be extended to cover other family members. The only thing I wish to add is that the effective period of an injunction is only six months at most under the existing law. This is not very useful, for six months would not be enough in completing all the formalities such as divorce or finding another residence, and so on.

President, I would like to bring up the problems related to the Rainlily Rape Crisis Centre. Members may recall that the Centre is an organization which provides one-stop services to women victims of rape. But the Government refuses to give any subsidy to the Centre. Though the amount of subsidy the Centre requires for one year is only \$2.2 million, the Government says that there is no need for such a one-stop service. Members can just think that the case of domestic violence is like women victims of rape. Many Honourable colleagues have said that at a time when the women are at a loss as to what they should do and if they are required to go from one stop to the next for help, it would be an outright lie if people will still talk about "zero tolerance", doing things for the people or being people-based. Since the Secretary is here today, I would like to tell him earnestly that there are really many people out there who want to help. They may come from the legal profession, the social work profession and the medical profession. Many people are prepared to lend a helping hand. We need the Government to co-ordinate things and provide the resources needed in this regard. There should be no problem asking other people to help, but at least the Government should give some money before any co-ordination can be effected among these people and hence help the Government achieve "zero tolerance". If the Government denies the importance of these one-stop or cross-sectoral services, then it does not have any

right to talk about "zero tolerance". I hope very much that the Government will not just engage in empty talks. In this regard, today should not be remembered as the International Women's Day, for this is not a problem of the women alone but the problem of all family members exposed to violence. I hope the Secretary can do this. Thank you, President.

DR JOSEPH LEE (in Cantonese): Madam President, domestic violence is a problem that happens all the time and every day when we read the newspaper, there would be reports of all kinds of domestic violence. Many Honourable colleagues have talked about various kinds and forms of domestic violence just now. An act of violence may cause harm to human beings in various ways. Such acts may include physical abuse, sexual violence, mental abuse, and so on. Moreover, these acts would actually produce a lasting damage both on the mind and the body. It follows that we must never overlook the problem of domestic violence like spouse battering, child abuse, elder abuse, and so on. It is wrong for anyone to use violence and attack other people. These acts will not only undermine the well-being of a society but also make society and the economy pay a heavy price. The Government must approach the problem from policy, enforcement, judicial and educational perspectives and the people must be mobilized to face up to the problem of domestic violence.

The policy address says that the Government has "zero tolerance" of domestic violence. In such circumstances, the Government must devise clear-cut and formal policies, stating its position, values, policy direction and specific work indicators on domestic violence.

A healthy life does not just mean that the body is free from sickness. Of equal importance are a healthy mind and a healthy social life. Take the example of child abuse. A battered child will often become insomniac, have nightmares, a poor self-image and a low self-esteem, and they will isolate themselves and even resist contact with adults. Just as Dr YEUNG Sum has mentioned, they will grow up with a tendency to abuse other people. So the impact on the development of a child is lasting. When these children grow up, they may have a difficulty integrating into society. From the perspective of public health, the prevention and handling of domestic violence is not just the concern of the individual or welfare organizations, it is the common responsibility of all sectors across society. It is a common commitment for society as a whole, that is, in its legislative, law enforcement, judicial, education, welfare and health care

branches and sectors. The Government must adopt positive measures in many aspects to prevent the problem of domestic violence from deteriorating.

The Government should therefore consider setting up an inter-departmental working group to foster co-operation between Policy Bureaux and sectors for the joint prevention, following up and combating of offences of domestic violence. The problem of domestic violence cannot be handled by just one government department alone but it should be tackled by an inter-departmental effort. Efforts should be made to enhance co-operation among the Police Force, Hospital Authority, Legal Aid Department, Social Welfare Department (SWD) and various social service organizations such that suspected cases can be timely and immediately referred. Only in this way can the problem be effectively solved and a tragedy averted. An example is that the police should simplify the reporting procedures of domestic violence cases and enhance the sensitivity to and awareness of the related problem among front-line policemen. The Housing Department should relax the restrictions on tenancy regulation and allocate flats to the needy through compassionate housing assistance.

Besides, the Government should provide training courses and sharing sessions on domestic violence regularly to the related professionals, especially police officers, social workers, health care workers and such like front-line workers. These will enhance their sensitivity in judging and assessing domestic violence cases.

Prevention is better than cure. Madam President, to root out the problem of domestic violence, we must start with prevention. Remedies can only be found through an understanding of the causes of acts of domestic violence and the motives of abusers. Social service organizations in Hong Kong launched a community-level voluntary counselling scheme as early as six years ago. As many as 70% of the participants are found not to commit the same acts of physical abuse again within a six-month period after they have completed the counselling scheme. Before there is any judicial intervention to mandate the abuser to join a mandatory counselling scheme for abusers, both the SWD and the social service organizations should organize more similar counselling schemes for abusers and encourage them to stop acts of violence by joining some voluntary support and counselling schemes at the district level.

All the above are just methods to curb the problem by attending to its symptoms. To address the problem at root, there must be more co-operation between the Home Affairs Department and the District Councils at the district level. More activities on the theme of family life education should be organized and through these activities, values of filial piety, love for children, mutual respect between spouses, and so on, can be passed on. If such messages on prevention of domestic violence can be spread widely in the schools and communities, the people may develop the right concept of refraining from resorting to violence to solve family problems.

Lastly, I would like to point out one thing and that is, we have talked a lot on abuse of women, child abuse and sexual abuse, and while work on the prevention of such kinds of abuse is subsidized by the SWD, elder abuse and work on its prevention does not get any government funding. There is no law in Hong Kong to help the battered elderly. Since the elderly people should enjoy a healthy old age in which they are respected, we suggest that the Government must not overlook the needs of the elderly and there should be more researches and studies on the problem of elderly abuse. This will enable the elderly persons to enjoy equal rights and be free from abuse. Even when they are abused, they will be able to get the right kind of help.

Lastly, I would like to respond to the point on Rainlily Rape Crisis Centre raised by Ms Audrey EU just now. I would like to invite the Secretary to take part in the charity walk on Sunday, 19 March. The walk is held to raise funds for the Centre. I hope the Secretary could take part in it.

I so submit. Thank you.

MR LI KWOK-YING (in Cantonese): Figures from a family crisis support centre show that among the many kinds of cases involving violence, more than 60% are related to wife battering. So I would discuss this first.

Madam President, as a general rule, domestic violence is more complicated to handle than other kinds of social problems. In domestic violence cases, the parties involved would usually have intricate relations among them. What is much harder to understand are the preferences and considerations of the parties and their often conflicting and constantly changing feelings. For this reason, an Honourable colleague has put in the suggestion to

make it "mandatory for the relevant professionals to report domestic violence cases that they handle". The DAB has reservations about this. As a matter of fact, the reason for many of these battered women not putting up any resistance is their wish not making their family affairs known, and their consideration for the ties their husband. They may also be affected by a sense of inferiority complex and they may think that women are bound to be placed in a less favourable position, and so on. More importantly, there is a lack of support networks available. Therefore, when handling battered women cases, these factors must be considered before any practical solutions can be proposed.

Professionals these days handle complex family problems in a very professional manner. This is because many of such problems cannot be solved simply by calling in the police or according the victim protection. On one hand, battered women want to get help and be free from abuse. But on the other hand, there may be other considerations such as the children who may be young and need parental care. The women victims may not want their children to live in a broken family and so at times they would suffer in silence, hoping that their children will not be affected and that outside help can be sought so that there is some way out to keep their family stay intact. They are thus driven by such commendable considerations. So they would air their grievances to the social workers, seek advice and assistance from these professionals. They hope that, with the expertise of the social workers, some sort of arrangement can be made with the government departments or some organizations and in the end they can get the right kind of support. As the social workers are their only hope and they put all their trust on these social workers, so they are very frank and open when they talk with the social workers. But if the social workers are mandated to report such cases, the cases may go beyond the scope of work usually handled by social workers or that the social workers may be subject to a lot of restraints. As a result, the best way to deal with the situation may not be used and in turn the victims may become hesitant in seeking help.

I have discussed the problem with many social workers and they all think that as professional social workers, their professional judgement should be respected and that there should be autonomy in their decisions. They should be left free to decide whether or not to report these cases and reporting of such cases should not be mandatory. Some women will report to the police when they cannot stand violence from their husband and they want to live in a shelter in order to get away from the husband who is emotionally unstable. But when the police are prepared to prosecute the party who inflicts violence, the victims

would refuse to testify before the Court. As a result, there is a constant replay of the cycle of women being beaten up, case reported to the police, then the women leave home, then return home, quarrel again and get beaten up again and the case is reported to the police again. To prevent a recurrence of these events, the first thing that should be done is to elevate the self-image of the battered women and encourage them to seek help at once when they are abused. Some professionals have pointed out that some women may get used to being battered by their husbands and they may lose their sensitivity, thus not knowing how to protect themselves. The result is that the abuser would only become more violent and family tragedies may ensue. Hence, it is a pressing task to raise the self-esteem of women through counselling and education efforts.

Then the authorities may approach the issue with preventive work at the community level to cultivate a community spirit of mutual support and harmony so that people will not just mind their own business. In this way, family cohesion in the community will be enhanced and people will be better equipped to cope with various challenges in life. For example, the Government may take on board the recommendations made in the Report of the Review Panel on Family Services in Tin Shui Wai to strengthen family support networks at the community level and launch projects to encourage families with relatively few problems to offer assistance to families with problems by acting as their counsellors or mentors. The scheme can strengthen the community support network among families and will also encourage people to be good neighbours. The Government should inject enough resources to enable social service organizations to provide better services, thus ensuring that the community network can be maintained and strengthened with the support of professional organizations.

After domestic violence has occurred, apart from helping the victims, we should also counsel the abusers. Perhaps no one would agree that counselling should be given to the abusers, but their problems and mentality may make them think that what they do is acceptable. Though sanctions in law may penalize the abusers, a more important point is to make them reform and mend their ways and see the harms done by violence. GANDHI said, "I object to violence because when it appears to do good, the good is only temporary, the evil it does is permanent." A number of organizations have offered therapy or education programmes to the abusers so that they can understand the evils done by violence, but the scale of such work is not large. Recently, an organization has launched a head start counselling scheme for abusers in the hope that the scheme would

identify a proposal for a counselling scheme in a comprehensive and systematic manner so that it can be used as a guide and reference for organizations which wish to provide similar services in future.

In the long run, whether or not domestic violence would become a vicious cycle and emerge in the younger generation would hinge on how the young people look at violence. A recent study on how children view violence shows that among the 10 cases of violence which are the cause of their greatest concern, four cases are related to abusers who are their parents, domestic helpers and teachers whom they live with from day to day. This shows that the children are disturbed by domestic violence. What is more worrying is that only 20% of the children think that beating up their domestic helpers is a form of violence. This shows that children may discriminate against certain occupations and see foreign domestic helpers as inferior. On the other hand, as foreign domestic helpers are usually women, looking down on the foreign domestic helpers may in turn affect their view about women and respect for them in future. If this kind of gender stereotyping is accepted as a mainstream notion, this will produce a structural inequality of the social status of women and sow the seed for future domestic violence.

Domestic violence is a time bomb that lies in the way of social development. We must take action to devise proposals and plans to help the families affected, create a harmonious culture in society and foster the right values.

Madam President, I so submit.

MS LI FUNG-YING (in Cantonese): Madam President, two years ago, a family tragedy happened in Tin Shui Wai and it aroused widespread concern in the Government and the community. The Government set up a Review Panel on Family Services in Tin Shui Wai in the hope of improving community services and devising effective measures to prevent the occurrence of family tragedies. At the middle of last year, the Coroner's Court examining the Tin Shui Wai family tragedy made recommendations on improving family services. The Government said that it would consider the recommendations. The response by the Government shows that it is determined to do what is described in a Chinese saying, that is, to mend the fold now that the sheep has gone. Measures are

devised to prevent similar domestic violence cases from happening time and again.

Now that the sheep is gone, but has the fold been mended? Is the Government trying to mend this fold with an ostentatious show of bureaucratic red tape or is it really trying to mend it? Let us see what the facts are. In 2003, domestic violence cases in Tuen Mun, Yuen Long and Tin Shui Wai topped all such cases in Hong Kong. In spouse battering cases alone, there is a total of 3 265 cases throughout the 18 districts in Hong Kong, with 598 cases in Tuen Mun and 347 cases in Yuen Long. How are things like after the April 2004 family tragedy in Tin Shui Wai and the Government's declaration that it has zero tolerance of domestic violence? According to figures from the Social Welfare Department (SWD), reported spouse battering cases for the first three quarters of 2005 are 2 489 and this is a monthly average of 277. Projecting from this figure, the figure for the full year would be 3 319 cases and this figure is even more than the figure for 2003. A breakdown by the district in which the victims live shows that Yuen Long heads all the 18 districts in Hong Kong, with 398 cases, while Tuen Mun is in the second place with 258 cases. Compared with the figures for 2003 and the first three quarters of 2005, it can be seen that the change noted is not a decrease in domestic violence cases in these two adjacent districts but an increase in the other districts while there is a fall in the two districts.

What break my heart are also figures released in mid-2005 from a study by the University of Hong Kong on child abuse and spousal battering. The report estimates that about 10.6% of family members said that they had been abused by their spouse. For families with members who said that they had battered their spouse, the percentage is even higher, which is about 11.9%. If the figures are set against a background of 2 298 000 households in Hong Kong according to figures of 2005 from the Census and Statistics Department, there would be hundreds of thousand families in Hong Kong in which spousal battering has taken place. This figure is 100 times more than the number of spousal battering cases which the SWD has received. A similar situation is found in child abuse cases.

These figures illustrate that over the past couple of years, despite the family tragedy in Tin Shui Wai and the launch of various community-based support measures in the bureaucratic system, in actual fact, the situation of

domestic violence has not improved. These figures show that the domestic violence cases filed with the SWD and the Integrated Family Service Centres are only the tip of the iceberg. The actual situation is 100 times more serious than the known cases. These figures give me an overwhelming feeling of sadness and indignation when I examine the situation of domestic violence in Hong Kong.

Last year the Government of the Hong Kong SAR submitted the second report under the Platform for Action for the Fourth Conference on Women held in Beijing. A section on domestic violence in the report says, "The Government supports the principle of 'zero tolerance on domestic violence' and a three-pronged approach is adopted", including preventive, supportive and specialized services as well as crisis intervention. In the face of the real situation of domestic violence in Hong Kong and the victims of domestic violence, would the Government not feel ashamed and embarrassed?

I support the idea of providing victims of domestic violence with enhanced assistance. There is a proposal in one of the amendments today on establishing a Court dedicated to domestic violence cases. In fact, in the report made by the Law Reform Commission in 2003, there was a recommendation on setting up a comprehensive family court. Such a Court would be tasked with assessing domestic violence or sexual abuse cases to determine if they should be referred to other courts of law. As a Court dedicated to domestic violence cases may not be feasible in the short run, it would be more important to set up a comprehensive family court.

Madam President, many Honourable colleagues have pointed out that today is the International Women's Day and I believe later on the Government will use wordings similar to those found in the second report under the Beijing Platform for Action to whitewash things and boast the great importance it attaches to women's rights. But the hard fact is housewives do not enjoy any retirement protection to date, the grass-roots women are constantly being marginalized in employment and they get increasingly impoverished. Women who are thought to bear half of the sky on their shoulders are still the principal victims of domestic violence and they are not getting enough support. I do not harbour any extravagant hope that the debate today will bring about any actual improvements to the rights of women. I only hope that the debate can make those in power wake up to the grim reality that most of the women in Hong Kong

are not as what the Report has described, that they enjoy equal social status and will not have to bear more sufferings on ground of gender.

Madam President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): The Legislative Council Panel on Welfare Services has a Subcommittee on Strategy and Measures to Tackle Family Violence. The Subcommittee was not formed in this Session but in the previous Session. Madam President, for two Sessions in a row the Legislative Council Panel on Welfare Services has had this Subcommittee because Members think they cannot just sit back and do nothing about the situation. When tragedies occur, the Government would seem to be very anxious, but after a short while, it looks as if nothing has happened. As Members of this Council, we do not think this will do. Therefore, a Subcommittee that can be said to be permanent has been set up. If the problem is not resolved, we would not dissolve this Subcommittee, unless and until the problem is resolved. It can be seen that the original motion and the amendments today have all along been under discussion.

When Ms Margaret NG proposed this motion, I wished very much to propose an amendment and hang more things onto the tree, as it were. But then, I thought I might as well give up the idea, for there would certainly be some more things that should be hung on that tree all the same and even though many Honourable colleagues have hung a lot of things onto the tree, I would still think that there are many other things that should be hung there. I have such strong feelings about it because I have been the Chairman of this Subcommittee for two years in a row.

Madam President, why does a Subcommittee of this Council need to follow up the issue one Session after the other? We have said that we will follow it up during the four years of this term so as to force the Government to resolve these problems. Some Honourable colleagues have just said that the Government does not want to face the recommendation made by the Law Reform Commission to add stalking to the domestic violence legislation. We had discussed the subject for a long time, but the Government refused to do anything. Therefore, we think that often times when tragedies happen, the Government will jump out nervously and do some sort of perfunctory whitewashing. An

example is after the tragedy broke out in Tsz Wan Shan and the problem of pressure faced by men was exposed, then a committee on men was set up to address this concern. If in future something happens to women, then some sort of committee on women will be set up. Sometimes we are tired of seeing all these. Problems must truly be solved. Every time when a meeting is held in this Council, a lot of professionals would come here in attendance and 10 to 20 or even more deputations would come here to present their views. They all speak of a common concern.

To be frank, I do really like the idea of talking about domestic violence on the International Women's Day on 8 March. Let me explain the reasons. According to the figures, family violence cases increased in 2004 and it also increased during the first nine months of last year. I will just read out the figures and Members will see why I do not want to discuss this issue on the International Women's Day. There are 2 489 newly reported cases of spouse battering, 557 cases of child abuse and 176 cases of elder abuse. Those who are victimized in family violence cases are the disadvantaged and women, the elderly and also children.

Every time when we hold meetings, there would always be friends from the Boys' and Girls' Clubs Association of Hong Kong, some elder abuse organizations and those who are concerned about women's issues. This brings out a question: Why are the elderly, children and women such vulnerable persons? This has much to do with traditional notions. Traditionally, in a family, if a woman does not engage in any economic activities, then she would be looked down upon and she must not say much and care much. In such circumstances, these people, including the children, would naturally become targets for other people to vent their spleens.

Figures about women have been highlighted. Apart from the elderly and children whom I have mentioned, in a Chinese society, the lack of social status for women would make them end up being bullied. They are not just bullied in the family but they are likewise bullied when it comes to services provided by the Government. We can see that women in Hong Kong form the group with the lowest income. They have a meagre salary and they are the people earning the least in Hong Kong. But the Government does not address this problem. It is doing nothing about the women, the elderly and the children — these large groups of people who are battered and abused.

Madam President, the figures I have just cited are actually released by the Social Welfare Department (SWD). The other figures which I am going to cite now are even more shocking. Findings of a large-scale survey done by the University of Hong Kong on family violence show that of the some 5 000 adults and 2 000 children aged between 12 and 17 interviewed, it is found that one in every five adults has been battered by his or her spouse and one in every four children has been battered or given corporal punishment. Based on these figures, it can be worked out that 160 000 couples in Hong Kong have a spouse battering problem and about 70 000 children have been physically abused by their parents. A great discrepancy exists between the above figures and those released by the SWD which I have just cited. Given this situation, why does the Government not address the problems faced by these disadvantaged people squarely?

Madam President, I would like to share with Members my feelings over these two Sessions of the Council on this issue. After the occurrence of the tragedy in Tin Shui Wai, the case of Ms JIN sparked off widespread social concern. At that time, we contacted the Police Force, the SWD, the Housing Department and all the departments concerned. In the course of contact with these departments, I found that they had a lot of misconceptions about women, children and the elderly. The result is that the law enforcement officers or those who handle complaints do not care so much about this problem. Some people may think that it is nothing serious for a man to beat his wife up, but it would be a very serious matter if a woman beats her husband up. From this one can see that deep inside, these people are not treated fairly by society and this explains why they are always treated like this.

The Government is not taking the problem seriously and it just says that the problem has three aspects. But honestly I fail to see what these three aspects are. At the central level, there are four committees and members of these committees include some NGOs. But they have no idea when a meeting will be held and they have no idea when a meeting has finished. Those front-line workers who need training are trained, but even after training, when the professional bodies say this is not enough and more training should be given, their suggestion just go not heeded. Inside the government departments, there is a grave shortage of manpower. I have especially looked at how this manpower problem is addressed in the Budget this time, but I found in dismay that the number of social workers will not be increased.

Honestly, in the face of problems that require greater attention, such as violence, including sexual orientation and sexual violence, how should these problems be resolved when there is a shortage of resources? Madam President, I hope very much to see the Government really face up to these problems squarely after this debate.

MS MIRIAM LAU (in Cantonese): Madam President, today is the International Women's Day and there is a special meaning for this debate on the topic of domestic violence. If Members would notice and as some Honourable colleagues have mentioned earlier, yesterday many newspapers carried a sad story about a mother who had been battered by her husband after giving birth to five daughters in a row and not a son. Then the woman divorced but she refused to apply for Comprehensive Social Security Assistance and worked 18 hours a day to support the family alone. Then unfortunately this woman became ill and died on the eve of the International Women's Day.

In society nowadays, violence should actually not only be defined as inflicting actual bodily harm on a person as it was conventionally defined. The woman mentioned above had constantly been blamed by her husband and that could have amounted to mental abuse. It is unfortunate that the "domestic violence" as defined in the Domestic Violence Ordinance in Hong Kong does not cover mental or psychological abuse.

Domestic violence often touches on many facets. One of which is the legal aspect. This is because when there is a case of domestic violence, we must have corresponding laws and systems before the Court can take any matching action and deal with the case. Over the past few years, both the Government and the NGOs have worked hard to review laws on domestic violence to see if there are any deficiencies in the laws and institutions in Hong Kong so that corresponding changes can be made to deal with the problem of domestic violence effectively and comprehensively.

As early as in 2000, the Law Reform Commission released the Stalking Report with a recommendation on enacting legislation against stalking within the context of domestic violence. In March 2005, the Law Reform Commission released a report on Child Custody and Access in which a number of reform initiatives were suggested with reference to domestic violence cases, including a recommendation that a review of laws on domestic violence should be conducted

and the introduction of a broader definition of "domestic violence" which would better fit the modern times.

In June 2005, the Social Work and Social Administration Department of the University of Hong Kong released two consultancy reports on studies commissioned by the Social Welfare Department. Twenty one recommendations were made on law reform.

In December 2005, The Law Society of Hong Kong released the Report on the Domestic Violence Ordinance and analysed the problem of domestic violence from the perspective of a legal practitioner. A number of recommendations were made with reference to the personal experience of practising lawyers.

Then the Women's Commission released a report in January 2006 entitled Women's Safety in Hong Kong: Eliminating Domestic Violence. With respect to law reform, the Commission made a number of recommendations, including one to extend the scope of "protected persons" to whom a non-molestation order is available under the Domestic Violence Ordinance be extended to include an ex-spouse and an ex-cohabitee.

I have listed all these major reports on domestic violence only to point out that research in domestic violence within the legal context is quite adequate. There would be no more need for more arguments on paper and it is time for putting these recommendations into practice. Although there are some differences between these reports, there are quite a number of points in common. What we can do in the first place is to put these common recommendations into practice.

However, there is one problem that cannot be avoided and that is, even as some victims of abuse are hurt, because of the influence of traditional family notions, on the contrary, they may worry that the abusers may be held criminally liable and so these victims may not report the case to the police or they may abort the legal proceedings. The enforcement authorities may think that such domestic violence cases are family matters and that the problem can be resolved if they can act as a mediator. In this way the victims are not given immediate assistance and the abuser is not charged. This has undermined the effectiveness of enforcement actions. To address this problem, there is a need for enhanced education and publicity so that a sense of non-tolerance of domestic violence can

be cultivated in each family member. They will also know how to protect their own rights and hence prevent the repeated occurrence of abuse.

In any case, one case of domestic violence is far too many. I know that Members are all very concerned about domestic violence and that accounts for the many ideas put forward and the many amendments proposed. The Liberal Party supports almost all the recommendations made in the original motion and various amendments. The only exception is the suggestion made by Dr Fernando CHEUNG to establish a domestic violence fund to provide financial backing for organizations engaged in support services. In our opinion, this may lead to a duplication of resources and so we have reservations about this recommendation.

All in all, the Liberal Party thinks that apart from giving more counselling and support to victims, the most important thing is to enable the laws to move with the times. This will enable the best kind of assistance to be provided to the victims.

Madam President, I so submit.

MR RONNY TONG (in Cantonese): President, the problem of domestic violence is not simply related to acts of violence and these offences cannot be dealt with only by enacting laws and enforcing them. There should be a package of specialized and comprehensive matching services. Front-line workers in every link of the service chain, including social workers, policemen, doctors, health care workers, counsellors and legal practitioners, and so on, must have special training in their respective disciplines on how to deal with domestic violence. These front-line workers who first come into contact with the victims of domestic violence must be well-versed in the perspective and psychology of the victims. They must not be so careless as to think that family disputes and domestic violence are two completely different matters and must be dealt with differently. I understand that many Hong Kong people are influenced by the traditional idea that it is not desirable to meddle with the family matters of another person. For this reason, they will often stand aloof. Some of these abusers are even smart enough to put up the pretext of "family matters" and bar other people from engaging in crisis intervention. Therefore, training should be offered in such a way as to enhance front-line workers of every related discipline to understand the perspective of the victims so that these workers can

have a new thinking unaffected by the conventional mindset. I would also like to mention that in recent years men have become victims of domestic violence as well and currently there are very few social service organizations which provide services to these male victims. The authorities concerned should look into how services for male victims can be systematically improved before the situation worsens.

Unlike office work, domestic violence will not erupt only during office hours. Often domestic violence cases occur outside office hours. The case in Tin Shui Wai fell on a public holiday. Now the Government claims that on the whole, round-the-clock services can be provided. But in practice there is a great disparity with this claim. The Social Welfare Department handles domestic violence cases through its Integrated Family Service Centres. However, when it is outside the office hours of these Centres, calls to the hotlines will be transferred to a service unit of a NGO. So for a domestic violence case which has all along been followed up by a social worker, if a call from a person involved is made to seek support service outside office hours, the call will not reach the social worker concerned who handles the case. Since domestic violence cases may take years to follow up, we can just imagine the difficulty felt by a caller for assistance in recounting the case to a stranger. What kind of service can someone who mans a hotline and has never seen the caller before, though capable and enthusiastic he may be, offer to the caller?

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

If the current form of dealing with domestic violence cases is to be improved, we must get the support of all the parties concerned. We know that every person has his or her limitations, and it is not possible to require a social worker to be on call 24 hours a day and seven days a week. The Government, the welfare agencies and the universities should start looking for a new mechanism for domestic violence cases which is better in tune with the Hong Kong situation. An example is to draw reference from the case management experience in other countries in which a case is followed up by a team with members on shift duty and equipped with pagers to ensure service-seekers will get help from staff they are familiar with. I think society will agree that more resources should be put in for these high-risk cases as this will prevent the occurrence of tragedies similar to the one in Tin Shui Wai.

In domestic violence tragedies, often we are very angry with the acts of the abusers. But I hope Honourable colleagues would think carefully and realize that the abusers themselves will need help as well. Deep in the hearts of these abusers or behind the things they do, there is often another tragic story. So setting up a service for abusers will also help alleviate the problem of domestic violence and prevent the occurrence of family tragedies. We should approach the problem from a proactive perspective and undertake more studies on the abusers to see what we can do to help them.

Victims of domestic violence may not stand living with the abuser in their home or if living there may endanger their life, so they must get enough support in the forms of say, accommodation and finance. A self-help organization of victims of domestic violence points out that many of these victims are forced to bear with the abusers for lack of the kind of support mentioned above. The authorities should therefore set aside specific resources for the purpose of providing support in accommodation and money. Clear-cut guidelines should be formulated for the front-line workers as well.

Deputy President, I have heard the speech made by Mr WONG Kwok-hing earlier and I agree with the way he put it, that is, domestic violence is actually a product of the disparity between the rich and the poor. To face up to the problem of domestic violence, we must address the problem of the disparity between the rich and the poor. We cannot treat these two social problems as totally unrelated. Therefore, I would like to say in particular that I agree very much with what Mr WONG Kwok-hing said in his speech. I also hope that the Government will give a clear and positive response to this.

Honourable Members, the discussions today cannot be considered as a debate. I think everyone of us will support the motion and all the amendments. I hope Members' views can be collated in the discussions today so that some useful ideas can be presented to the Government and in return it can put forward some concrete improvement initiatives. When it comes to the same day next year and as we look back, we hope there will have been a comforting change. Thank you, Deputy President.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, last month a 10-year-old child locked up by his mother in a suitcase for being naughty died of suffocation. And unfortunate events came hard on the heels of one after another.

A few days later, an eight-year-old girl in Tung Chung fell to her death from height. It was suspected that the girl had climbed out of the window to escape beatings by her parents. These two events brought public attention once again to the problem of domestic violence.

According to figures from the central information systems on child abuse and spouse battering of the Social Welfare Department (SWD), there were 557 child abuse cases in the first three quarters of 2005 and 2 489 spouse battering case during the same period. It is surprising to note that child abuse and spouse battering cases all concentrate in districts like Yuen Long, Tuen Mun and Kwun Tong. As for elder abuse, during the first three quarters of last year, according to figures from the SWD, there were as many as 176 cases and these occurred mostly in Kwai Chung, Kowloon City and Island East.

Deputy President, can these figures really reflect the true situation? I believe Members all know that the answer is that they certainly cannot. Why? We can know the reason just by looking at the districts listed earlier. In these districts, apart from displaying a dense population, there is also a possibility that many residents there have a low education attainment. It is very likely that they are influenced by traditional thinking and as many Members have pointed out, they do not want other people to know their family problems. When they themselves or their family members are battered, they would just be tolerant and will not take the initiative to approach the relevant departments or to seek help.

As we look back, we know that after this family tragedy in Tin Shui Wai had happened, the SWD released on 4 March this year the findings of a survey on the problem. It is surprising to learn that as many as 14% of the respondents said that even if they were aware of spouse battering, child abuse or elder abuse in their family or in neighbouring households, they would not persuade the victims to take the initiative to lodge a complaint or seek help. It can be seen that they still have many of these undesirable ideas. Like with respect to spouse battering, they may think that they should follow this ancient saying: It is better to teach other people how to beat their children up rather than to teach them how to divorce their wives. Similar thoughts would crop up and this would prevent such events from coming to light.

Actually, the problems are not as simple as the figures may indicate and that means the problems are prevalent and very serious. Thinking up solutions

to these problems should be the focus of our discussions. We all know that domestic violence occurs in the family and that means the problem is hidden and not easily discernible. This when coupled with the packed living conditions in Hong Kong and the small size of the dwellings, such violent acts are likely to occur. When these occur, there would be another problem and that is, there is no place for the victims of abuse to escape or hide themselves. In such circumstances, there would be a problem and that is, as things will get worse, we are also worried that if the household has a younger generation, this kind of abuse would pass on to the next generation. As the children learn from their parents, this problem would only go from bad to worse. So we must not overlook these events and we are very worried that the problem of domestic violence would deteriorate.

Having said that, we agree that the Government is not really doing nothing about the situation or caring nothing about it. We know that the former Chief Executive and the incumbent Chief Executive have all said in their policy addresses that they have zero tolerance of domestic violence. That means the Government is keeping a close eye on the problem.

Despite attention from the Government, it is a different matter when it comes to action. We have an impression that a general view among the public is that the attitude shown by the Government in this is that it is not committed. This is because even to date, we cannot see any positive actions taken by the Government on this.

Victims of abuse may originally act on the Domestic Violence Ordinance and apply for an injunction order from the Court to prohibit the abuser from battering, harassing or stalking the victims or their children in the family. But what is the actual situation? We know that in 2004, the Ordinance was only invoked in 23 cases against a backdrop of a total of 3 993 cases received by the SWD. This means less than 1% of the cases invoked the law for protection. It can be seen that the situation is really very bad.

But why are things so bad? It is because of the application procedures involved. The victim will need to go to the Court in person to file an application, then he or she has to find a lawyer and before this the case has to be reported to the police. The formalities are gruesome and apart from that, there is also the question of costs. Due to these constraints, the number of applicants is very small.

However, it is not the case that we in this Council have not attached great attention to the problem. In 2004 when we deliberated on the Domestic Violence Ordinance, we requested the Government to accept the recommendation made by the Law Reform Commission to extend the scope of family members to include ex-spouse, ex-cohabitee and persons of the in-law relationship living in the same household, and to include mental abuse, desertion and breach of the duty of care. It was also recommended that a third party may apply for an injunction order and that the abuser be required to receive counselling. But unfortunately, up to now the Government has not shown any intention to amend the Ordinance. This leaves people with an impression that the Government is actually saying one thing and doing another.

Victims of domestic violence are not only those who are battered and abused, as other Honourable colleagues have mentioned, but also the abusers and those of the next generation living with them. The original motion and many amendments have made a lot of demands and they urge the Government to display sincerity and tackle the problem of domestic violence seriously. I agree with what some Honourable colleagues have said, that the problem of domestic violence is not merely a problem of the families concerned, but also a social problem. Why? This is because presently the issues of long working hours and low wages have never been properly dealt with..... *(the buzzer sounded)*, so many kinds of problems have arisen in the family.

MR FREDERICK FUNG (in Cantonese): Deputy President, ever since the tragedy of a woman named JIN Shu-ying happened in Tin Shui Wai in 2004, the authorities have released a number of reports and launched various measures to improve the mechanism of handling domestic violence. But over the past couple of years, family violence cases happened one after another and there were child abuse, spouse battering and elder abuse cases. The most heartbreaking thing is that even though the victims in these cases have asked for help before, or even though their cases are followed up by the Social Welfare Department (SWD), the units concerned are still unable to avert the tragedy. There is certainly a need for the authorities to learn the costly lesson and give serious thoughts to why these measures still fail to forestall family violence cases. If the authorities can do these, it will show that they are really determined to have "zero tolerance" of domestic violence and that they are doing the best they can to prevent the recurrence of such tragedies.

If the case concerned has led to loss of life, then of course it will get a lot of media attention. However, when we meet the public in the districts, occasionally some old folks will come to seek assistance. They may have their possessions taken by their children or they may be driven out of their home by their children. As most of these victims do not want to report the case to the police and they do not want to see their relatives put in jail, so usually they will not testify against the abusers. In some cases the abusers may regret and feel sorry for what they have done, hence family relations can be restored for the time being. But as the abusers have yet to face up to their weaknesses or due to their adherence to obstinate ways of thinking, their former experience of being abused and their concept of battery, and so on, when coupled with the fact that their family has not yet learned how to solve conflicts effectively, so again they will be dragged into the cycle of violence.

Last week, the University of Hong Kong released the findings of a survey on domestic violence and it was estimated that each year as many as 70 000 children would be physically battered in a serious manner by their parents. The study also points out that simply by relying on report made by the victims, only 2% of the spouse battering cases and only 1% of the child abuse cases can ever be handled. This shows the fact that a lot of domestic violence cases are taking place in Hong Kong all the time without anyone's knowledge.

There are various approaches in dealing with domestic violence, including human rights, gender equality, law enforcement, public health, social costs payable and sustainable development in the communities. It is precisely because domestic violence involves complex inter-personal relationships and family problems that there can be no universal method that can provide a one-off solution to the problem of domestic violence. It follows that the authorities should be more determined to combat domestic violence by devising policies and amending the relevant laws. Resources should also be put in to solve the problem.

Now the authorities stress that a cross-sectoral co-ordination approach is adopted to handle the problem of domestic violence, but nothing has been done to look into how various sectors can be co-ordinated. The authorities should therefore set up a central mechanism to be headed by the Chief Secretary for Administration. It should formulate a centralized and comprehensive policy, and mobilize and monitor various departments in doing such work. This can effectively prevent the proliferation of the problem.

In addition, since current legislation in Hong Kong cannot effectively prevent domestic violence, the Government should introduce enough measures to protect the victims. The Domestic Violence Ordinance (Cap. 189) which deals with domestic violence was enacted 20 years ago, that is, in 1986. It has been exactly 20 years since the Ordinance was enacted and it has never been amended. The areas that badly need change are the scope of the subjects of protection which is not comprehensive, the definition of domestic violence which is not clear and the protection accorded by the injunction order which is not adequate.

Since the tragedy of JIN Shu-ying in Tin Shui Wai in 2004, there have been numerous reports on amending the relevant laws and recommendations made by deputations. But over this couple of years, the authorities are still held up in a stage where they say the matter is being looked into. Such a pace is not acceptable. The authorities must criminalize domestic violence expeditiously, set up a Court dedicated to domestic violence and expand the scope of the Ordinance to cover more people, including former spouses and cohabitees and even relatives. Besides, the scope of the Ordinance should be expanded to encompass different kinds of violence including mental abuse.

There was a report last month that 70% of the calls made in the middle of the night to the domestic violence hotlines were not answered. The authorities must set up a crisis support service which is independent, specifically tasked, carries police involvement and operates round the clock. This will ensure swift response to calls for help and thus avert tragedies.

The Chief Executive said in the policy address released last October that "The Government does not tolerate domestic violence". It is unfortunate to see that family tragedies occurred one after another at the beginning of this year. The Hong Kong Association for Democracy and People's Livelihood hopes that this pledge made by the Chief Executive will not be a dishonoured cheque and that he was not just making some empty talk but he is really trying to put his words into action and he can do it. I hope the Secretary in his response later would not simply report on the kind of work that the authorities are doing but he would tell us in detail what new initiatives there are to really stop family violence. The authorities should engage in some serious soul-searching and identify its weaknesses, put forward recommendations for improvement and even formulate a timetable. Plans for action and work indicators should be specified clearly in policy papers.

If the authorities really want to stop family violence, they must start with intervention on the judicial and law-enforcement fronts. Family violence should be defined as an offence and family violence cases should be handled as cases of criminality. Clear guidelines should be drawn up to expedite the charge and prosecution procedures and to offer support to both the abusers and victims of abuse.

With these remarks, Deputy President, I support the original motion and all the amendments.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, let me also thank Ms Margaret NG for giving us an opportunity to discuss this issue.

I have a bouquet of flowers with me. Today is the International Women's Day and of course I hope to give flowers to all the ladies, but I am afraid I cannot do it this time. This is because I got the flowers from somewhere else. They were given to me by someone. This bouquet has six white roses and four red roses. They symbolize the 4 June incident.

The Deputy President may think that I am sidetracking but I think that violence pervades throughout our society, it goes from top to bottom and it just proliferates. Every person is not a perpetrator of violence by birth and this is due to the social system that we have become potential perpetrators of violence. I do not know if Members have ever watched a movie called "The Terrorizers" by the Taiwan director HOU Hsiao-hsien in which he talked about this problem. Why can the 4 June incident be seen as a profound reflection of family violence or a perpetration of violence under a paternalistic system? Today I found out to my amazement that our grand patriarchs, that is, the grand patriarchs who rule our nation, could have done such things to those who want to recognize them as patriarchs. What these people want is simply to make conditions in the family better and they do not want to see their family fall apart. They do not want to see only the patriarchs eat when the children and the old people starve. But they were treated to the bloodiest violence.

We need to pause and think. If a society condones the existence of such violence and even though 17 Honourable colleagues have spoken resoundingly and avowed to denounce family violence, do we permit a family above and beyond all families, that is, the social family outside the core families, to

perpetuate violence? I have once heard a person say that tolerance of perpetrators of violence is equivalent to encouragement to the victims of violence. So I would like to say here that I cannot forget all the people who have experienced family violence, especially those who have suffered under the lineage inheritance system, the paternalistic system and a political party which perpetrates massive violence under a nation-wide paternalistic system. I want to make an appeal here.

They are discussing today and saying that people should have the right to mourn their dear ones and they have the right to shed tears. A kid may cry for a while at home and then get beaten up. The kid does have the right to cry. This is a profound lesson to be learned. This is a lesson so deeply rooted in our culture. It is planted deep down inside a society of violence that only talks about power and wealth. Now I wish to pay my tribute to all those people who speak out bravely for the women, children and the vulnerable who have been victims of violence. I would also like to send my highest regard especially to those people who oppose violence in general and violence of a regime in particular for the sake of society. Therefore, I am sorry that I cannot give this bouquet to my Honourable colleague, Ms Margaret NG. I must dedicate this bouquet to the mothers of Tiananmen.

TOLSTOY said to this effect: There is a reason for a happy family and there are many reasons for an unhappy family. This saying is also true when spoken the other way round. Why have some families degenerated into violence or are the abusers and the abused both victims? Actually, I once asked, it seems that I had asked Dr York CHOW, Secretary for Health, Welfare and Food, whether or not there was such a thing as rehabilitation. Today as we nail those perpetrators of domestic violence to the cross, have we no sin ourselves? I think we have. At least I have, for I am a man and I am affected by male chauvinism.

The paternalistic system in a family works in much the same way as that in society, where those who have money and power are exerting direct control over those without money and power. Just imagine, in a society there are some people who say to other people, "Look, I am richer and more powerful than you. Therefore, I should enjoy some special privilege. You don't have to vote. I am the patriarch. Let a patriarch be elected by 800 people and that will be fine." Just think, would the rest of the 6 million people — if there is really such a big family — show any respect to this person? Will these people stay in this

monstrous system and allow themselves to degenerate into perpetrators of violence as a means to resolve the violence they face in society? I can see that domestic violence in Hong Kong, domestic violence in the world and violence in all the world, are actually products derived from this kind of relationship.

I would like to quote a passage to the following effect: "The capitalist class has removed the halo from occupations that used to command respect and inspire awe. It turns doctors, lawyers, clergymen, poets and scholars into labourers it recruits and employs with money. The capitalist class tears away the veil of affection and intimacy that used to underline family relations, turning them to mercenary relations pure and simple." If only we add in one sentence, it will highlight the entire problem, it is: one-party authoritarianism or despotism in the place of the capitalist class or when mingled with it.

So I think if we wish to do something about domestic violence, apart from urging the Government not to create poverty, unemployment and the wealth gap, we must ponder and reflect, see if we should let the spectre of authoritarianism revive and resurrect in us, such that we will feel ashamed in front of this bouquet. We must think hard if we should ever support an authoritarian regime and endorse a regime in which man suppresses man? I am convinced that next year I can give these flowers to the mothers of Tiananmen with my own hands. And I am also convinced, come next year, domestic violence in Hong Kong will be put under control.....

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, your speaking time is up.

MR LEUNG KWOK-HUNG (in Cantonese): Thank you, Deputy President.

MR TAM YIU-CHUNG (in Cantonese): Deputy President, many Members of this Council have spoken on this motion topic and they have put forward many views and made many suggestions. It may be due to this that some Members do not have much to say in their speech and so they have taken much liberty with the topic and digressed to a great extent. Having said this, I would like to express some opinions on this topic.

The gravity of the problem of domestic violence in Hong Kong is indeed worrying. In April 2003 the Social Welfare Department (SWD) commissioned the social work department of the University of Hong Kong to conduct a study on child abuse and spousal battering. Findings of the study show that about 7% of the adults have been physically assaulted or injured or sexually coerced by their spouse within the one-year period prior to the survey. For the children, 4% have been physically assaulted by their parents in a serious manner in the same period.

In April 2004 a shocking family tragedy took place in Tin Shui Wai and public concern was aroused. The SWD set up a Review Panel on Family Services in Tin Shui Wai and this expert panel conducted a review of the provision of family services in Tin Shui Wai and the service procedures. A number of improvement recommendations were made. These include improving the services offered by women shelters, conducting a review of the procedures for handling child abuse cases, strengthening co-operation and co-ordination at the district level in the community infrastructure, improve the co-ordination and co-operation mechanisms between the SWD and police in handling family violence cases, and to set up information systems on family violence cases. All these recommendations have been put into practice in Tin Shui Wai by the SWD.

The Coroner's Court held an inquest into the deaths of the victims in the Tin Shui Wai family tragedy last September and made more than 10 recommendations. The Government was urged to foster and promote the concept of zero tolerance of family violence; public education was to step up; training of related public officers should be strengthened; operation of the police, SWD and NGOs in handling family violence cases should be reinforced, and so on. The DAB agrees that both of the recommendations made by the Review Panel and the Coroner's Court are all effective measures to reduce domestic violence. They should be implemented not just in Tin Shui Wai alone but in all the districts in Hong Kong in order to prevent the recurrence of family tragedies.

To prevent domestic violence, apart from perfecting community-level support services, the most important thing is to build up a community of mutual care and concern. It is unfortunate that the Government has not been doing much in facilitating the development of NGOs and in fostering mutual care among the residents. An example is when there is a large-scale urban renewal of the older districts or redevelopment of public housing estates, the existing

community relationship and networks of the residents are often shattered. In the new development areas and new public housing estates, the building of community support networks is always lagging behind. This has thus seriously undermined the ability of the coping skills of the individual and family. We hope that apart from having a highly efficient and modernized market economy and a small but excellent government, Hong Kong should also have a growing and vitalized body of voluntary services. It follows that the Government should encourage and support this third sector, hence promoting mutual care and help among the people. Community participation will be fostered and this will help the integration of various groups in society.

At present, preventive government measures on domestic violence are mostly implemented by the Integrated Family Service Centres of the SWD in various districts which offer counselling by social workers. But the services of these Centres are quite passive and the people must take the initiative to seek help from the SWD before these Centres can intervene. Even if reports are received from schools or another person, the SWD says it cannot intervene because of privacy reasons. Given such a situation full of limitations, what kinds of organizations can help? The most direct ones are residents' organizations, trade unions, and so on. These organizations are important components of social capital. Members of these organizations can pay visit to needy people, talk with them or give support and comfort, as neighbours, friends, and fellow workers. They can therefore play a role that the Government and public organizations cannot and they can encourage people to face family disputes and seek help proactively. So the Government must make use of all kinds of mutual aid organizations set up among the residents and utilize their own power to resolve disputes and reduce conflicts in a more direct and faster way. Work on this will strengthen ties between neighbours and form effective support networks.

As for the form of domestic violence called elder abuse, apart from making a pledge as it did two week ago in response to an oral question I raised in this Council, the Government should take further corresponding action in resources. Over the past couple of years, a number of elder abuse prevention programmes that were forced to terminate because of a lack of resources. I therefore hope that the Government will allocate funding in this year's Budget on elder abuse prevention work and work on elder abuse. This will ensure that work on domestic violence will not be just talks and no more.

Deputy President, the family is the pillar of society and so we cannot let the trend of domestic violence go rampant and unchecked. On the other hand, we should encourage mutual support among the people, foster mutual help and care so that there can be greater harmony in society. With these remarks, I support the original motion and the amendment proposed by Miss CHOY So-yuk.

MR LEE CHEUK-YAN (in Cantonese): Deputy President, it seemed Mr TAM Yiu-chung was trying to assume your role just now, for he criticized other Members for straying from the question. I do not know whether it was because Mr TAM Yiu-chung was very keen on taking your place.

Deputy President, the motion moved by Ms Margaret NG is on domestic violence, so I think it is just the right time for us to discuss it today, that is, the International Women's Day. I believe that when the Secretary gives his reply later on, he will certainly say that the Government has already held many discussions on domestic violence. The Government said so every time when the topic was raised for discussions in the past. I believe that it will say so once again today. The Secretary will surely assert that the Government's stance in respect of domestic violence is "zero tolerance".

However, Deputy President, the Government has been talking about "zero tolerance" for many years. By now, we are beginning to have "zero tolerance" of the Government's failure to put in place the many measures that can reduce domestic violence, the reason being that we have talked about all these measures many times before really. Deputy President, I can cite a very minor example here. I can well remember that once in this Chamber, I enquired whether there could be 24-hour services, whether social workers could be provided with round-the-clock pager services. But what happened after that discussion was that the Director of Social Welfare could not even reach an agreement with us on the provision of pagers in dealing with the domestic violence problem. When no agreement can even be reached on the provision of pagers, how can we hold negotiations on other greater issues? When there is such an unwillingness to provide pagers, how can it be said that there is "zero tolerance"?

Therefore, Secretary, my request today may be very modest. The Secretary must first require the personnel dealing with domestic violence to carry a pager and then set up a 24-hour domestic violence hotline, and also a dedicated

team consisting of social workers, police officers and other members from different professions who are on standby 24 hours a day, ready to intervene at any time. The reason is that in cases of domestic violence, even very slight delay in intervention may lead to casualties, as shown by the family tragedy in Tin Shui Wai. Following the JIN Shu-ying incident, the Government hastened to set up an independent investigation committee and the Coroner's Court also issued a report. In the end, the Government of course had to do something. What we find most disappointing is that the Government has so far failed to solve many of the fundamental problems. And, as Members can see, these problems are in fact very serious.

Many Members have quoted the study conducted by the University of Hong Kong. The statistics are really alarming. The rate of severe or very severe child abuse was 6%, estimated to be involving 130 000 people in actual number. In the past one year, the rate of spouse battering was roughly 10%, estimated to be involving 160 000 couples. According to the central registries of child abuse and spouse battering, there were 622 cases of child abuse and 3 571 cases of spouse battering in 2004. The figures released are very small, but the figures, after investigation, are very, very astounding. Although the figures are very astounding, the problem has remained hidden so far; people will pay attention to it only after the eruption of a tragedy. And, unless there are deaths, the Government will not show any immediate concern. But we have been extremely disappointed because many measures have not been implemented so far.

The first measure that has not been implemented is about inter-departmental co-ordination. In this regard, even the Secretary must admit that such co-ordination has hitherto remained at the level of the Social Welfare Department (SWD). Why is it impossible to upgrade the level of co-ordination? How can the SWD co-ordinate with the police or the Security Bureau? If the SWD cannot do so, who should be the best one to undertake the task? Very obviously, co-ordination must be effected at a much higher level. Therefore, we support the proposed amendment on establishing a central inter-departmental co-ordinating committee chaired by the Chief Secretary for Administration.

The second measure concerns the issue of legislation. During one discussion on this issue, we asked why it was impossible to bring stalking under the ambit of the Domestic Violence Ordinance (DVO). Actually, women

sometimes find stalking and psychological abuse even more horrible than physical abuse. Even if the DVO cannot be extended to cover this, I still hope that it can be extended to cover the problems between more people, including those between housewives and their mothers-in-law and between children and their elderly parents. We hope that the DVO can be extended and widened in various ways, so as to cover more issues and people.

Deputy President, I also remember having discussed in this Chamber how the police handled cases of domestic violence. Very often, the police officers who arrive at the scene will advise the woman who has reported to the police not to take the case any further. They may even tell the woman that if she insists on proceeding further, the police will have to arrest the man, in which case she will be deprived of her livelihood support. They will say something like this to the women concerned. As can be expected, the police frequently claim that all front-line police officers have been educated on this and they will never do something like this. However, from the cases I have handled, I can invariably notice the manifestation of such an embedded concept.

Therefore, if police officers sent to the scenes of incidents — especially because they are the "most front-line" personnel — are not so keen on taking strict enforcement actions, many such cases will often go unnoticed. I therefore wonder why it is impossible to allow a third party to report to the police and to apply for an injunction on behalf of the woman victim. Sometimes, a woman caught in the situation will be afraid of confronting the abuser, that is, her husband — or, sometimes, just the opposite may be the case. We should not always think that the victims of abuse must be women, for they may well be men. Whichever the case may be, can a third party be allowed to apply for an injunction on behalf of the victim? This is a very practical way of helping the abused. The police may then take over and press criminal charges against abusers. I think this is the only way to achieve any deterrent effect. The last thing I want to see is the Government waiting for another tragedy to happen — doing something after a tragedy and then waiting for another to happen before it does something again.

Therefore, this time around, can the Secretary accept the proposals of the Legislative Council without any reservations, tackling all the issues once and for all? It is only by doing so that the Secretary can convince us that there is after all a grain of sincerity in all his talk about "zero tolerance". I hope that the Government can really show some sincerity. Thank you, Deputy President.

MS EMILY LAU (in Cantonese): Deputy President, I rise to speak in support of Ms Margaret NG's original motion. I am deeply grateful to Ms NG for moving this very important motion. Ms NG should be very delighted because many Members have spoken on the topic and the gentlemen, in particular, have all spoken with so much righteous indignation. I hope that the message delivered by this debate can induce the Secretary to take follow-up actions.

I really pity the Secretary because in the preceding motion debate on health care financing, he was accused of turning a blind eye to the whole problem, and in this present debate, he is again criticized for doing nothing. Well, he has been sitting in this Chamber for four or five hours. But I believe the Secretary should really consider why Members all share such an opinion about him.

Deputy President, I can appreciate that health care financing is a rather complex issue and the authorities have said that they have not commenced the relevant studies. But in the case of the present motion topic, a report has been published and there is already a consensus, or, at least, a consensus among the majority of people. Consequently, there can hardly be any justification if the authorities still refuse to take any follow-up actions.

Unlike Mr TAM Yiu-chung, I will not accuse others of arguing for the sake of arguing or straying from the question. I understand that Members have put forward many suggestions. Deputy President, I strongly support many of the suggestions, and what I wish to talk about are just two of the suggestions. Members have already talked about them, but I still wish to state my own views.

The first point is about the provision of 24-hour support service. I think this is extremely important. Deputy President, when a person is caught in a precarious situation and wants to telephone for assistance I suspect that the person may not even be able to do so because he is probably being beaten up severely but suppose he can still do so what is he going to do if the line is busy, if there is no answer, or if there is just a recorded message? The Secretary may well say that the provision of such support will involve huge expenses. Such expenses must be incurred, but they are well justified. For this reason, the amendments of Mr Albert HO and Dr Fernando CHEUNG both mention the significance of a 24-hour hotline.

I have recently read a news article that appeared in *Ming Pao* in February this year. According to this article, a *Ming Pao* journalist who dialed the assistance hotline of the SWD discovered that the hotline only operated up to 9 pm during the three-day period of this survey. During the rest of the time, all calls were diverted to the hotline operated by the Family Crisis Support Centre of Caritas. The journalist said that he had dialed the hotline 29 times, but was answered by an operator for only seven times, and for the rest of the calls, he had to leave a message. According to him, it was on just one occasion that he received a return call 20 minutes after leaving a message. Members must realize that while a person who is not in any hurry can always wait for a reply after leaving a message, the situation will be very different when a victim of severe physical assault calling for assistance is simply asked to leave a message. Therefore, the authorities must give some thoughts to this. Deputy President, I think this is the minimum service, but the Secretary will surely reply that such a service will involve more than just receiving a phone call because follow-up actions must be taken afterwards.

Hong Kong is one of the most affluent places in the world, but it seems that it is still unable to handle all these matters. If the authorities really say that it is alright for people to be beaten to death, that they are not prepared to answer any phone calls, and that they will turn a blind eye to all this, I must question why they are so unfeeling. I therefore think that this should be the minimum service, a service that should be provided as promptly as next week. The provision of this service must of course be followed by a full package of support. As soon as the authorities are notified that an incident has happened, they must send someone along to offer assistance. I think they cannot possibly explain anything away if they fail even to do this.

Another point is about the compassionate housing assistance mentioned by Mr Albert HO. Members have referred to some cases (My office has also received many similar cases), explaining why some women do not want to take any actions. These women are literally tortured and abused, but they do not dare to take any actions. The main reason is that they have nowhere else to go. Deputy President, the situation is especially so in the case of women who have no jobs — it is actually wrong to describe them in this way because they must work for 10 to 20 hours a day without any pay. If these women fall out with their husbands, they will be told, "Just get lost!" But where can they possibly go? Are we supposed to tell them to sleep in the streets? And, we must not

forget that many of these women have to look after their infant children. In many cases, therefore, they will just have to put up with the situation.

Several years ago, a woman told me that her husband had once lost control and thrown a pot of boiling soup at her. I immediately responded, "How can this be possible? How can this be tolerated?" Actually, she might have approached me after only Heaven knew how many weeks following the incident. I often think that they will just wonder why they should approach me at all. They may wonder, "If I fall out with my husband, where can I live? Who will pity me?" Actually, this is the service that Hong Kong should provide. Instead of simply telling them to dial the assistance hotline mentioned earlier on and approach the NGOs, the Administration should provide these people with temporary accommodation, so as to free them of any worries. Once their worries are allayed, they will have the right mind to lodge complaints.

Hong Kong is so affluent, and it is often said that there are many Rolls Royces, that many people are very rich. If women cannot be provided with this very basic support service, there can be no explanation at all. The Housing Department is absolutely able to do something immediately. Some say that if any women want to be provided with such services, they must first have a divorce. Deputy President, you also know that divorce involves a full train of formalities. But presently, nothing can be provided if a woman has not completed her divorce. The Deputy President should know this only too well because she is a lawyer. (You are so nosy.)

DEPUTY PRESIDENT (in Cantonese): Ms Emily LAU, you should not refer to the Chair in this way.

MS EMILY LAU (in Cantonese): I am simply saying that you should also know the situation, Deputy President, because you are a lawyer.

DEPUTY PRESIDENT (in Cantonese): I see.

MS EMILY LAU (in Cantonese): The problem is that in the interim, before the formalities of divorce are all completed, the woman must continue to live in the

same place, and for probably months to come, she may continue to be beaten up. This is simply absurd.

Therefore, Deputy President, I very much hope that the Secretary can really listen to all the remarks made by Members today. But he may once again do another round of explanation later on. A Member seemed to have said that there were seven or eight such cases every day. I think that in a civilized society like ours, this must not be tolerated. The most important thing is that we must call upon women or all victims of abuse not to tolerate the situation. Whenever anything happens, they must report to the police immediately. Whenever anything happens, they must make a fuss about it. This is the most important thing. It was pointed out just now that there were more than 100 000 such cases. If people make a fuss about each of these cases, if even the hotline is jammed as a result, I am sure that people will be forced to tackle the situation. The greatest problem now is that all people, including the victims themselves, pretend that nothing has happened. I think the women concerned must come forth and make a fuss about these incidents. I do not think that the Secretary can continue to watch with folded arms if he receives 10 or even 20 such complaints every day. I so submit.

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

MR ALBERT CHAN (in Cantonese): Deputy President, when it comes to domestic violence, I am not quite sure whether I should make a declaration of interest. At home, my children always regard me as a Tyrannosaurus, probably because of my fierce look and robust built.

Deputy President, the tragedy that occurred in Tin Shui Wai has aroused community-wide concern about domestic violence in Hong Kong. Many Members and government officials are shocked by and deeply worried about the problem of domestic violence in Tin Shui Wai. I run two offices in Tin Shui Wai, and over the years, many local residents, especially women, have approached me, describing to me their plight in life. But, of course, some men have also approached me and told me that faced with the violence of their women at home, they simply do not know what to do. When it comes to domestic violence, women have traditionally been the main victims in reported cases. However, in order to ensure a correct understanding of the facts, I must put it

down on record that as revealed by actual cases of domestic violence, men also face the same problem. Besides, small children, especially girls, are the victims of the severest form of domestic violence, including sexual assaults by their biological or foster fathers.

In my discussions with government departments on this problem, I have been expressing the hope that they can provide as much assistance as possible. Yesterday, when I discussed with the Housing Department a request for housing transfer necessitated by the improper treatment accorded to a girl, I met many obstacles. The insensitivity and rigidity of the government departments responsible for handling such cases have completely deprived people, especially children, of any reasonable means through which they can start a new life as soon as possible. The Government must conduct a review and make improvements in this respect. This is not the sole responsibility of the Health, Welfare and Food Bureau, because many other efforts must be made in respect of housing and town planning.

The greatest problem now is that in many places, especially in new towns, the financial conditions of people in general are very poor, and without anywhere else to go, they are forced to stay home. Exorbitant transport fares have virtually cut them off from their relatives and friends. When I commented during a meeting of the relevant Legislative Council Panel that exorbitant transport fares had led to many family problems, the then Deputy President sneered. I found such an attitude extremely exasperating. It is a fact that poor families in general have to live a life of isolation due to poor finances. If Members are familiar with the conditions in new towns, they would not have sneered at me, as though I had exaggerated the gravity of the problem. I think such an attitude is an apt reflection of many Members' neglect of the lower strata and ignorance of their plight. And, this can precisely explain the sneering.

I come into contact with such cases almost every day, in Tin Shui Wai, Tung Chung and even Tsuen Wan and Kwai Chung. These cases are frequently about people's livelihood difficulties. Such difficulties are mostly due to cultural reasons or caused by the political factors mentioned by "Long Hair" just now. Political violence and the political suppression of our aspiration for democracy are the precise reasons. Under such a cultural tradition, with the male chauvinism and paternalistic domination in China — all these are very often the origin of violence — people who face the problem of violence in society cannot get any assistance, social concern and care.

In regard to the handling of this problem, many Members have discussed the role of government policies; Ms Margaret NG and Mr Alan LEONG have also talked about legislative amendments and institutional improvements. The Government must necessarily play a role, and our culture and attitude are also the main factors. What I want the Secretary to look at seriously today is how we can assist people battered by domestic violence in starting a new life as soon as possible. He should make sure that financial assistance, housing transfer and psychological counselling are provided to victims, so that they can start a new life.

Very often, society looks at victims of domestic violence as people who cannot tackle their own problems and who therefore deserve the plight encumbering them. Such an attitude will only spray salt onto the wounds of victims and make things worse for them. I hope that the Secretary can seek to enhance inter-departmental co-ordination in respect of welfare and housing policies, so as to ensure that victims can start a new life as soon as possible.

I have mentioned that financial pressure is one of the causes of domestic violence. The many cases I have handled very often involve financial problems. For example, both the husband and the wife are CSSA recipients. Or, only one of them has a job. Very often, disputes are caused by the handling of money. The wife or the husband may take away all the money but he or she may not know how to use it properly. When financial needs arise and cannot be met immediately, disputes will occur, thus leading to the eventual eruption of violence. Therefore, improvements to living and financial conditions can be described as a factor that can contribute to the easing of domestic violence. This may not necessarily be a direct factor, but improvements to living conditions will at least reduce the incidence of domestic violence.

I hope the Secretary can really listen to Members' remarks today. I also hope that the Government will not always think that it can conclude the whole matter after giving a scripted reply to Members' views. Domestic violence will keep emerging and the plight of victims will continue every day. Therefore, if we continue to ignore the problem, hundreds and thousands of people will have to live in fear and panic every day. The responsibility for this is not limited to Members in this Chamber; government officials cannot possibly evade their responsibility either. Thank you, Deputy President.

MISS TAM HEUNG-MAN (in Cantonese): Deputy President, many Members have given their valuable views on the problem of domestic violence. On my part, I wish to express my views on two related issues, namely, social culture and resource allocation.

Many Members have already explained the gravity of domestic violence in Hong Kong. But what have the authorities done so far? The authorities claim that they have "zero tolerance" of domestic violence. But what have they done to tackle the cases of domestic violence that occur every day? The authorities point out that more resources will be allocated for enhancing the service of integrated family service centres, so as to help tackle domestic violence through prevention and the provision of assistance and professional services. But how are the authorities going to respond to this increasingly serious problem?

I very much agree to the proposals of the various amendments. Domestic violence is no doubt a highly complex problem and it is believed that it will never be solved completely no matter how much additional resources are allocated. However, as a responsible government, the authorities should still respond as much as possible to the proposals put forward by the various sectors on tackling domestic violence. Resources should be allocated as much as possible.

However, since domestic violence is a highly complex problem, it cannot possibly be solved by sole reliance on the Government and limited professional services. As a member of society, you and I should share the responsibility of tackling domestic violence. Domestic violence is probably caused by livelihood difficulties and financial problems. Has it ever occurred to us that as members of the community, we should really show more concern for our neighbours and provide them with feasible assistance? If all of us can work with one heart and show concern for the people around us, will we not reduce the incidence of domestic violence?

"Every family has its own problems" and "it is difficult for even the cleanest official to adjudicate family disputes", as the sayings go. This explains why we may not always volunteer to help when our neighbours run into any family problems. What is more, since it is believed that "one must not let one's family scandals travel afar", victims of domestic violence are even less willing to seek help of their own accord. In that case, how can society solve the problem of domestic violence? It is thus necessary for the authorities and professional social service organizations to step up public education, with a view to changing

such a traditional mindset. It is only in this way that we can adopt a multi-pronged approach to solve the problem.

Deputy President, the International Women's Day on 8 March is a day dedicated to the commemoration of women's struggles for their legitimate rights. Victims of domestic violence are mostly women. On this very meaningful day, I wish to call upon everyone in Hong Kong to show their concern about domestic violence and provide various forms of assistance within their ability. That way, and together with the services provided by the Government and professionals, we will succeed in ensuring family harmony. Without family harmony, how can we ever foster social harmony as often advocated by the Chief Executive? I so submit. Thank you, Deputy President.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): Ms Margaret NG, you may now speak on the amendments. You have up to five minutes.

MS MARGARET NG (in Cantonese): Deputy President, I have already pointed out that all of us, Members belonging to the Article 45 Concern Group, will support all the four amendments.

To begin with, the emphasis of Miss CHOY So-yuk's amendment is to "promote community development services" and "encourage self-help and mutual support among the public". Many Members have explained very clearly that domestic violence is related to traditional culture and its failure to keep abreast of the times. Changing our traditional culture and customs is indeed of vital importance and in this regard, the best partner of the Government should be civil society. If we can enhance our efforts in this respect and change people's mindset, then, when women encounter any problems, their neighbours will be prepared to offer them support, thus encouraging them to report offences, make accusations, or at least lodge complaints. That way, efforts to tackle the problem will become doubly effective.

Mr Alan LEONG's amendment focuses on law reform, the establishment of a Court dedicated to domestic violence cases and resources for legal services. All are very specific in this respect. And, as pointed out by Ms Miriam LAU in her speech, the amendments suggested by The Law Society of Hong Kong and the Law Reform Commission are already very specific, easy to implement and free of disputes. I very much hope that when the Secretary gives his reply later on, he can tell us in detail the progress of the Government's studies, how much work it has done and when we can expect to see the announcement of its amendment proposals.

In regard to Mr Alan LEONG's special reference to the establishment of a Court dedicated to domestic violence cases, I very much hope to hear the concrete support of the Government. To put it simply, does the establishment of a new Court require additional resources? As a matter of fact, in other countries such as Britain, the establishment of such a new Court has led to the saving of resources, because there is no need to handle a case under different sets of procedures; civil cases are dealt with under civil proceedings and criminal proceedings are followed when a case is criminal in nature. Of course, when a case is both criminal and civil in nature, there will be appeals, as some may question why they should be subjected to double punishment and wonder if such double sanction is too heavy. What is more, with such a new Court, the proceedings of domestic violence cases will not be delayed by many other types of cases the Court has to handle. Therefore, the establishment of a Court dedicated to domestic violence cases can actually save resources, though the allocation of resources will have to be reorganized. The idea is considered feasible in many places where such a Court is already in existence. I hope that the Secretary can inform us of the progress later on.

When Mr Albert HO spoke on his amendment, he made special reference to child abuse, saying that the handling of child abuse cases should emphasize counselling and treatment. Society as a whole is understandably agreeable to this, thinking that the Court should be vested with the additional power and authority of issuing such counselling orders. As for whether or not it is appropriate to issue such an order, it is believed that the Court should be experienced enough to make a decision.

It is also mentioned in Mr Albert HO's amendment that it is often difficult for abused women or women witnessing child abuse to decide whether to instigate any prosecutions. This explains precisely why lawyers will generally

focus on civil remedies instead of criminal proceedings; some women do not want to instigate any prosecutions. But we must distinguish between two different situations here: a woman may determine that civil proceedings instead of criminal prosecutions are suitable for her case, or she may simply fear that once she instigates a prosecution, she will have no place for dwelling. We hope that if the latter is the case, the Government can provide these women with more resource support. For example, they should be provided with accommodation or a shelter, and more resources and legal advice should be made available to them, so that they can all make their choices based on their individual needs instead of being forced by the lack of any alternatives to go back home.

(THE PRESIDENT resumed the Chair)

Finally, Dr Fernando CHEUNG's amendment lays emphasis on resources. How can we increase resources? As pointed out by Ms Audrey EU in her speech, zero tolerance plus zero resource is just equal to zero result. Having put forward so many opinions, we naturally wish to see some results. The Secretary may perhaps tell us what results there will be.

PRESIDENT (in Cantonese): Time is up.

MS MARGARET NG (in Cantonese): Thank you.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I very much thank Ms Margaret NG for proposing this motion for debate, and Mr Alan LEONG, Miss CHOY So-yuk, Mr Albert HO and Dr Fernando CHEUNG for proposing their amendments, as well as Members who have given us their views on this issue.

Domestic violence is a social problem which is a concern to us all. The Government has all along endeavoured to make improvement to the prevention and handling of domestic violence, and we have continuously adopted a wide spectrum of improvement measures to tackle the problem of domestic violence and enhance the delivery of service and assistance to victims. Therefore, the

Government supports the general direction of this motion today. With regard to the specific proposals made, we will continue to deal with them positively and practically. A lot of work has been carried out or is under planning now. As regards proposals that will create a far-reaching impact on society, we must carefully consider them and give the community an opportunity to conduct more in-depth discussions, with a view to forging a consensus among all sectors.

In his policy address in October last year, the Chief Executive reiterated the Government's position and policy that domestic violence is absolutely intolerable. The Social Welfare Department (SWD), the police and the relevant departments will do their utmost to follow up each known case and handle it in the most suitable and most professional way in the light of the situation and needs of each case. Earlier on a number of Members mentioned the Family Crisis Support Centre, 24-hour support service and compassionate rehousing, and these are services that we have been providing. Yet, we will absolutely take on board Members' views if they can help improve our services.

I must point out that for any domestic violence case involving criminal offence, the police will, in accordance with the established principles, enforce the law and conduct investigation in a fair and just manner, and prosecution will be instituted when there is sufficient evidence. We will also assist the victims and their families in other ways. It has been the Government's policy to adopt a three-pronged approach, under which a range of prevention, support and counselling services, including financial and rehousing assistance, is provided to the victims and families in need. Besides, we have also stepped up work at the community level to facilitate early identification of families with problems and hence early intervention. Certainly, I also share the view of some Members who suggested the need to encourage participation in the neighbourhood and from other family members.

With regard to the statistics on domestic violence, some Members mentioned earlier that the SWD and the police recorded a substantial rise in the number of domestic violence cases in the past year, showing that the problem of domestic violence is on a worsening trend. I think the community should look at the rise or fall of the statistics with a more objective attitude. A rise in the statistics certainly reflects that the problem of domestic violence warrants our concern. But on the one hand, the police have since January 2003 strengthened the mechanism for referrals to the SWD, and on the other, co-operation between

the police and the SWD has continued to be enhanced and drawn closer, which has facilitated early intervention and provision of counselling service by the SWD. In the meantime, the SWD has actively stepped up publicity among the public and the promotion of public awareness of domestic violence. For these reasons, a rise in the number also reflected that the publicity and preventive work has gradually achieved effects, as more people are willing to report domestic violence cases and more victims of domestic violence are willing to seek help.

In fact, since 2004, we have taken active measures and injected plenty of resources to support and strengthen the family function and to address family crisis. These include setting up an additional team under the Family and Child Protective Services Units (Criminal Investigation Division) in Tin Shui Wai in April last year, providing more social workers for the Family and Child Protective Services Units and the Integrated Family Service Centres, enhancing clinical psychological support services, strengthening support for refuge centres for women, increasing the number of places in children's homes and foster care, stepping up public education in the prevention of domestic violence, and providing training for social workers and professionals.

Moreover, the SWD, the police and other relevant government departments have actively followed up the 25 recommendations made by the Review Panel on Family Services in Tin Shui Wai. In its progress report published in August 2005, the Review Panel expressed satisfaction with the efforts made by the Government in taking measures to follow up most of its recommendations.

Apart from following up the Review Panel's report, the SWD and the social service agencies commissioned by the SWD plan to introduce on a trial basis a new Batterer Intervention Programme in March this year. Meanwhile, plans have also been drawn up to assist victims of domestic violence to understand their own rights, the protection given to them under the law and the support services provided by the Government, in order to encourage them to seek assistance early.

On the other hand, a Subcommittee on Strategy and Measures to Tackle Family Violence is set up under the Legislative Council Panel on Welfare Services to discuss with the Government improvements to the policy and measures for handling domestic violence. Different organizations have been

invited to present their views, and the Government has made reference to these views in introducing the improvement measures.

The progress that has been achieved in this area of work reflects that the Government has attached great importance to the problem of domestic violence and that it has worked actively to improve the services and support provided to victims of domestic violence. These efforts cannot be denied and should be given recognition.

In respect of law, I am very grateful to the several Members from the legal profession for their input. A series of ordinances on domestic violence is already in place in Hong Kong, and like other violent acts, domestic violence involving criminal offence is mainly handled under the Crimes Ordinance (Cap. 200) and Offences Against the Person Ordinance (Cap. 212). Under these Ordinances, the more serious offences are liable on conviction to a maximum penalty of life imprisonment.

In respect of civil proceedings, the Government is in the course of reviewing the Domestic Violence Ordinance (DVO). We will consider in detail the views given to us by all sectors, including Members of the Legislative Council, the Law Reform Commission, the consultancy report on child abuse and spouse battering published by The University of Hong Kong as commissioned by the SWD, The Law Society of Hong Kong, the Women's Commission and other social service and women organizations. We hope to sum up the views of all sectors of the community and formulate policies which suit the situation and needs of Hong Kong.

I think we should take a pragmatic attitude in considering introducing amendments to the DVO, having regard to the impact on the community as a whole and also on the legal framework. The Government has come to the initial view that there is room for improvement in the DVO. For example, the Government will consider extending the scope of the DVO to cover former spouses and former cohabitants, extending the validity period of the injunction order, and empowering the Court, when granting an injunction order, to attach a power of arrest if it is satisfied that the perpetrator has caused any physical or mental/psychological harm/damage to the victim.

The Government is aware that some other proposals, such as extending the scope of the DVO to cover cohabitants of the same sex and allowing children

under the age of 18 to make application for an injunction order on their own, are more controversial and therefore warrant careful examination. The Government expects to complete the review in the latter half of this year and then propose amendments to the DVO.

In respect of legal services, the Legal Aid Department has all along provided legal aid to eligible applicants in need. With regard to views expressing reservations, we also consider them worthy of discussion. Mr Alan LEONG proposed the establishment of a Court dedicated to domestic violence cases. As a broad concept, certain aspects would warrant more in-depth study by the Government. These include:

- Whether the proposed domestic violence Court would fit in with the existing framework, and if so, how, especially how this Court would be able to deal with both the criminal and civil aspects of domestic violence cases;
- Whether legislative amendments will be necessary to give statutory powers to the Court for it to order non-criminal remedies to assist the victims, or to help law-enforcement and social service agencies to take suitable actions and make necessary referrals; and
- The proposal that consideration should be given — we will certainly do so — to the financial implications on all relevant departments.

Some Members mentioned earlier the experience of Britain, and this is worthy of our detailed reference.

Domestic violence is a complex, multi-faceted problem. Can the setting up of a dedicated domestic violence Court address the problem? The Government must carefully and thoroughly study this proposal whilst at the same time, we will continue to adopt multi-disciplinary and multi-perspective strategies to tackle the problem of domestic violence.

Dr Fernando CHEUNG proposed the establishment of a central inter-departmental co-ordinating committee chaired by the Chief Secretary for Administration. At present, the Director of Social Welfare is concurrently chairing two central mechanisms (namely, the Working Group on Combating

Violence and the Committee on Child Abuse) set up with the objective of enhancing cross-sectoral and inter-departmental collaboration, and some results have been achieved. The Government has conducted a review and initially, we propose that the two mechanisms be merged to form one committee chaired by a non-official member to advise the Government on related matters. We will continue to discuss this proposal with the existing Working Group and Committee.

Now, I would like to speak on the collaboration among all sectors of the community. Given that domestic violence is a multi-faceted problem caused by complicated reasons, co-operation between the Government and various sectors of the community is required, in order to more effectively tackle and prevent domestic violence.

At present, over 85% of the victims of domestic violence are females. Many studies show that domestic violence is caused by the concept of inequality between the two sexes in respect of powers and status. To rectify these wrong concepts, the concerted efforts of the community are required. It so happens to be the 8 March Women's Day today. I wish to pay tribute to all women, and I hope that all people, men or women, can participate in the promotion of the awareness of gender equality.

I remember that on 8 March last year, the Legislative Council also raised the women issue, and in particular, gender mainstreaming. After discussion, we arrived at a proposal, that is, we hope to have more communication with Members, in order to understand gender mainstreaming. A seminar was organized, and we had invited participation from Members of the Legislative Council but regrettably, only three Members, including two ladies, participated in the seminar.

I am very glad that the Women's Commission, being the central mechanism responsible for women matters, published a report early this year and proposed the strategy of community collaboration in tackling domestic violence. As suggested by the Women's Commission, the Government certainly has the duty to continuously make improvement to the policy and measures on domestic violence, but various sectors of society (including the community) can also play an important role and make concerted efforts in their respective position, thereby enhancing the effectiveness of the preventive work and providing better support to victims of domestic violence and their families.

Prevention is better than cure. Re-establishing the value of family, enhancing family support and building up community support networks and providing early assistance to families in great need of help are the policy objectives of the Government in the coming year. It is like the case that we should not only rescue people who are going to be drowned in the river; we should also teach all the people in the upper stream to swim. In the new financial year, we will provide additional resources and put social capital into good use, enhance family education and introduce family support schemes, proactively reaching out to families which do not seek help and intervening in their cases early to tackle their problems and provide them with support services.

I wish to emphasize that although the Government has provided support in terms of policy, legislation, services and publicity, each and every person still has the duty to maintain a harmonious relationship in their family and with family members, and learn how to face adversities and manage their emotions.

Madam President, the Government will continuously endeavour to combat domestic violence and collaborate with members of various sectors of the community, making every effort to building up harmonious families and a harmonious society.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Miss CHOY So-yuk to move her amendment to the motion.

MISS CHOY SO-YUK (in Cantonese): President, I move that Ms Margaret NG's motion be amended.

Miss CHOY So-yuk moved the following amendment: (Translation)

"To delete "serious problem of domestic violence" after "in view of the" and substitute with "increasing number of domestic violence cases in recent years, which reflects the severity of the problem"; to add "implement in the whole territory the recommendations in the Report of the Review Panel on Family Services in Tin Shui Wai and the recommendations made by the Coroner's Court in respect of the family

tragedy that occurred in Tin Shui Wai in April 2004, to" after "urges the Government to"; and to add ", and to allocate additional resources to improve services and actively promote the development of the 'third sector', so as to optimize the social capital, promote community development services, encourage self-help and mutual support among the public, strengthen the community support network, enhance the capabilities of individuals and families in resolving their difficulties in life, for the purpose of cultivating the community spirit of mutual support, care and love among residents" after "to curb such violence".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss CHOY So-yuk to Ms Margaret NG's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Alan LEONG, as Miss CHOY So-yuk's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you

have already covered in your earlier speech. You may now move your revised amendment

MR ALAN LEONG (in Cantonese): Madam President, I move that Ms Margaret NG's motion, as amended by Miss CHOY So-yuk, be further amended by my revised amendment.

Madam President, it is getting late already, so I am not going to use all the three minutes. However, I still wish to make a brief explanation. I have read the Report of the Review Panel on Family Services in Tin Shui Wai published in November 2004. There are 25 recommendations, and I support all of them. I believe that Members will also support them. My amendment, particularly the point on establishing a Court dedicated to domestic violence cases, is the most conspicuous. I hope that Members can support this amendment. As for the justifications, I have already given an explanation, so I shall make no repetition here.

Thank you.

Mr Alan LEONG moved the following further amendment to the motion as amended by Miss CHOY So-yuk: (Translation)

"To add "; the measures to be formulated by the Government to curb domestic violence should include: (a) extending the Domestic Violence Ordinance to cover more people, and enhance the protection for those under protection; (b) establishing a Court dedicated to domestic violence cases; (c) allocating more resources to enable the victims of domestic violence to obtain the necessary legal services at an early stage; and (d) providing more resources that are required for the provision of training for front-line staff and the implementation of other complementary measures" after "care and love among residents". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Alan LEONG's amendment to Ms Margaret NG's motion, as amended by Miss CHOY So-yuk, be passed.

PRESIDENT (in Cantonese): I now call upon Dr Fernando CHEUNG to move his amendment to Mr Alan LEONG's amendment.

DR FERNANDO CHEUNG (in Cantonese): President, I move that Mr Alan LEONG's amendment be amended.

Dr Fernando CHEUNG moved the following amendment to Mr Alan LEONG's amendment: (Translation)

"To add "(a) establishing a central inter-departmental co-ordinating committee chaired by the Chief Secretary for Administration, with membership including representatives from community and self-help organizations which understand domestic violence;" after "including:"; to delete the original "(a)" and substitute with "(b)"; to delete the original "(b)" and substitute with "(c)"; to add "(d) establishing a 24-hour domestic violence hotline and round-the-clock support teams comprising social workers, police officers and professionals from various disciplines; (e) setting clear work indicators and plans under the Government's policy of 'zero tolerance' of domestic violence; (f) establishing a review committee on serious injuries and deaths caused by domestic violence, with the responsibility to review the effectiveness of cross-sectoral co-ordination and collaboration regarding cases of serious domestic violence, in order to avoid the recurrence of similar cases; (g) establishing, under the central mechanism, a community-based co-ordinating mechanism with an operating structure modelled on that of the Fight Crime Committee, so as to promote awareness of domestic violence and educate people in the local communities, and to facilitate co-ordination of and communication in carrying out the work in the districts;" after "dedicated to domestic violence cases;" to delete the original "(c)" and substitute with "(h)"; to delete "and (d)" after "at an early stage;" and substitute with "(i)"; and to add "; (j) establishing support groups composed of victims of domestic violence, and providing them with training to promote mutual support; and (k) establishing a domestic violence fund to provide financial support for organizations engaged in preventing domestic violence and providing domestic violence support, so as to demonstrate the Government's determination to combat domestic violence and truly implement its policy of 'zero tolerance' of such violence" after "other complementary measures"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Fernando CHEUNG to Mr Alan LEONG's amendment, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): I now put the question to you and that is: That Mr Alan LEONG's amendment as amended by Dr Fernando CHEUNG, to Ms Margaret NG's motion which has been amended by Miss CHOY So-yuk, be passed.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by

functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Mr Albert HO, as Miss CHOY So-yuk's amendment and Mr Alan LEONG's amendment as amended by Dr Fernando CHEUNG have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR ALBERT HO (in Cantonese): President, I move that my amendment be passed. President, I do not need to spend any more time on explaining my amendment. I already explained all my points in my previous speech.

Mr Albert HO moved the following further amendment to the motion as amended by Miss CHOY So-yuk, Mr Alan LEONG and Dr Fernando CHEUNG: (Translation)

"To delete "and" after "training to promote mutual support;"; and to add "; (l) making it mandatory for abusers to receive counselling and treatment; (m) studying making it mandatory for the relevant professionals to report domestic violence cases that they handle; and (n) offering compassionate housing assistance to victims of domestic" after "policy of 'zero tolerance' of such violence"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Albert HO's amendment to Ms Margaret NG's motion as amended by Miss CHOY So-yuk, Mr Alan LEONG and Dr Fernando CHEUNG be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Ms Margaret NG, you may now reply and you have three minutes 37 seconds.

MS MARGARET NG (in Cantonese): Madam President, first of all, I wish to thank the 25 Members who have put forward so many views to enrich the contents of the debate today. I am also grateful to the Secretary for bringing us a piece of partially good news: the review of legislation will be completed in the second half of this year, at which time recommendations will also be made. I wish to see all these recommendations early.

However, the authorities are still considering the proposal on establishing a dedicated Court. And, the Secretary has also failed to say anything substantial on legal aid. I sense that the Government is not so positive in this respect. I must make it a point to say that this is a very important issue. As I pointed out in my speech just now, sole reliance on the legislation itself cannot possibly enable us to solve the problem. The legislation must be backed up by the provision of legal advice, legal aid and a dedicated Court. It is only in this way that the effect of the amended legislation can be brought into the fullest play. I therefore urge the Secretary to give active consideration to the idea.

I am also very pleased to hear from the Secretary that he has accepted most of the recommendations. The Government has been claiming that it is making very active efforts. Can the Secretary tell us when a comprehensive review will be conducted? Regardless of whether you have really implemented some of the measures, regardless of whether the number of implemented measures is great or small, we must still ask, "Why do you think that these measures have already

eased the problem of domestic violence?" We must ask this question because Members all know that we can no longer rely on figures when an increase in the number of domestic violence cases is so surprisingly interpreted as policy success instead of a deterioration of the problem. Following such logic, we should perhaps feel delighted if the number of domestic violence cases increase by 100% next year; we should be delighted because this proves the success of publicity efforts, because everybody reports such cases. I do not think that this perspective of the Secretary is so satisfactory.

Actually, our wish is to see some genuine changes that can reduce the incidence of domestic violence and change and improve the mindset of society. We will be happy on the International Women's Day only when all this comes true.

Madam President, I am very happy that I have made a modest contribution to this Council — saving one minute for all Members. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Margaret NG, as amended by Miss CHOY So-yuk, Mr Alan LEONG, Dr Fernando CHEUNG and Mr Albert HO, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): It is now 8.51 pm. Since I think that we can finish all items on the Agenda before midnight today, we shall now continue with the meeting.

Third motion: Expeditiously improving the traffic arrangements in the western and northwestern parts of the New Territories.

EXPEDITIOUSLY IMPROVING THE TRAFFIC ARRANGEMENTS IN THE WESTERN AND NORTHWESTERN PARTS OF THE NEW TERRITORIES

MRS SELINA CHOW (in Cantonese): President, in early January, some members of the Legislative Council Panel on Transport paid a visit to the Hong Kong section of the Hong Kong-Shenzhen Western Corridor (HK-SWC) and the Deep Bay Link (DBL) to inspect the progress of works. Witnessing that this largest ever co-operation project between Hong Kong and the Mainland was near completion, I was filled with both elation and worries. I am elated because, very soon, there will be a fourth land crossing between Hong Kong and Guangdong, thus facilitating the exchanges between the two places. I am at the same time extremely worried because the inauguration of the new boundary control point may exert unbearable pressure on the traffic in Northwest New Territories, especially Tuen Mun. Unfortunately, however, one can describe the attitude of the Government of the Hong Kong Special Administrative Region (SAR) towards this formidable traffic challenge as "lacking in vigilance and unrealistic". I shall offer my justifications in detail and propose some solutions in the rest of my speech.

According to the findings of the Northwest New Territories Traffic and Infrastructure Review, which were submitted to the Legislative Council in March last year, the authorities forecast that in the short term (around 2011) and the medium term (around 2016), the existing overall strategic Base Network of the Northwestern New Territories, including Tuen Mun Road and Route 3 (Country Park Section), will still be able to cope with the extra traffic flow brought about by the inauguration of the HK-SWC and DBL. It is therefore concluded that there will be no need to construct any additional large-scale transport infrastructure before 2016. And, it is also considered that the current improvement works for the existing roads in Northwest New Territories will also be able to cope with the additional traffic flow in the future. The authorities also forecast that in the initial period following the inauguration of the HK-SWC

and DBL, the daily traffic flow will be roughly 31 000 vehicle trips, most of which being concentrated on Route 3. This volume of traffic will just be 6 000 vehicle trips more than the volume recorded in 2004. The impact will therefore be very small.

However, like many members of the Panel on Transport, I am extremely skeptical of the various forecasts of the Government. Tuen Mun Road is toll-free and closer to the urban areas. For these reasons, and also because the DBL interchange will be located at Lam Tei, we can imagine that a good part of the traffic from the HK-SWC will most likely head for Tuen Mun Road, instead of Route 3, which involves a longer travelling distance, greater fuel expenses and exorbitant tolls. Currently, the daily traffic throughput between Hong Kong and the Mainland is as many as 43 700 vehicle trips. The throughput at Lo Ma Chau Control Point alone is already 33 000 vehicle trips. Following the inauguration of the HK-SWC, the passenger and freight transport between the two places will only become busier. I think Members can all project such a situation and anyone with common sense will also make the same projection. There is simply no chance that the extra traffic heading for Tuen Mun Road will just be 6 000 vehicle trips as forecast by the Government.

The Government also says that since the drivers of cross-boundary container trucks generally want to unload at the Kwai Chung Container Terminal as quickly as possible and then return to the Mainland for another load again, they will definitely avoid the frequently congested Tuen Mun Road and try to save time by choosing Route 3 instead. Besides, since the vehicles currently using Tuen Mun Road and the extra vehicles from the HK-SWC in the future will use Tuen Mun Road at different peak periods, they will presumably not flock to Tuen Mun Road during the same periods of time. The authorities are much too cocksure. Do they really think that the Chief Executive can even dictate the schedules and routes for motorists in Northwest New Territories? But one should not be surprised at all because the mentality of government bureaucrats has always been that since it is impossible to satisfy all, people must make do with the roads available and be "smart".

Since the Finance Committee approved the funding application connected with the HK-SWC and DBL in March 2002, the Transport Panel of this Council has met eight times to discuss the impacts of these two projects on the traffic situation in Northwest New Territories. Representatives of the Tuen Mun District Council have also expressed their views to the Legislative Council for

seven times. And, when I visited Tuen Mun, local figures even got hold of me, complaining about the "couldn't care less" of the Government. All these frequent discussions can show us that the various sectors are extremely worried and concerned about the traffic problems in Northwest New Territories. The relevant records of meetings indicate that all those present were unanimous in their conclusion that the forecasts of the Government were over-optimistic and highly questionable. Members are also worried that the already congested Tuen Mun Road and the road section in Tuen Mun town centre will become even more congested after the opening of the HK-SWC.

Since the Government's traffic forecasts have all the time been inaccurate, and also since the flows of goods and people between Hong Kong and the Mainland will become much busier due to the economic integration of the two places, I am worried that the inaccuracy of the authorities' traffic forecasts for Northwest New Territories will be much too wide of the mark.

Local figures are of the view that the optimistic forecasts of the authorities can hold true only when one precondition is met: the total traffic throughput of the area in the future can really be shared by Tuen Mun Road, Castle Peak Road and Route 3. However, it seems that the authorities have failed to admit one fact. Although some vehicles have indeed been diverted to Route 3 from Tuen Mun Road, there is still a huge discrepancy between the two trunk routes in terms of throughput. Most vehicles still prefer Tuen Mun Road, which is why its traffic load is over 80% while that of Route 3 with a similar capacity is just less than 40%. The reason for this is very simple. Most vehicle owners and drivers, especially owners and drivers of container trucks, do not want to use Route 3, which costs \$25 to \$40 per trip. Since they do not want to use Route 3 now, I just wonder why the Government should think that they will do so later.

Even the authorities themselves also admit that their medium- and long-term traffic forecasts are just rough ones. But, on the sole basis of these forecasts, the Government still insists that Tuen Mun Road can cope for 10 more years, so how can it convince us at all? As a matter of fact, during our discussions with the relevant industries, their representatives invariably told us that they would choose the toll-free Tuen Mun Road instead of the toll-charging Route 3.

Actually, if we look at the Government's forecasts once again, we will see that although the authorities claim that they are only rough ones, there are still

many contradictions. For example, when the Government lobbied support for Route 10 (Northern Section) in January 2002, it pointed out that the capacity of the key section of Tuen Mun Road, that is, the Sham Tseng section, would be overloaded in 2011, and the throughput would be 1.27 times to 1.31 times the capacity. But according to government standards, "1.2 times" is already the acceptable upper limit. It was also claimed that the capacity of Route 3 would likewise be overloaded in 2016, and the throughput would be 1.26 times the capacity. However, last year, the authorities suddenly claimed that these two roads would still be able to cope before 2016 and their throughput would remain below capacity in the interim. In other words, the Government started to say something different at that time. Likewise, in June 2004, the Government projected that the throughput of Tuen Mun Road and Route 3 would reach 203 500 vehicle trips by 2011. But in her written reply last week, Secretary Dr Sarah LIAO said that the throughput in 2016 would just be 188 000 vehicle trips. Why has the projected throughput become smaller and smaller? Besides, in January 2002, the authorities forecast that only one third of the vehicles would head for Tuen Mun Road in the initial period following the inauguration of the HK-SWC. But in October last year, it changed the forecast to one fifth. We can thus see that the figures provided by the authorities are forever changing. That being the case, which figures should we believe? Because of all these examples, I really suspect that the authorities will often juggle their statistics for the purpose of selling their policies, meaning that the actual situation is never depicted.

I am of the view that there is in fact a ready solution that can prevent the occurrence of any future traffic standstill in Northwest New Territories: the effective diversion of traffic from Tuen Mun Road to the "roomy" Route 3.

But since Route 3 is not toll-free, most motorists are unwilling to use it, which explains its being left largely idle now. I would therefore like to propose an ultimate solution here. The authorities can negotiate with the operator and offer to purchase Route 3 at a reasonable price. Afterwards, the trunk route should be opened to motorists free of charge. What is more, in order to achieve effective traffic diversion, the Government should construct the Easterly Link Road as soon as possible, so as to divert vehicles from the HK-SWC to Route 3. I know that even now, some Members still insist that we should spend \$22 billion on constructing Route 10. The construction cost of Route 3 was \$7 billion and I suppose the purchasing price should be more or less the same. Should we spend billions of dollars on a new trunk route (The construction cost may well

exceed \$22 billion now after a lapse of several years)? Should we spend \$22 billion on constructing a new trunk route with probably no sure date of completion (because the progress of government projects has never been very fast), the function of which will duplicate that of the existing Route 3? Or, will it be more economical to purchase an existing road at a much lower cost? What appears to be a stupid thing to do is in fact not, and the resultant benefits can be easily computed.

In regard to the proposed Easterly Link Road, I can remember that at the Finance Committee meeting in March 2002, the Liberal Party supported the funding application in relation to the design of the HK-SWC and DBL mainly because the authorities agreed to accept members' request for including the design of such a link road in the DBL funding application.

However, soon afterwards, the Government went back on its words, saying that unless there could be some progress in the negotiations on reducing the tolls of Route 3, it would not be advisable to construct the proposed Easterly Link Road. In February 2003, Secretary Dr Sarah LIAO said clearly that she hoped to complete the negotiations within 12 months. But three years have passed and we have never heard of any negotiation outcome. Was the Government's promise of constructing the Easterly Link Road simply a "trick" to induce Members to support the funding application connected with the HK-SWC and DBL? Members must think about this question and the Government must also give an account. The Government now insists that unless the tolls of Route 3 are reduced, the Easterly Link Road will not be constructed. What is more, it also refuses to set down a timetable for the negotiations and disclose the actual progress. All this is really unacceptable. The authorities must make some adjustments and seek to solve the problem once and for all for the benefit of the public. This is the only way to truly attain the Chief Executive's objective of "strong governance for the people".

In fact, Northwest New Territories plays a significant strategic role in the flow of goods and transportation between Hong Kong and the Mainland. If the authorities can do a good job in transportation arrangements, more goods from the Mainland will be transported to Hong Kong for handling, thus consolidating Hong Kong's status as the freight and logistics hub in South China. On the other hand, if the authorities fail to protect Hong Kong's competitiveness in terms of road circulation and tolls, our logistics, transport and shipping industries will be

adversely affected. I shall leave Mr Andrew LEUNG and Mr Jeffrey LAM to give a further analysis of the related consequences later on at this meeting.

Thank you, President.

Mrs Selina CHOW moved the following motion: (Translation)

"That, given the impending commissioning of the Hong Kong-Shenzhen Western Corridor at the end of this year, which will substantially increase the traffic load in the western and northwestern parts of the New Territories, this Council urges the Government to formulate as early as possible corresponding strategies, including buying out the ownership of Route 3 at a reasonable price and opening it up for use by motorists, as well as constructing the Easterly Link Road that connects the Deep Bay Link and Route 3, so as to divert the traffic flow from Tuen Mun Road, thereby alleviating the deteriorating traffic congestion in that district and avoiding causing great nuisance or inconvenience to local residents."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Selina CHOW be passed.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, Mr CHEUNG Hok-ming and Mr Albert HO will move amendments to this motion respectively. Mr Andrew CHENG will move an amendment to Mr WONG Kwok-hing's amendment. Mr Albert CHAN and Mr LEE Wing-tat each will move an amendment to Mr CHEUNG Hok-ming's amendment. The motion and the six amendments will now be debated together in a joint debate.

I will call upon Mr WONG Kwok-hing to speak first, to be followed by Mr CHEUNG Hok-ming, Mr Albert HO, Mr Andrew CHENG, Mr Albert CHAN and Mr LEE Wing-tat; but no amendments are to be moved at this stage.

MR WONG KWOK-HING (in Cantonese): Madam President, the moving of this motion on expeditiously improving the traffic arrangements in Northwest New Territories is prompted precisely by two significant factors, namely, the

need for coping with the rapid development in Northwest New Territories and the increasingly frequent ties between Hong Kong and the Mainland. Many Members have put forward various views on the trunk routes in Northwest New Territories, but my amendment does not focus solely on major trunk routes such as Tuen Mun Road and Route 3; my further hope is to improve the existing mass transit systems, that is, the existing railway systems. My amendment aims to perfect the motion, and it is also my hope that the Government can give more thoughts to and accept the views of this Council. I shall focus on four aspects.

To begin with, I agree that the Government should purchase Route 3 at a reasonable price and I demand it to do so. I also think that the trunk route should then be opened to motorists free of charge. I believe Members can still remember the huge public outcries aroused by the drastic toll increases of the Eastern Harbour Crossing last year. The approach of "Build, Operate and Transfer", that is "BOT", has enabled the builders of public utilities to increase their fees and charges at will during the franchise periods on the ground that they have not obtained the permitted returns. And, motorists and the ordinary masses are at their entire mercy. But, at present, the residents of Northwest New Territories must rely mainly on the toll-free Tuen Mun Road and the highly costly Route 3 (Tai Lam Tunnel Section) for getting to and returning from the urban areas. Since the tolls of the Tai Lam Tunnel are very high, many motorists are simply deterred from using it. Therefore, if the Government can purchase Route 3 (including the Tai Lam Tunnel) and then open it to motorists free of charge, it will definitely be able to achieve the two-fold purpose of making the best use of the two trunk routes and relieving the people's burden. However, it is a pity that the Government has all the time refused to do so on the excuse of "big market, small government". Today, I am very delighted to see that even the Liberal Party, which has always advocated market economy and opposed any government intervention, is willing to take the forward step of proposing to purchase Route 3. I hope that the Government can heed our well-intentioned advice and consider our proposal.

Second, the Easterly Link Road connecting to the Deep Bay Link (DBL) and Route 3 should be constructed. The Hong Kong-Shenzhen Corridor (HK-SWC) will be commissioned at the end of this year, and as pointed out by the Government when it replied to Members' questions earlier on, it is predicted that in the initial period following the inauguration of the HK-SWC, the daily throughput will be roughly 31 000 vehicle trips. This, together with the fact

that Tuen Mun Road has already reached capacity, means that the inauguration of the will inevitably exert yet a heavier pressure on Tuen Mun Road. It is therefore necessary to construct the Easterly Link Road connecting to the DBL and Route 3. That way, traffic can be diverted to avoid any serious congestion.

Third, the extension works of Tuen Mun Road should be completed as early as possible. According to the Government's reply earlier on, the HK-SWC will probably be commissioned at the end of this year or early the next. This will pose a heavier pressure on Tuen Mun Road. According to the paper on the Northwestern New Territories Traffic and Infrastructure Review submitted by the Government to this Council in 2004, the population in Northwest New Territories, including Tuen Mun, Yuen Long and Tin Shui Wai, has already exceeded 1.04 million. But these 1 million people must also rely on Tuen Mun Road and Route 3 for getting to and returning from the urban areas. And, it is expected that with the further demographic increase in Northwest New Territories, Tuen Mun Road will probably fail to cope. What is more, Tuen Mun residents getting to and returning from Tsim Sha Tsui and Central must now spend over an hour on travelling. Even now, when the HK-SWC has not yet come into operation, Tuen Mun residents going to the urban areas via Tuen Mun Road will often encounter traffic congestion near Ting Kau and the road section leading from Tuen Mun town centre. Earlier on, the Government announced that in order to relieve the pressure on Tuen Mun Road, the bus lay-bys along the road section leading from Tuen Mun town centre will be lengthened. This may result in even more serious traffic congestion in the area. I therefore hope that the Government can plan before the problem really arises.

Lastly, the Northern Link of the Kowloon Canton Railway Corporation (KCRC) must be constructed as early as possible. Moreover, the Kowloon Southern Link project of the KCRC must be completed as soon as possible and reasonable fare levels must also be set, with a view to perfecting the railway networks and encouraging the residents of Northwest New Territories to use the railway systems. In order to cope with the demand of more than a million people, the Government spent more than \$40 billion on constructing the West Rail, but since its inauguration two years ago, its patronage has persistently failed to attain the expected levels. This has resulted in wastage of resources, and, in addition, the traffic problems in Northwest New Territories have also remained unresolved. At present, the urban terminus of the West Rail is Nam Cheong Station. The fact that it is not located in the heart of the urban areas has

reduced people's desire of travelling on the West Rail. The construction of the KCR Kowloon Southern Link will commence this year, and after its completion, there will be railway connection to Tsimshatsui and the urban parts of Western Kowloon. On the other hand, the KCR Lok Ma Chau Spur Line will soon be completed to tie in with the development of the border area. The construction of the Northern Link will link up the East Rail and the West Rail in the north. This will make it more convenient for the residents of Northwest New Territories to travel to other places and thus serve to attract more passengers. However, before encouraging residents to travel on the railway systems, the Government must first ensure that the fares are both reasonable and attractive to the general public. Currently, for example, the fare for a trip from Tuen Mun to Sham Shui Po on the West Rail is \$15, but the bus fare for the same journey is lower than \$11. In view of the high railway fares, residents are forced to choose buses that charge lower fares. This has added to the pressure on Tuen Mun Road.

Madam President, I am not advocating the replacement of highways and roads by railways. The transportation industry in fact thinks that railways should complement road transportation networks. Understandably, the massive construction of railways may affect the livelihood of professional drivers. Therefore, as a Member representing the labour sector, I must clearly point out the role of railway development. As we all know, the construction costs of railways are very high, so it is impossible to rely on them as a means of connecting all places. In Tuen Mun, for example, there are only two West Rail stations, namely, Tuen Mun Station and Siu Hong Station. But the population in Tuen Mun is well over 400 000 and scattered in different areas. Consequently, it is still necessary to have other means of feeder transport such as buses and minibuses. Railway development will not therefore affect the livelihood of professional drivers.

Mr Andrew CHENG's amendment proposes to widen the whole expressway section of Tuen Mun Road to a four-lane carriageway. This is precisely the third point in my amendment, which reads "expeditiously completing the extension of Tuen Mun Road". As we all know, Tuen Mun Road is already a three-lane carriageway, so any extension will necessarily mean a four-lane carriageway. The two amendments are therefore basically the same in meaning. I believe Mr CHENG is just trying to give an even more concrete expression to my amendment, which is already specific enough. His

amendment may well be superfluous, but I must still say that road widening is after all the most effective way to cope with demand and tackle traffic congestion.

Madam President, I so submit. Thank you.

MR CHEUNG HOK-MING (in Cantonese): Madam President, recently I read a press report on a complaint lodged by a resident of Tuen Mun. It so happens that maintenance works are being undertaken on Tuen Mun Road every night recently. Even if it is twelve o'clock in the midnight, residents still have to be held up by traffic congestion for more than 20 minutes before they can go home.

When maintenance works quietly undertaken in the midnight are enough to hold up the traffic for tens of minutes, it is evident that this is a very busy road indeed. As such, I find it hard to imagine how this road can cope with the traffic flow of hundreds of thousand vehicles with the commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) at the end of the year.

The HK-SWC is the fourth boundary crossing connecting Hong Kong to the Mainland. With a design capacity of 80 000 vehicle trips, it has more than twice the total capacity of the three existing boundary crossings combined. According to the projections in relevant studies, the Government believes with the ancillary facilities already in place in Northwest New Territories, some additional road improvement works are all it takes to meet the traffic demands until 2016. However, we should honestly ask ourselves whether the vulnerable Tuen Mun Road can really cope with this enormous amount of traffic flow? Although, according to the estimates, only 20 000 vehicle trips will be using the HK-SWC during the first 10 years after its commissioning, can the Government guarantee that these cross-boundary vehicles will not affect the traffic conditions of Northwest New Territories?

With regard to the traffic flow brought about by the HK-SWC, the Government has prepared a package of solutions, including the widening of Yuen Long Highway, the widening of the section of Tuen Mun Road near Tsing Tin Interchange, the widening of certain road sections from two-lane to three-lane carriageway, and addition of road signs, and so on. However, the effects of these works are minimal in the face of a traffic flow of tens of thousand of vehicles. Furthermore, of all these works, only the Yuen Long Highway

works can be completed before the commissioning of the HK-SWC, while the Tsing Tin Interchange works will not be completed until 2008. As to how improvements will be carried out on the Tuen Mun town centre section of Tuen Mun Road, where it forms a bottleneck, the study report on this issue will not be ready until the middle of the year.

Madam President, there is an urgent need to improve the traffic conditions in New Territories West. Even if we set aside the problems resulting from the HK-SWC, traffic congestions are frequent in New Territories West, particularly on Tuen Mun Road. Whenever a traffic accident occurs, all the residents of Northwest New Territories suffer. Although the commissioning of the West Rail has improved the situation to a certain extent, the problem remains unresolved by and large.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) suggests that the traffic problems in New Territories West should be addressed with a three-pronged solution. First of all, the traffic flow brought about by the HK-SWC should be diverted to Route 3. The original intention of building Route 3 was to alleviate the traffic load of Tuen Mun Road and to provide an expressway connecting the north to the south for the residents living in the northwestern parts of the New Territories. Unfortunately, this major project costing as much as over \$7 billion has become a white elephant ever since it was commissioned in 1998. The expensive tunnel toll has deterred motorists from using Route 3. Therefore, the single most important measure the Government has to take is attracting motorists to use Route 3 instead of Tuen Mun Road, so as to fully utilize existing resources. This will be the best and most effective solution.

However, as we all know, Route 3 was built by a private consortium under the BOT arrangement, with a franchise period of 30 years. Therefore, it is only understandable that the company should seek to recover the construction costs plus a reasonable amount of profits within this restricted period of time. Having said that, shall we just keep our arms folded and allow this traffic imbalance to persist?

Therefore, the most direct approach of solving the problem is to buy out the ownership of Route 3 and lower the existing tolls after making it an asset of the Government. However, buying out the ownership of Route 3 involves a

substantial amount of public fund, which would definitely take a long time before a consensus can be reached in society. Therefore, extending the franchise period of Route 3 for a reasonable period of time, so as to make Route 3's operating company agree to lower the existing tolls conditionally is, I believe, also a feasible solution which is an easier way of winning the support of the people. This approach will facilitate the expeditious reduction of the existing tolls and thus be able to ease the traffic congestion on Tuen Mun Road very soon.

The second problem that must be tackled is that the Easterly Link Road should be constructed as soon as possible. In order to attract more vehicles into taking Route 3, the provision of suitable matching facilities is also very important, on top of the above tolls issue. Therefore, the construction of a convenient and speedy Easterly Link Road to bring cross-boundary vehicles direct to Route 3 is very important. Very unfortunately, though such a request had repeatedly been conveyed to the Government by local organizations, it had always been ignored by the Government on the pretext of not meeting cost-effectiveness requirements. So, the undertaking of building the Easterly Link Road has been left unfulfilled.

We believe that, if the Government can expeditiously construct this link road in the meantime of allocating funding to build the HK-SWC, it will enable vehicles from the HK-SWC to enter Route 3 direct, then at least an additional incentive has been provided to attract more drivers to use Route 3.

The third issue that should be tackled is the expeditious commencement of long-term planning on transport infrastructure. The Tuen Mun Western Bypass is a project to connect Deep Bay to Butterfly Bay of Tuen Mun, which then connects to the Tuen Mun to Chek Lap Kok Link. This is an expressway to connect Northwest New Territories to the airport. These roads, which bypass the town centre of New Territories West, has strategic importance as well, as they are a set of infrastructural projects designed to minimize disturbances caused to the residents by diverting traffic flow from the town centre of Tuen Mun on the one hand, and shortening the time required for commuting between the HK-SWC and the airport on the other. As a result, the interaction of the passenger and cargo flows between the two sides of the boundary will be greatly enhanced. Furthermore, building the Tuen Mun Eastern Bypass and the

widening of the expressway section of Tuen Mun Road into dual four-lane carriageway are also effective measures in addressing the frequent traffic congestions on Tuen Mun Road.

In fact, these two packages of projects have already been included on the list of the Government's transport and traffic infrastructural projects in Northwest New Territories which will be reviewed, and initial reviews of such projects have already been conducted. However, according to the findings of the Government studies, the existing transport facilities are adequate to cope up to 2016. Therefore, the above infrastructural projects will not be implemented until at least 10 years later. As for the Tuen Mun Eastern Bypass project, it will not be implemented until the period between 2017 and 2022. The Legislative Council Panel on Transport has held numerous discussions on this subject and urged the Government to implement such projects expeditiously, but the reply given by the officials is invariably that "there are no urgent needs" for them.

Madam President, studies and reports are objects that cannot respond to what happens in reality. But in our realistic lives, the fact is that whenever a traffic accident occurs on Tuen Mun Road, the entire transport system in Northwest New Territories will come to a complete standstill in an instant, and this is a situation that keeps happening all the time. The latest Budget released by the Financial Secretary indicated that over the next five years, an average of \$29 billion would be reserved each year as expenditure on infrastructure projects. As we have the allocation of funds now, and we have the genuine needs in this respect as well, projects like the Tuen Mun Western Bypass, the Tuen Mun to Chek Lap Kok Link and the Tuen Mun Eastern Bypass should commence immediately with a view to solving the traffic problems in Northwest New Territories in the long run.

Madam President, the HK-SWC is an important boundary crossing connecting Hong Kong to the Mainland. It is also an infrastructure project with strategic implications on the economic development of both Hong Kong and the Mainland. We hope that the residents of New Territories West will regard the HK-SWC in the same way as other Hong Kong residents do. Instead of seeing the cross-boundary vehicles brought about by the HK-SWC as invading enemies,

they should welcome the commissioning of the HK-SWC and expect to benefit from the many advantages it will bring to Hong Kong people.

Madam President, I so submit.

MR ALBERT HO (in Cantonese): Madam President, geographically, I believe the traffic problem in Northwest New Territories is the greatest concern to this Council. With the imminent commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC), the traffic problem of the district has once again become a focal point of attention of society. Today, we have three amendments to the motion, and three amendments to the amendments to the motion, which precisely reflect that this is an issue of great concern to different sectors of society. We are all concerned that if the Government fails to come up with a long-term solution to cope with the additional traffic flow to be brought about by the HK-SWC, rampant traffic congestions in New Territories West will soon become a loathed reality.

The original motion puts forward two proposals for solving the problem, including buying out the ownership of Route 3 and constructing an Easterly Link Road connecting the Deep Bay Link (DBL) and Route 3. With regard to the option of solving the traffic congestion problem by buying out the ownership of Route 3, the Democratic Party is supportive. As early as the beginning of 2002, the Democratic Party had submitted to the Government an opinion paper entitled "A Submission on the Establishment of a Tunnels and Bridges Authority", in which we suggested that the Government should gradually buy out all the tunnels, including the Tai Lam Tunnel and Route 3. The Democratic Party thinks that, Route 3 has not fulfilled its functions as a major trunk road, nor has it diverted the traffic flow effectively from Tuen Mun Road.

As we all know, the low utilization rate of Route 3 is attributable to its high tolls. Insofar as a motorist is concerned, if he has to choose between Tuen Mun Road and Route 3, he would definitely opt for the former unless he is in a hurry.

The commissioning of the HK-SWC will undoubtedly bring about extra traffic flow. Although the purpose of constructing the Easterly Link Road is to connect the DBL and Route 3 for the purpose of providing motorists with an

easier access to Route 3, we worry that the toll-free HK-SWC will attract a large number of Hong Kong/Mainland vehicles into using it to travel direct between Shekou and Guangdong Province. Therefore, after the opening of the HK-SWC, it is anticipated that the traffic volume will rise to 80 000 vehicle trips per day in 2016. Even in the initial period after commissioning, the daily figure will already reach 30 000 vehicle trips.

Madam President, right now the daily traffic volume of Tuen Mun Road has reached 110 000 vehicle trips. The Government has estimated that with the commissioning of the HK-SWC and DBL, the volume/capacity ratio of the key expressway section of Tuen Mun Road (that is, Sham Tseng section) during the peak hours will increase to 1.19 from 1.1 in 2002, whereas the traffic volume at the town centre section of Tuen Mun Road will increase by 10% to 15%. Please do not forget that the Government has a track record of making inaccurate estimates with great discrepancies in the past on the traffic volume of newly-built routes as compared to what actually happened in reality. Therefore, we believe the Government might have underestimated the number of users of the new corridor who will be using Tuen Mun Road, and likewise, it might have overestimated the number of such users who will be using Route 3.

Of course, if the Government could successfully buy out the ownership of Route 3, it will solve the tough traffic problem in Northwest New Territories to a great extent. Yet, the Government has indicated on several occasions that it would not spend any substantial amount of public fund on buying out the ownership of Route 3. Although the buy-out option was advocated by the Democratic Party, as the Government now has rejected the idea categorically, we have to consider other feasible options in a pragmatic manner. Furthermore, no timeframe has been mentioned in the original motion. We believe Mrs Selina CHOW knows fairly well that we are talking about a colossal asset as well as the use of public funds, for which negotiations are bound to be lengthy, and nobody could expect to reach an agreement within a short period of time. With the imminent commissioning of the HK-SWC, we believe residents of Northwest New Territories would not be able to put up with such lengthy and never-ending negotiations. They would certainly go ahead seeking alternative solutions without waiting until the influx of vehicles has reached the town centre of Tuen Mun.

To Members who have moved the motion and the amendments, I hope they would respect the views of the District Council. The Tuen Mun District Council (TMDC) has kept an interest in this issue for many years. With regard to the building of transport networks to address the imminent traffic problem, the TMDC has passed only two motions, namely the construction of the northern section of Route 10, and the widening of the expressway section of Tuen Mun Road to a dual four-lane carriageway. Other options like making use of the Tuen Mun Eastern Bypass to alleviate the traffic on the Siu Hong section of Tuen Mun Road and that in the town centre have failed to secure the endorsement of the TMDC. Therefore, with regard to the Tuen Mun Eastern Bypass proposal mentioned in Mr CHEUNG Hok-ming's amendment, the Democratic Party will not support it.

Having considered the feasibility of the various options as well as the opinions of the TMDC, I have proposed an amendment to the effect that, if no agreement over the buying-out can be reached within half a year, the Government should expeditiously implement the construction of the northern section of Route 10 or widening Tuen Mun Road to a four-lane carriageway.

Since the implementation of the construction of the HK-SWC, the Democratic Party has all along advocated the construction of the northern section of Route 10. Unfortunately, when the Government submitted the funding application for conducting detailed studies on this section of the Route, this proposal was negated by the Finance Committee of the Legislative Council. We believe that after the commissioning of the HK-SWC, all of us will have to shoulder the bad consequences of voting down the project them.

The Democratic Party holds that since the option of buying out the ownership of Route 3 is now an ideal far too distant from us, the construction of the northern section of Route 10 has become the most practicable solution now. If we assume that there is no need for building Route 10 simply because there is still spare capacity on Route 3, we have made a very serious mistake in thinking this way.

Madam President, according to the conception of the Government, the northern section of Route 10 will extend from So Kwun Wat to the Yuen Long Highway. The project involves the building of a 4.5 km dual three-lane

carriageway from So Kwun Wat to the section of the Yuen Long Highway near Lam Tei, of which there will be a 4-km Lam Tei Tunnel, which is a dual three-lane carriageway. There will also be a toll plaza located at the Lam Tei Quarry, as well as interchanges to connect to other important passages. The northern section of Route 10 will be the fourth passage connecting the north to the south, apart from Route 3 (Country Park Section), Tuen Mun Road and the Tolo Highway.

Given the rapid development in cross-boundary traffic, the need for building Route 10 has become increasingly keen. With the completion of the HK-SWC and DBL, the aggregate traffic volume of the four boundary crossings will be approximately 65 000 vehicle trips per day. This number will increase to 83 000 vehicle trips by 2010-11. What we have to consider is that we need to build more infrastructure facilities so as to put us in a better position to cope with the demands for cross-boundary transportation, which is being suppressed right now. Therefore, we stress that we must construct Route 10 in order to alleviate the traffic pressure in future.

In particular, I would like to remind Honourable colleagues belonging to the DAB that a paper on Tuen Mun Western Bypass and Chek Lap Kok Link had been tabled in the District Council by the DAB's District Council members in Tuen Mun. We do not oppose the construction of the Chek Lap Kok Link, but the Democratic Party had conveyed our view in the TMDC, that the Tuen Mun Western Bypass and the Chek Lap Kok Link are no substitute for Route 10, and this view has been widely accepted in the TMDC too. In this connection, the DAB's District Council members had joined us in fighting for the construction of both these two roads, instead of choosing either one of the two options. I hope the DAB can respect the aspirations of the District Council members of their own party.

Besides, we also think that widening the Tuen Mun Road to a four-lane carriageway is a feasible option. According to the study conducted by the Government, widening the road into a four-lane carriageway is absolutely feasible. Although the project will lead to higher costs, but among all the various options, the four-lane carriageway option is the quickest option that can improve traffic at Tuen Mun Road.

With these remarks, I propose the amendment. Thank you.

MR ANDREW CHENG (in Cantonese): Madam President, after the Government had developed the new town of Tuen Mun many years ago, the traffic problem of New Territories West has all along remained a time bomb in the transport system of Hong Kong. For many years, many experts have pointed out that there are problems with the original design of Tuen Mun Road. Therefore, traffic accidents are frequent on Tuen Mun Road. And whenever a traffic accident occurs on Tuen Mun Road, traffic congestion will follow as a matter of course. With the completion of Route 3, the Government has hoped that it could play a role in diverting some of the traffic flow from Tuen Mun Road. However, its high tolls have deterred many motorists from using it. Therefore, insofar as New Territories West is concerned, each of these two roads stretching from the North to the South has respective inherent factors preventing them from giving full play to their functions.

Mr WONG Kwok-hing's amendment mentions the expeditious completion of the extension of Tuen Mun Road. We support this proposal. However, with regard to the overall planning of roads, we hope that the expressway section of Tuen Mun Road can be further widened to become a four-lane carriageway.

The present extension project can only cope with short-term needs. The Government believes that after implementing this project and some matching road works at Tuen Mun Centre, together with the construction of the Easterly Link Road which mainly caters to the needs of Route 3, the extra traffic flow brought about by the commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) can be solved. However, we are always doubtful of the Government's assumptions and estimates are often substantially different from the reality. The Government says that Route 3 and the remaining capacity of Tuen Mun Road should be adequate to cope with the additional demand generated by the commissioning of the HK-SWC. However, the Government's assumption is based on the belief that motorists are willing to use Route 3 after the Easterly Link Road has been completed. But it remains doubtful whether motorists are really prepared to use Route 3.

Madam President, the critical factor attributable to the low traffic flow of Route 3 is its excessively high tolls. As long as this issue is not solved fundamentally, it is dangerous for us to overestimate the effectiveness of Route 3 in diverting the traffic from Tuen Mun Road.

Last year, the Government conducted a review of the infrastructure of the northwestern part of the New Territories, and put forward many different proposals. Among the proposed packages, the four-lane carriageway of Tuen Mun Road is considered a long-term proposal, but still it will not be completed until 2017 or even later.

We think that since widening the expressway section of Tuen Mun Road to a four-lane carriageway is a quicker and technically possible proposal, and the widening works of Tuen Mun Road can commence as soon as the Legislative Council has endorsed it, why can the four-lane road widening project not be considered when the extension project of Tuen Mun Road is being implemented?

Madam President, other amendments proposed by Mr WONG Kwok-hing are mainly related to the railway. We agree that since the Government has adopted a transport strategy with emphasis on the railways, the Northern Link project should be implemented as soon as possible. We think that building the Northern Link will not only help divert the passenger flow from the East Rail, it will also become another major cross-boundary trunk line linking the northwestern part of the New Territories, Kowloon and even Hong Kong Island.

Of course, after the completion of the railway project, the people will then be most concerned about the train fares. Now the highest fare charged by the East Rail for a trip to Lo Wu is about \$30. Although there is still a long period of time before the completion of the Northern Link, if the fares charged for travelling from Kowloon South by West Rail via the Northern Link to Lo Wu or Lok Ma Chau is more expensive than East Rail's cross-boundary route, it would definitely be very unreasonable. Besides, in order to attract more passengers to use the West Rail and the Northern Link, consideration must be given to the provision of fare concessions, so as to give the people more attractive options in cross-boundary travel, and to divert passenger flow more effectively between the East Rail and West Rail.

With these remarks, Madam President, I propose this amendment.

MR ALBERT CHAN (in Cantonese): President, traffic congestion has been plaguing Tuen Mun Road for more than 20 years since the 1980s. It is thus a topic of social concern. Over the years, due to the concern expressed by the various sectors in society, the Government has indeed carried out several

improvement projects, including the construction of Route 3 and the widening of Castle Peak Road. And, the widening of certain sections of Tuen Mun Road has already been completed. Some sections, notably the up-slope section, have already been widened to a four-lane carriageway. Recently, the authorities have also completed the study and review of widening Tuen Mun Road. But it is a pity that the study falls short of deciding to widen the whole expressway section of Tuen Mun Road to a four-lane carriageway. This is a fly in the ointment.

President, this motion is the third one in today's Legislative Council meeting. The first two motions did not lead to any major arguments because Members unanimously supported the motion on domestic violence and the other one. But when it comes to the development of road networks in Northwest New Territories, especially the construction of Route 10, there have been many heated arguments in this Chamber. I do not know whether the mover of the original motion today is really concerned about the traffic problems in Northwest New Territories, nor do I know whether she is just shedding crocodile tears. If she is really concerned about these problems, why did she veto the funding application for Route 10 years back? At long last, the Government eventually completed the planning work, submitted the required financial documents to the Legislative Council and sought its funding approval, in the hope that it could launch this major project, the Route 10 project, for Northwest New Territories, in the hope that after the completion of the Deep Bay Link (DBL), the residents of Northwest New Territories could have a direct and smooth corridor leading to every place in the territory, to the urban areas.

But the mover of the original motion, the Members who put forward their amendments and the political parties concerned were all the very ones who so adamantly opposed the Government's funding application years back. Their opposition eventually led to the vetoing of this support facility that might otherwise improve the traffic situation in Northwest New Territories. But today, the very same Member is urging the Government to make improvements. This is really a big irony. Should the interests of a consortium supersede those of all Hong Kong people? Should the interests of a consortium and its operating franchise of a trunk route supersede the interests of nearly 2 million residents in Northwest New Territories? This is a tragedy for this legislature, and such an irony will certainly repeat itself in the course of history. But all these people still have the face to pretend to be so righteous, as if they were really fighting for residents' interests.

I do not know whether the Secretary will make any sarcastic comments on such a phenomenon in this legislature when she speaks later on. The Government may deliver an impassioned speech, saying that since its plan of constructing Route 10 was not approved by you people in this legislature, the Government should have nothing to do with the problem of traffic congestion; it is Members' negligence that causes the congestion problem. I think the Government can play a righteous role today and criticize the Legislative Council for all its incompetence and negligence, which will cause the emergence of traffic congestion.

President, last year, the Government submitted a detailed paper to the relevant panel of the Legislative Council. Many proposals of Members were written into this paper, which is entitled "Northwest New Territories Traffic and Infrastructure Review 2004". At the meeting of the Panel on Transport held on 18 March 2005, thorough discussions on this paper were conducted. Things such as the Northern Link, Tuen Mun Eastern Bypass, Tuen Mun Western Bypass and Tuen Mun-Chek Lap Kok Link were also clearly listed in this paper. This paper set out tentatively but in very clear terms the timetable and expenditure concerned, estimating that the population in Northwest New Territories would increase to 1.4 million and the expenditure on road construction would exceed \$30 billion. But in regard to the expected dates of completion of the relevant projects, the paper pointed out that many of these projects could not be implemented until after 2022 or 2023. I am utterly disappointed at this timetable and I have repeatedly reminded the Government that infrastructure development is closely related to people's interests, adding that such projects will not only affect the interests of Hong Kong itself but also Hong Kong's connection with the entire Pearl River Delta (PRD).

With respect to the motion today, I believe Members will very much hope that the Government can expeditiously make improvements and implement the projects concerned. Which plan will be most cost-effective in easing the problem? Many different schemes were set out in the Government's consultation paper — Packages A, B, C and D. I think the projects that should be implemented as soon as possible in the short term are the Tuen Mun Eastern Bypass and Tuen Mun Western Bypass because they are deemed necessary in terms of feasibility and actual needs. And, the Tuen Mun-Chek Lap Kok Link is another major and necessary project. Of all the amendments to the motion, Mr CHEUNG Hok-ming's amendment is comparatively more in line with the proposals in the Government's consultation paper. The only thing I cannot

accept is the proposal on lengthening the consortium's operating franchise pertaining to Route 3. The reason is that once the franchise is lengthened, people's suffering will also be lengthened. And, lengthening the franchise will necessitate negotiations with the consortium on many financial arrangements. Every time when such negotiations are held, the Government will suffer losses. I do not want the Government to suffer such bitter experience again, and I do not want it to make any more mistakes in the negotiations either. When all this happens, there will be blatant transfer of benefits to consortiums again and people's suffering will continue to increase. Therefore, I maintain that if there can be no satisfactory outcome, we should go ahead with acquisition. If the attempt of acquisition fails, other projects should be launched as soon as possible, so as to improve the overall traffic situation in Northwest New Territories and our connection with the PRD. I hope that the proposals concerned can be implemented as early as possible. Thank you, President.

MR LEE WING-TAT (in Cantonese): President, Mr Albert CHAN has discussed Route 10 earlier on, and I would like to state explicitly that the project also has our support. Although Mr Albert CHAN did not specify which political parties had opposed the project, Members belonging to such parties may stand up and clarify their stances. Since we have already indicated our support, so only two remaining parties have to speak up to explain their stances.

Insofar as the traffic problems of Tuen Mun are concerned, the Government had proposed in the past to construct Route 10, to which we agreed. Regrettably, the proposal was negatived. At that time, we had not been able to secure enough votes, and the proposal was eventually not endorsed. Members may of course propose other solutions, but for the sake of discussion, I will focus on the two options, namely, the construction of the northern section of Route 10 and the Chek Lap Kok Tunnel.

From our point of view, we can have two considerations. One is to take both options, the other is to choose one of the two options. In our opinion, if we have to choose either one of the two options, that is to say, if we have to choose either the construction of the northern section of Route 10 or the Chek Lap Kok Tunnel, we are inclined to support the former for a number of reasons. First, the construction of the northern section of Route 10 is less costly. According to the information provided by the Bureau, the construction of both the northern and southern sections of Route 10 costs \$13.5 billion, whereas that

for the Tuen Mun Western Bypass and the Chek Lap Kok Tunnel costs \$16.4 billion, which is a more costly option.

Secondly, we believe the construction of Route 10 would be more effective in diverting the traffic flow in New Territories West. According to the information provided by the Bureau, assessment studies indicate that over the very long term (that is, up to the year 2025), the construction of Route 10, coupled with the construction of new roads on Lantau Island, would be the most effective way of alleviating the traffic flow on Tuen Mun Road. However, if we adopt the option of the Chek Lap Kok Tunnel only, we would not have this benefit. Even if we take into account that new roads will be built on Lantau, it will not achieve very good effects in alleviating the saturated traffic flow on Tuen Mun Road.

Besides, the tolls for using the Chek Lap Kok Tunnel would be higher than that of Route 10. Assuming that both roads will be built using public funds and are therefore subject to the levy of a charge — I think generally speaking tolls will be levied — so unless it is absolutely necessary for one to go to Lantau Island, otherwise no vehicle will use the Chek Lap Kok Tunnel, because in that case a motorist will have to pay twice, one for using the Chek Lap Kok Tunnel, and the other for using the Lantau Link. Although motorists using Route 10 might be subject to a toll for the use of Lam Tei Tunnel as well, they should find it more attractive, because it is connected directly to the Hong Kong-Shenzhen Western Corridor (HK-SWC). This is similar to the case of the Lion Rock Tunnel. Although motorists have to pay \$6 for using the tunnel, many motorists would still travel via the tunnel instead of using Tai Po Road, which is free of charge. The critical point is whether the tolls for public tunnels are set at a level acceptable to members of the public.

Another issue we have to discuss is that, according to some recent press reports, it seems that a wet blanket has been thrown on the Secretary over the Hong Kong-Zhuhai-Macao Bridge (HZMB) project. This is because some Chinese officials had made certain negative remarks about the project, and there was an impression that the project was still dangling in the air. No specific timetable appeared to have been fixed for the project either. At any rate, even if the HZMB and Container Terminal 10 were built on Lantau, I think a large proportion of vehicles using the HK-SWC will continue to commute between China and the urban area of Hong Kong, particularly Kwai Chung. The Chek Lap Kok Tunnel is in fact designed specifically for vehicles heading for Lantau,

which has no appeal to vehicles heading for the urban area. Therefore, this option is much less capable of diverting the traffic flow from Tuen Mun Road. Given that this is a costly option which is not capable of diverting the traffic flow in Northwest New Territories, the Democratic Party has great reservations about this proposal.

If we have to choose one of the two options and this is because we do not have an unlimited supply of money we would certainly like to implement all of projects A, B, C, D in the diagram but the Secretary knows it too if projects A, B, C, D were all implemented, it will add up to over \$100 billion. But society simply cannot afford this. Therefore, the Democratic Party believes that if we really have to make a choice, we would prefer to adopt the option of constructing the northern section of Route 10, instead of the Chek Lap Kok Tunnel option.

Of course, if we could have the best of both worlds, if the Government is financially capable, and if the Secretary manages to get the funding, we will certainly not oppose having both projects carried out at the same time. If this should be the case, then the Northern section of Route 10 and the Chek Lap Kok Tunnel will each serve their own functions. Simply put, the Chek Lap Kok Tunnel will replace the southern section of Route 10. With regard to the option of replacing the southern section of Route 10, the Democratic Party has put forward a proposal on building a link from So Kwun Wat to Sunny Bay Link Road. The Democratic Party remains open-minded over this option.

The Democratic Party has strong reservations about building Tuen Mun Eastern Bypass because its location will be very close to the residential premises of the people. It will also be very close to the location halfway between the MacLehose Trail and Tuen Mun Trail. It will definitely arouse great opposition from many local residents, thereby causing extended delay to the entire project.

President, lastly, I would like to mention one point, that is, I hope Honourable colleagues from the DAB can recall that, District Council members belonging to the DAB had also indicated support for the construction of Route 10 as well as the concurrent construction of both these two roads, instead of choosing either one. However, I find it strange to note that, in Mr CHEUNG Hok-ming's amendment, it seems the northern section of Route 10 has been

deliberately omitted. I do not know whether such an omission is deliberate or not, but such a proposed project did have the support of the DAB's District Council members in Tuen Mun.

Thank you, President.

MR JEFFREY LAM (in Cantonese): Madam President, we can see that there have been increasing contacts and exchanges between Hong Kong and the different provinces in the Pan-Pearl River Delta (PRD) Region. Likewise, the demand for cross-boundary transportation has also kept growing. The traffic flows at the three existing vehicular boundary crossings have reached the capacity already. So everyone hopes to see that the Hong Kong-Shenzhen Western Corridor (HK-SWC) can be commissioned as soon as possible, and that would boost the cross-boundary capacity by twofold. In addition, the co-location of immigration and customs clearance will be implemented at the HK-SWC boundary crossing, which will draw Hong Kong closer to many of the cities of the PRD Region such as Dongguan, Guangzhou and Foshan, and so on, where many Hong Kong businessmen have investments in. The closer link between Hong Kong and such cities will promote smoother cargo flows, passenger flows and the development of the logistics industry, and it will entrench Hong Kong's position as the major economic hub of the region. According to the Government's estimation, during the initial period of opening of the HK-SWC, the traffic volume will amount to 31 000 vehicle trips per day, and the figure will rise to 60 000 vehicle trips in 10 years. However, while the traffic volume witnesses substantial increases, we are also very concerned about problems arising from the traffic congestion in Northwest New Territories as well as the overall co-ordination of the link road networks.

Madam President, in future, vehicles coming to Hong Kong from the HK-SWC may either travel by way of Tuen Mun Road or Route 3. However, as Route 3 is tollable, it is not exactly an inexpensive option for vehicles that have to travel to and from the Mainland frequently. In addition, the fuel costs have been rising incessantly in recent years, so at present, most drivers say that they would prefer the toll-free Tuen Mun Road.

However, the daily traffic volume at Tuen Mun Road has already reached 80% of its capacity now. The vehicles are running at an obviously slower

speed at peak hours than the off-peak hours, if there are really any off-peak hours. Whenever an accident occurs, a severe traffic congestion of up to three or four hours will follow. In future, after the commissioning of the HK-SWC, we estimate that if three quarters of the 31 000 vehicles coming to Hong Kong opt for Tuen Mun Road, the traffic load will exceed the capacity of Tuen Mun Road. Vehicles intending to enter Tuen Mun Road will have to wait in long lines on nearby access roads. This will lead to similar traffic congestion in the road networks of both Tuen Mun and Yuen Long.

As a common saying goes, "Make hay while the sun shines." Since we can predict that the HK-SWC will further aggravate the traffic congestion at Tuen Mun Road, we must make some advance preparations. Although the Government has said that it will widen certain sections of Tuen Mun Road in order to cope with the commissioning of the HK-SWC at the end of the year, some bottlenecks will emerge at certain sections of Tuen Mun Road and other link roads. So this is not a problem that can be solved completely by the widening of Tuen Mun Road. Now there is less than one year before the commissioning of the HK-SWC, any road widening or building plans will not be able to solve all the problems in time ahead of the commissioning of the HK-SWC.

In view of the low utilization rate of Route 3, I think if only the Government can divert part of the traffic load to Route 3, then we can effectively and speedily solve the traffic congestion problem caused by the commissioning of the HK-SWC. Therefore, I think it is the right time now for the Government to negotiate with the Route 3 company to identify various proposals such as buying out the ownership of Route 3 at a reasonable price, or extending the franchise period of operating Route 3 and formulating ways of lowering the existing tolls, and so on.

Mrs Selina CHOW's original motion proposes that the Government should buy out the ownership of Route 3 at a reasonable price and open it up for use by motorists. I support this proposal. In order to arrive at a reasonable price, I think such factors as the construction costs, return rate and number of years left in the franchise period must be taken into consideration.

Apart from buying out the ownership of Route 3, I think extending its franchise period is also an option worthy of our consideration. There are less

than 20 years left in the original franchise period. I think, while respecting the contractual spirit, the Government should make the suggestion of extending the franchise period, in exchange for adding a specific clause to require the operator of Route 3 to provide users of the road with concessions or reduced tolls. This course of action can on the one hand alleviate the operator's pressure in recovering their costs expeditiously, and on the other, attract more vehicles to use Route 3, so that it can ease the traffic congestion and divert the traffic load from Tuen Mun Road, thereby making the optimal use of social resources.

I believe the buying-out proposal or the extension of the franchise period to encourage the Route 3 operator to provide concessions to motorists are all-win options that will improve the traffic conditions of Northwest New Territories.

In the long run, we must implement planning for new networks of roads, so as to cope with the ever-rising demands and developments. However, all these must be carried out with detailed studies to ensure that they are cost-effective and be able to pass environmental impact assessments, so as to minimize the disturbances caused to the nearby environment and residents. With well connected road networks, we should be able to further strengthen the links between Hong Kong and the Mainland. Through more direct and speedy networks, we can establish good connections between the airports and ports of Hong Kong and the PRD Region, so that the shipping and logistics industries can become more efficient and more competitive, thus further strengthening Hong Kong's position.

Madam President, I so submit.

MR LAU WONG-FAT (in Cantonese): Madam President, the traffic arrangements in the western and northwestern parts of the New Territories have always been an issue of great concern to residents of the district. Being the chairman of the Tuen Mun District Council and a representative of the District Council constituency, I fully appreciate the concern of the residents over the serious traffic congestions that may occur on Tuen Mun Road upon the commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) and the Deep Bay Link. In fact, many years ago, the Tuen Mun District Board had asked the Government to widen Tuen Mun Road into a dual four-lane carriageway, but the Government insisted that Tuen Mun Road had enough

vehicular capacity to cope with the traffic and decided to maintain the dual three-lane carriageway currently in use.

The Shenzhen section of the HK-SWC begins at Nanshan district, where lies the biggest logistics park in Shenzhen — Shenzhen Qianhaiwan Marine Logistics Park. With the opening of the HK-SWC, many heavy vehicles which used to pass through the Lok Ma Chau crossing will be using the HK-SWC instead. Coupled with the fact that the new corridor would attract even more traffic into Hong Kong, it would exert an additional burden on the traffic load of the western and northwestern parts of the New Territories. In last December, the Highways Department estimated that, during the initial period of opening of the HK-SWC, there would be an additional traffic flow of 31 000 vehicle trips per day. However, as the interchange connecting the HK-SWC to the Deep Bay Link (DBL) is located at Lam Tei, it is believed that most of the vehicles travelling from the HK-SWC would take Tuen Mun Road instead of Route 3, because the latter would incur additional fuel cost due to the longer travelling distance, and the use of which requires the payment of a toll as well.

On the other hand, even the Director of Highways Department, Mr MAK Chai-kwong, admitted on 26 October 2005 that, with the commissioning of the HK-SWC, improvement works had to be undertaken at certain road junctions in a section of Tuen Mun Road near the town centre, where a bottleneck might emerge. What is most worrying to us is that such improvement works have not been commenced yet at certain sections of the road. Meanwhile, works for the Yau Kom Tau section and the Sham Tseng section, both of which are "bottlenecks", are still at the planning stage.

Although the Government is expecting an immense increase in traffic flow, it is only willing to adopt patch-up measures but are unwilling to respond positively to the suggestions made by the District Council, academics and experts. Their suggestions include the expeditious widening of Tuen Mun Road into a dual four-lane carriageway, building tunnels in Tuen Mun town centre, buying out Route 3, and constructing the Tuen Mun Western Bypass, and so on.

In comparison, the traffic improvement measures proposed by the Government, such as widening the section of Tuen Mun Road near Tsing Tin Interchange, appear to be impractical ideas arising out of a lack of understanding of local circumstances. This is because the abovementioned road section is not

suitable for use by heavy vehicles in the first place; furthermore, the Light Rail Transit (LRT) has the priority in using the LRT interchange. Given the circumstances, traffic congestions will occur and undesirable situations, such as ambulances being hindered from going to Tuen Mun Hospital, may take place as well.

In a number of papers the Administration submitted to this Council, the utilization rate of Tuen Mun Road in 2004 was 120 000 vehicle trips per day. On the other hand, less than 50 000 vehicles used Route 3 which can accommodate a daily traffic flow of 118 000 vehicles. In order to make full use of the existing road networks, the Government should consider buying out Route 3 at a reasonable price and opening it up for free use by motorists for the purpose of diverting the traffic flow from Tuen Mun Road.

According to the analysis of Dr SO Wai-man, Associate Professor of the Department of Finance of The Chinese University of Hong Kong, there are two ways of calculating the buy-out price, namely, on a per annual net receipt basis, or on a basis of 15% internal rate of return. The acquisition price should be between \$11 billion and \$16 billion. When this is compared to the three proposals of long-term traffic arrangements for the western and northwestern parts of the New Territories as put forward in the "Northwest New Territories Traffic and Infrastructure Review 2004" by the Environment, Transport and Works Bureau submitted to the Panel on Transport on 18 March 2005, namely, to provide a more direct link between Northwest New Territories and Northwest Lantau, one extra traffic lane at Tuen Mun Road, and an additional two to three traffic lanes between Northwest New Territories and the main urban area, the least costly of the three options would require \$36.3 billion. Therefore, buying out Route 3 will certainly be a less costly and quicker option than building a new traffic network.

On the other hand, the DBL and the Easterly Link Road of Route 3 can effectively divert the traffic from the HK-SWC to the road network in the east, so that after exiting the DBL, vehicles will be able to travel direct to Route 3 without first passing through Lam Tei Interchange and Yuen Long Highway. Evidently, the construction of the Easterly Link Road is also necessary.

Madam President, the Government always says that we have to be alert to the challenges that lay ahead though everything seems to be fine at the moment.

Right now a crisis is in the making. Will the Government act promptly and prevent the crisis from taking place and resume normal order in a timely fashion; or will the Government react only after the crisis has erupted, when lessons have to be learnt and remedies have to be taken? If the latter option is taken, then the Government's grand aspiration of strong governance for the people

PRESIDENT (in Cantonese): Mr LAU Wong-fat, your speaking time is up.

MR LAU WONG-FAT (in Cantonese):might fail to materialize again.

MR ANDREW LEUNG (in Cantonese): Madam President, according to a survey conducted by the Federation of Hong Kong Industries in 2002, there were approximately 70 000 to 80 000 Hong Kong enterprises operating factories in the Mainland. Every year, these companies bring about significant export and re-export turnovers for Hong Kong, which have contributed significantly to Hong Kong's economic development.

In order to maintain Hong Kong's competitive edge in import, export and re-export, we must have the support of a mature and efficient transportation network. In this regard, developing a good traffic network between Hong Kong and the Mainland and maintaining the free flow of passengers, goods and cargoes in Hong Kong is conducive to the general economic development of Hong Kong.

There can be no denying that the logistics costs are higher in Hong Kong when compared to those in the Mainland, and this has greatly undermined Hong Kong's status as a leading shipping centre of the world. In spite of this, the container terminals of Hong Kong still handled 22 million TEUs last year to rank itself the second busiest port in the world. Therefore, increasing the efficiency in cross-boundary cargo transport will be a major step in strengthening Hong Kong's status as a logistics centre. In order to achieve this goal, it is imperative that traffic arrangements in the western and northwestern parts of the New Territories should be improved expeditiously. This is made even more apparent, given the impending commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) next year, the maximum capacity of which is estimated to reach 80 000 vehicle trips per day; and the implementation of

co-location arrangements at Shenzhen Bay Port control point, which, together, will greatly increase the number of passengers as well as the volume of cargoes passing through the western and northwestern parts of the New Territories.

All these should have been encouraging developments to the logistics industry. However, on second thought, we wonder if our traffic networks, Tuen Mun Road in particular, will be able to withstand the pressure created by a sudden influx of vehicles? Right now no measures have been taken by the Government to divert the traffic flow to Route 3 and Tuen Mun Road respectively. Most of the goods passing through the various control points to reach Hong Kong are transported to Hong Kong's container terminals or to the airport direct. Due to the higher cost for using Route 3, the majority of goods passing through the HK-SWC to reach Hong Kong would take Tuen Mun Road to gain access to the container terminals, thereby exerting a certain degree of pressure on Tuen Mun Road. In the event of a major traffic congestion at Tuen Mun Road, the goods on transit to Hong Kong will not be able to "pass through freely", which will have a serious impact on the logistics industry and the general economic development of Hong Kong. Furthermore, traffic congestions will cause great nuisance and inconvenience to the residents living in the western and northwestern parts of the New Territories.

On the other hand, in handling goods that are transported to the airport on land, particularly goods that have to be handled in a timely fashion, Hong Kong's quality air cargo service does enjoy a very good competitive edge. In January this year alone, the air cargo throughput recorded a 10.5% increase as compared to the corresponding period of last year. This reflects the competitive edge of our air cargo service. The proposed logistics park to be located on Lantau will benefit from the comprehensive inter-connection of the Deep Bay border crossing, Tuen Mun Western Bypass, Tuen Mun to Chek Lap Kok Link, as well as the Hong Kong-Zhuhai-Macao Bridge. Prospective air cargoes which make their way to Hong Kong through the HK-SWC will have to pass through Tuen Mun as well. Therefore, it is imperative for the Hong Kong Government to address the problems resulting from the heavy traffic load of the district with a view to enhancing the efficiency of land and air transport of Hong Kong.

We have to know that at least 60 000 job opportunities are directly related to the logistics industry, which is a major pillar of the economy of Hong Kong. Given a double-barrelled approach of increasing the efficiency of transportation

and reducing transportation cost, it is believed that the logistics industry could sustain development in the long run. In order to pursue the development of the logistics industry and to consolidate Hong Kong's global status as a logistics hub, the Government must adopt a proactive approach in providing comprehensive support in transportation, and to address the traffic overload problems in the western and northwestern parts of the New Territories, which are caused by the commissioning of the HK-SWC.

In the long run, it would be necessary for Hong Kong to develop an eastern corridor connecting Liantang control point for purposes of diverting passenger and cargo flows, so as to avoid the occurrence of traffic congestion caused by the over-reliance on any particular road or route, which could adversely affect the activities of the commercial and industrial sectors or even the overall economic activities.

Madam President, with the impending commissioning of the HK-SWC, there is a pressing need to improve the traffic flow in the western and northwestern parts of the New Territories. In order to prevent a traffic standstill from occurring in the western and northwestern parts of the New Territories which may be caused by cross-boundary traffic congestions, the authorities must formulate corresponding strategies as soon as possible so as to alleviate the worsening traffic congestion problem in the district.

I so submit.

MS MIRIAM LAU (in Cantonese): Madam President, the commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) is looming near. Although it is good news to the logistics industry, it could be the beginning of a nightmare for the people — especially to residents of Northwest New Territories.

The Shenzhen section of the HK-SWC starts at the Nanshan District, whereas the largest logistics park of Shenzhen, the Shenzhen Qianhaiwan Marine Logistics Park, is close to such western ports as Shekou, Chiwan and Mawan, and so on, and from the logistics park, one can travel to the Baoan Airport in Shenzhen by taking a 15-minute journey by car. So after the commissioning of the HK-SWC, the district will develop into a logistics hub with land, air and sea transport connections, and all such conditions will substantially attract

cross-boundary trucks, which used to use the Lok Ma Chau crossing, to use the HK-SWC.

The transport industry has warned that, since the three existing border crossings of Hong Kong are already very congested, it is estimated that 40% of the cross-boundary trucks will switch to the HK-SWC in crossing the border. Furthermore, since the interchange connecting the HK-SWC to the Deep Bay Link is located at Lam Tei, which is closer to Tuen Mun Road than Route 3, it is believed that most of the cross-boundary trucks travelling to and from the HK-SWC will opt for Tuen Mun Road, instead of Route 3 which will entail a longer travelling distance, higher fuel costs and a toll.

The Government estimates that during the initial period after the commissioning of the HK-SWC, the daily vehicular traffic on Tuen Mun Road will only increase slightly by 6 000 vehicle trips, and the volume/capacity ratio (v/c ratio) during the peak hours will increase from 1.1 in 2001 to about 1.19, which shows that the level of congestion is still under control. In the meantime, the Government predicts that people in the transportation industry may prefer to take the tollable Route 3 in a bid to avoid traffic congestion so as to make it possible for them to run one or two extra trips in a day.

However, this is just the wishful thinking on the part of the Government. The drivers may also hope to run one or two extra trips, or even three or four extra trips in a day. But under the present business environment, the drivers can only run one single trip per day. And it is exactly because of the difficult business situation that the competition among the different transportation companies is very keen. And as such, the transportation companies have to exercise very strict cost control, and they would try to save as much as possible. That explains why many transportation companies have instructed their drivers that they must take the toll-free roads.

With regard to the v/c ratio of Tuen Mun which may increase to only 1.19 during the peak hours, a figure slightly lower than the 1.2 mark which shows serious congestion, the Government is suspected to have magically tampered this ratio, at least the suspicion is justified in this regard because people will ask: Why is the ratio increased to 1.19, such an odd figure? However, after all, the traffic congestion on Tuen Mun Road now is already serious. If this situation is aggravated by the expected massive influx of trucks and other vehicles upon the

commissioning of the HK-SWC, the extra traffic volume may far exceed the Government's estimation of an increase of only 6 000 vehicle trips. The authorities should face the situation squarely, instead of simply adopting the v/c ratio of 1.19 in its assessment, nor should it base its consideration on its own wishful thinking that the possibility of running some extra trips for the drivers will divert some of the vehicles to Route 3.

With the commissioning of the Western Corridor looming near, it has become imperative for us to solve the imminent traffic congestion problem on Tuen Mun Road. The problem before us is: On the one hand, we have Tuen Mun Road which is frequently plagued by traffic congestions; and on the other, we have Route 3 which is under-utilized and exceptionally smooth. It is evident that Route 3, an item of public resources, has not been utilized optimally. The Government has the responsibility to make sure that all the transport infrastructural facilities should give full play to their maximum effectiveness, so as to enable vehicles travelling to and from the HK-SWC to be diverted to various major trunk roads in Hong Kong. Today, many Honourable colleagues have brought up the old scores in respect of Route 10, saying that those Honourable colleagues not supporting the construction of Route 10 then should be held responsible for the occurrence of any major traffic congestions in future. I wish to point out that, when the construction of Route 10 was brought up for discussion at that time, the earliest date of its completion was 2010, whereas the date of completion of the HK-SWC was 2006, that is, this year. In other words, there would be a time gap of four years, during which, if no solution is forthcoming, no other alleviating measures can be identified, then the congestion on Tuen Mun Road would become extremely serious. By then, both the logistics industry and the trucking industry will also find the congestion a major problem, which must be tackled by making use of the existing facilities as far as possible. As for Route 10, it is just like some water in a distant river which cannot be used for putting out a fire right before us. Of course, whether Route 10 should be constructed in future is an issue that can be addressed later. At present, no one would oppose the construction of Route 10 in future. However, we must first tackle the massive influx of vehicles and the subsequent traffic congestions that will occur upon the commissioning of the HK-SWC. The Government must expeditiously make use of the existing facilities to solve this problem.

In Mrs Selina CHOW's original motion, apart from the suggestion of buying out the ownership of Route 3, some other suggestions have been made

such as lowering the existing tolls of Route 3 to attract more vehicles to use this major trunk road. However, even if we have such facilities, even if we could successfully buy out the ownership of Route 3, we still need to construct an Easterly Link Road between the Deep Bay Link and Route 3. Only by constructing this link road can we encourage more motorists to drive from the Deep Bay Link to Route 3 through Yuen Long Highway. This will help foster a smoother flow of vehicles using Route 3. However, the Government insists that unless the operator of Route 3 is willing to lower the existing tolls, it does not make much economic sense to construct that link road. But the Government's attitude is tantamount to shifting the responsibility of alleviating the traffic congestion to an individual private company. This is really unreasonable. Therefore, I very much hope that the Government can continue discussing the issue with the private company, and as far as I know, they are making efforts in this regard. However, I hope the Government can make an extra effort and strive hard in doing this, so as to work out a proposal that that can lower the tolls on the one hand, and divert the traffic flow on the other.

With regard to an Honourable colleague's suggestion of perfecting the railway network in his amendment, the Liberal Party is completely supportive of it. This will make it easier for the people to travel to the Mainland through the various crossings.

Madam President, I so submit.

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

MR TAM YIU-CHUNG (in Cantonese): President, it is getting very late in the evening now. But one fact cannot be skipped and left not clarified. In fact, since the launch of the construction of the Hong Kong-Shenzhen Western Corridor (HK-SWC) and the Deep Bay Link, this Council has convened all kinds of meetings, including some repeated discussions with the Tuen Mun District Council. I can only describe our situation in such meetings as helpless as "a child suffering from acute infantile convulsions who is being treated by a slow-reacting doctor (急驚風遇着慢郎中)". Why? It is because the Government seems to be increasingly undisturbed by the situation. At the earlier stage, that is, in 2001, the Government still said that the roads in the district would become fully saturated by 2011. But the Government recently

has surprised us by saying that there is no cause for alarm and that there will not be any problem before 2016; and that there is no need for building any new roads. The Government says that it is very relaxed.

Now, this Council and the Tuen Mun District Council are the only parties that feel very anxious and worried about the situation, and do not know how the problem can be resolved. Of course, whenever such issues are raised, some people would bring up old scores again, saying that the Liberal Party and the DAB should be blamed because they opposed the construction of Route 10 at that time, and that they should be held responsible for any undesirable consequences in future. However, in fact, in 2002 when we discussed the issue of Route 10, we had extensive discussions on it. The DAB thinks that the northern section of Route 10 ran basically parallel to the existing Route 3, and the vehicular flow in Route 3 still had reached less than 40% of its capacity, and there was ample room for increasing the vehicular flow there.

Just now Ms Miriam LAU also mentioned the date of completion. Even if the project had started at that time, it still cannot serve our present need, because it still has not been completed yet according to the schedule. We cannot help thinking about this: Is it worthwhile for us to spend over \$10 billion on building another major road parallel to an existing one? Besides, if we only have the northern section of the Route 10, it cannot serve the purpose of easing the traffic load of Tuen Mun Road because there are no supplementary roads at the section of the road between Tsing Lung Tau and Ting Kau. So all the vehicles coming from the HK-SWC will have to gather again at Tuen Mun Road when they come to Tsing Lung Tau after travelling past the northern section of Route 10. Should that happen, the traffic congestion will probably become even worse, and the problem still cannot be solved.

Let us think about this: Is there a way to maximize the utilization of Route 3? In fact, in 2003, I was the first one who suggested buying out Route 3. I did raise this proposal. But as far as I can recall, someone immediately wrote an article against the idea, saying that such a practice would violate the agreement between the Government and the consortium concerned, and that was most undesirable. They said: To nationalize Route 3, are you kidding? But nowadays, everyone may think differently — that we should do this, to buy it out for public access.

In fact, we know that the Government is holding talks with the private consortium. But if we need to conclude the deal within six months, then the consortium will most likely ask for a higher price. If the price is too high, the deal may never be concluded. So, in Mr CHEUNG Hok-ming's amendment, we suggest whether we can achieve this objective by taking alternative actions apart from discussing the buying-out option. By extending the franchise period, we hope the tolls can be lowered, thus achieving the purpose of alleviating the traffic load. This gives the Government an extra weapon in holding negotiations with the consortium.

Of course, the Government also has to play the role of the defender of public interest. We are not demanding it to conclude the deal at any unreasonable price, nor would we accept whatever terms put before us. I just hope that the Government can strive to identify possible solutions as far as possible. The fare adjustment mechanism that allows both increases and decreases has taken a long time to come into fruition, so we do understand this point. We hope the result of the negotiations would be beneficial to the public, while at the same time is capable of easing the traffic flow. But Mr Albert CHAN deleted this proposal of ours. We feel that all we are doing is just trying to provide one more flexible option for the Government.

In fact, there is one more consideration when we mention the issue of the northern section of Route 10, that is, nowadays more and more goods may not be shipped via the sea route, but going to the airport at Chek Lap Kok instead. Besides, we all know that our country has recently launched the 11th Five-Year Plan to give continuous support to the development of Hong Kong's logistics industry and the shipping industry, and so on. Therefore, we cannot rule out the possibility that there might be lots of goods passing through Hong Kong by air, and then arriving at Chek Lap Kok in future. Therefore, the Tuen Mun Western Bypass and the Tuen Mun to Chek Lap Kok Link should be able to connect Tuen Mun and the Lantau Island, and it shall serve this function.

Besides, we all know that the Hong Kong-Zhuhai-Macao Bridge will also be constructed on Lantau, so if it can be extended through the Island, and then to the Tuen Mun Western Bypass and the Tuen Mun to Chek Lap Kok Link and then back to the Deep Bay Link, thereby forming some sort of a loop. I believe it will also have a significant impact on our future economic development.

With regard to such a situation, actually we have already had adequate discussions with the DAB's District Council members. We all understand that

what we are discussing is actually a matter of priorities. Is it necessary to construct the northern section of Route 10? Route 3 might become really saturated some days — such days will come eventually — by then we would probably consider constructing the northern section of Route 10. Therefore, what we are discussing is actually a matter of priorities. Our priorities are first buying out Route 3 or reaching certain agreements with the private consortium, so that we can make use of the road to ease the traffic load. We hope the Government can expeditiously construct the Tuen Mun Western Bypass, which can then be linked up with the Tuen Mun to Chek Lap Kok Link. That should be the arrangement. In future, as a further step, if the need for constructing the northern section of Route 10 does arise, definitely we shall not oppose it. If there is the need, then go ahead building it. But in the process, there is the consideration of priorities.

MR ABRAHAM SHEK: Tuen Mun Highway, the gateway to Kowloon, is a road which everybody hates, but which everybody wants to use. With little relief in sight, our transportation network in the western and northwestern parts of the New Territories has been strained beyond capacity for way too long. We in the Transport Panel have been discussing this issue unfailingly, but little positive response has come from the Government. With new demand generated by population growth, as well as soaring cross-border economic activities, the capacities of the transport network, notably the already over-loaded Tuen Mun Highway, would no longer be able to cater to cross-border flow of goods and the efficient movement of northwestern New Territories' commuters to urban area at the same time.

There is pressing urgency for the Administration to relieve the worsening traffic jam problem which have seriously plagued residents in the western and northwestern parts of the New Territories. Yet, I am against the Honourable Mrs Selina CHOW's motion urging the Government to buy out the ownership of the under-utilized Route 3 so as to ease the congestion problem. I object to the motion on the basis that such a proposal defies the very principle of free market and the spirit of contract.

Further, I remain doubtful about the proposal of a government buy-out to consolidate ownership of Route 3. Firstly, the whole expressway operates in a BOT mode with a 30-year franchise. If proceeding with the buy-out option, the Administration would severely isolate its contractual promise of granting the

operating consortium a 30-year franchise to run the tunnel in return for bearing the full construction costs and underwriting the financial risks of the long-haul infrastructural project. Secondly, there may be strong social opposition against using public funds in this way, particularly the territory's financial position returns to the black only recently. As there are still more than 19 years before the franchise of Route 3 expires in 2025, the Government would have to pay a very very high price to consolidate the ownership, resulting in public outcry and allegations of "官商勾結". Further, this would go against the Government's approach of "small government, big market" as well as the philosophy to privatize public assets to ensure a more effective use of resources.

Moreover, have the views of the Route 3 operator been taken into consideration? For apart from financial consideration, there must be other reasons which they want to be in there. Just because there is congestion and the Government wants to move in, this is not Hong Kong. There should be no unilateral decision by the Government to resolve the congestion of Tuen Mun Highway by buying out Route 3. This simply could not be accepted.

Indeed, under-utilization of Route 3 has had a serious effect on the operator's commercial viability. Due to the slowing of urban development in the New Territories, the competition of West Rail and the regulation of cross-border buses, the daily traffic flow through Route 3 has been only about one third of its maximum capacity. That said, there still has spare capacity to accommodate traffic flow from the Western Corridor and the northwestern and western parts of the New Territories. Therefore, before spending billions of dollars of taxpayers' money to proceed with the building of new road infrastructure or superhighways, the Government should accord priority to exploring options to boost the utilization of Route 3, and enhance its cost-effectiveness.

I believe the proposal to extend the franchise of Route 3 for specified periods in exchange for toll concessions provided to motorists is commercially viable and worth exploring. This would be a win-win situation for the travelling public, the Government and the commercial operator. What is needed is genuine negotiation between tunnel operators and the Government. I fully understand the concern that the toll revenue sacrificed in extending the operator's franchise period may become a form of subsidy to the tunnel operator. If we brush aside this argument, doubtlessly, the proposal would tie in with citizens' eager aspirations for lowering the levels of toll charges. This would

lure more mainland and local exporters into paying for the expressway to transport their cargoes to container ports and airports in a speedy way. This would help divert soaring inbound and outbound cross-boundary traffic, thus smoothing the distribution of traffic flow in the New Territories West network and relieving the congestion problem.

Most important of all, the Government can also explore with the operator of Route 3 the construction of Easterly Link Road which connects the Western Corridor and Deep Bay Link to the existing road. The effectiveness of Easterly Link Road in channelling motorists to Route 3 hinges largely on the toll levels of Route 3. Unless the toll levels are reduced, the number of drivers using Route 3 via Easterly Link Road would be very limited.

Madam President, I oppose the Honourable LEE Wing-tat's amendment. I do not think it makes economic sense in pressing ahead the already abandoned Route 10 project when there is spare capacity in Route 3. The Route 10 project should not proceed until a clearer picture of future logistics development and aspects of economic development of Hong Kong and the Mainland has been ascertained. Today, we should not pour money into building the new Route 10 because we simply could not afford it. Plus, I am against the Honourable Albert HO's amendment as I think it is unreasonable to set a rigid timeframe for the Government and the expressway's operator to reach a deal.

In the immediate term, the Government shall study the options of widening the section of Tuen Mun Road and introduce further traffic improvement measures at the town centre section of Tuen Mun Road to relieve congestion and also to come to terms with the Route 3 operator. Thank you, Madam President.

MR LEE CHEUK-YAN (in Cantonese): With regard to the traffic problem in Northwest New Territories, the Traffic and Transport Committee of the Tuen Mun District Council has recently passed this motion: The Traffic and Transport Committee of the Tuen Mun District Council strongly condemns the Environment, Transport and Works Bureau for insisting on the provision of new major infrastructure road facilities in Tuen Mun only in 2016; and after the commissioning of the Hong Kong-Shenzhen Western Corridor (HK-SWC) and the Deep Bay Link, if the traffic flow projection by the authorities is proven to be

seriously flawed and hence leads to serious congestion on Tuen Mun Road, this Council urges that Secretary Dr Sarah LIAO must admit her mistake and resign.

In fact, half of this motion has expressed support and half of it is condemnation. For the supportive part, it hopes that the Secretary will remain in office to monitor whether there is traffic congestion on Tuen Mun Road and when congestion takes place, the Secretary has to admit her mistake and resign. This means that the Secretary cannot just remain in office for a year or so, because the monitoring of Tuen Mun Road will take more than one year or so. Secretary, the Tuen Mun District Council actually hopes that you can remain in office. They hope to "keep their eyes peeled" and see what will eventually happen on Tuen Mun Road. If things do not go well, the Secretary will have to admit her mistake and resign. At least there is one thing that we can be sure about and that is, the Tuen Mun District Council hopes that the Secretary will remain in office and that she will continue to take office in the next term, because if traffic is still congested on Tuen Mun Road, they hope that the Secretary would then resign immediately. So, the Secretary must understand the intention of the Tuen Mun District Council in hoping that she will remain in office and deliver.

However, there is one great disappointment. Whether in the Tuen Mun District Council or this Council — there are a number of amendments to this motion today in this Council — at least there is consensus on one point. Do not think that we have no consensus, and there is consensus on one point and that is, the Government is incapable. This is certainly a consensus. Everyone is saying that the Government is incapable. Everyone is saying that Tuen Mun Road is destined to be a fiasco in the future, because nobody believes the Government's forecast, and this cannot be clearer.

Although there are many amendments today, after reading all the amendments, I found that even though each mover has made some suggestions, nobody has deleted a point in the original motion proposed by Mrs Selina CHOW — all of us are certain that the commissioning of the HK-SWC at the end of this year will greatly increase the traffic burden on the western and northwestern parts of the New Territories. We all agree on this point and that is why we have asked the Government to carry out a lot of work to alleviate the serious traffic congestion in the future.

The biggest problem now seems to be that the Government always thinks that there will be no problem. But honestly, the residents think that if problems do emerge then, they would be the ones to suffer, not the Government. History has proven time and again that whenever the Government says that there is no problem, things will turn out to be the contrary eventually and problems will emerge. We therefore hope that the Government can set its eyes farther.

I have listened to what Mr Abraham SHEK has said earlier. He strongly opposed Mrs Selina CHOW's suggestion of buying out the ownership of Route 3 at a reasonable price. Seldom do I support Mrs Selina CHOW, and seldom is she willing to take such a step as suggesting to buy out the ownership of Route 3. Today, I will certainly throw weight behind her, because I think buying out the ownership of Route 3 is truly warranted. For this type of trunk road link, its operation should not have been given to the private sector in the first place. Private operation will certainly lead to this result today — nobody will use a tolled road; everyone will use another road and as a result, serious congestion will take place on that road.

The worst is that those companies will be asking for a reasonable return and so, they will continuously apply for a toll increase and the Secretary will approve their applications continuously. The problem will hence become more and more serious. Therefore, the Government should not have privatized it in the first place. I am very glad that Mrs Selina CHOW is suggesting to turn it into a publicly-run road. I think this is what should be done, because only when it is turned into publicly-run that traffic can be regulated and the congestion problem solved.

Mr Albert CHENG may speak later on. He said earlier that he strongly opposed Mrs Selina CHOW's suggestion of buying out its ownership at a reasonable price, but I told him that I very much support this buy-out proposal. He said that it is unnecessary to buy it out at a reasonable price and that it will do simply to buy it out at cost. Anyway, when the argument is over, it is most important to buy out the ownership of Route 3, so that we can have room for adjustment in the end. This is not a breach of contract — Mr Abraham SHEK said earlier that this is a breach of contract. In fact, there is no problem in doing so. A contract is subject to negotiation by both parties. It is certainly not permissible for changes to be made unilaterally, but after discussion by both sides, amendments can be made to the contract, including buying out its

ownership. Negotiation between both sides is a process of discussion and so, it is entirely possible to reach an agreement. I hope that the Secretary is willing to take this step, so that at least there will not be traffic congestion on Tuen Mun Road as a result of all vehicles choosing to use Tuen Mun Road.

I am not going to discuss the other proposals one by one. However, it is clear that all the proposals have been made in the hope that Tuen Mun Road will be free from traffic congestion, so that residents in New Territories West, especially Tuen Mun, can be spared the ordeal of traffic congestion. I think this is also a consensus among us.

Thank you, President.

MR LEUNG KWOK-HUNG (in Cantonese): I have also heard many Members suggest buying out the ownership of tunnels where traffic is congested. It is certainly an option, is it not? But why do we not buy out the Eastern Harbour Crossing and the Western Harbour Crossing? The situation there is even more serious. What happens there can be said as a wondrous scene of Hong Kong. Why? It is because Larry YUNG has reaped colossal profits. He has been making a profit and perhaps that is why he just could not care less and does not think that there is any problem at all.

However, if we just look at the relationship between Route 3 and Route 10 — Do not worry; it is not "No. (8)" — we can clearly see the picture. When Route 3 was constructed at the outset, it was assumed to be a solution to the problem, OK? But now, it is found to be not quite it should be.

The Legislative Council questioned why the construction of Route 10 was ruled out, for this Route is considered helpful to diverting traffic, right? But some people opposed the construction of Route 10 which they considered unnecessary. There would certainly be competition between Route 3 and Route 10, unless they are operated by the same consortium, right? In other words, the construction of Route 3 back then might be a wrong decision. Now that Route 3 is not making a profit, and since it is not making any money, the Government can certainly recover it and operate it itself. The operator will certainly wish to hand it out. The conclusion so drawn is that it is better to sell Route 3.

Then what is a reasonable price? On this point, different people have different views indeed. In fact, it has been a practice in Britain in the process of privatization that the ruling government will buy out some infrastructure at high prices and when the government loses in the next election and if a political party advocating privatization (such as the Conservative Party) wins, it will sell the infrastructure. This practice is actually unworkable here. For how much should Route 3 be sold? How to make an evaluation? When a business cannot sustain anymore and had its financing been secured from a bank at the outset, it would have become a "repossessed property" which has to be sold back to the Hong Kong Government.

What I would like to say is that firstly, the so-called BOT — SOB or BOT? BOT is not a viable option, and BOT is adopted because it is feared that nobody would be willing to operate an infrastructure. The former Hong Kong-British Government would not make any commitment before, because it could just leave when DENG Xiaoping unilaterally announced a takeover. Under such circumstances, who would be willing to lend it money? How possibly could it have the money for development? This has, therefore, remained as the only option.

We must bear in mind one lesson. Abusing BOT, or increasing the permitted return by a high margin, is tantamount to putting money in the operator's pocket. This is something we absolutely must not do. Why do I say so? It is because I wish to remind Stephen IP that on issues relating to BOT or permitted return, as in the case of the CLP and HEC, the Government should apply a strict, merciless hand. If they keep arguing in disagreement, saying that the 7% return would mean making a loss and that electricity supply would cease, the Legislative Council should condemn them and tell them that since no profit can be made, they should forego their franchise.

What we see today is that the Legislative Council considered Route 10 undesirable and so, the motion was negatived. Now, things have developed to a state that we are suggesting buying out the ownership of Route 3 at a reasonable price. I support the buy-out proposal. But how to buy it out? Who should make the evaluation? Under such circumstances, the strategy should be to mete out strict punishment as a warning to others. The tunnel should be acquired first, and then people should be sent to overseas countries to see if it is possible to sell it. This is a *de facto* acquisition and even though it could not be sold, it should be acquired first before taking other steps. This is like the situation of

the chicken vendors. The Government can either eat the chickens or free the chickens, and since the Government can eventually bully these lowly vendors and porters, why can it not acquire the tunnel? In fact, the operator can really be asked to visit major overseas countries and to try to sell this asset and see if anyone is interested in buying it. If the people there said, "Are you kidding? I would not buy an asset of such a poor quality.", the operator should come back at once, but his asset would immediately become a "repossessed property", right? So, it shows that we can solve this problem. A "reasonable price" in favour of the operator cannot be determined lightly. The Government should first acquire it by political means and tell them, "Since the tunnel is making a loss, let me bail you out." This is the first point.

Secondly, the SAR Government is grossly outrageous, because it has never thought about constructing a road to help facilitate the flow of goods between Hong Kong and China, especially Shenzhen, since the reunification. It has never thought about this at all. The Government said that Hong Kong has four major economic pillars, including logistics, trade in services, and so on, and that everything will depend on these pillars. But over the past decade the Government has not done anything, and it is only when it needs to "move its bowels" that it says that it is going to build a toilet. No wonder it is "bombarded" and caught in a dilemma.

Members, I actually know little about this issue, and I am just talking nonsense and yet, I can still highlight the kernel of the question. Is this not a serious problem? It is why people are astonished. Members, it is a major taboo if a government's administration does not make sense. It is also a major taboo if a government cannot consistently live up to its platform. Two of the four major pillars are making no progress, and this has resulted in the need to buy back the infrastructure today. Members, this is a profound lesson. What is the lesson? That is, there should be democracy in the Legislative Council and the Government should be returned by universal suffrage. If a government still insists on its own way after five years of governance, it should have been ousted a long time ago and it would then be unnecessary to make such excuses as having a sore leg. So, I hope Members will understand the picture and learn this lesson.

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

MR ALBERT CHENG (in Cantonese): President, Mr LEE Cheuk-yan cited my remarks earlier, and I think what he had said was a bit incomplete and inaccurate. I had better say it myself, because I will definitely be saying what I wish to say.

I think today's motion concerning the ways to provide relief to the transport hub in New Territories West is worthy of discussion. Indeed, there is now the problem of traffic congestion in New Territories West, which has affected the logistics and economy of Hong Kong, and it is not environmentally-friendly. As to whether we should buy out the ownership of the tunnel, Mr LEUNG Kwok-hung said earlier that he knew little about this issue. In fact, he was already doing a very good job, because he had just returned to this Chamber and he could speak for seven minutes after listening to a few comments made by other Members. He was already doing a great job. He had only confused Route 10 with Route 3. In fact, the Legislative Council was called "立法局" in Chinese back then, not "立法會". He got it right at first, but then he said "立法會" again. In fact, it should be "立法局".

The two major political parties, namely, the then Democratic Alliance for Betterment of Hong Kong and the Liberal Party opposed Route 10 at that time. Indeed, had the then Legislative Council approved the construction of Route 10, this topic would not have been a subject of debate today. Now, it is most important to conduct a review. Apart from identifying ways to make improvement — of course, this is not meant to settle old scores — it is also necessary to review why there are problems with, say, the Western Harbour Crossing (WHC) and Route 3. This is related to market force. Given that the WHC and Route 3 charge high and unreasonable tolls, motorists are unwilling to use them, resulting in congestion on Tuen Mun Road and at the Cross-Harbour Tunnel. Why is it that the opportunity cost of some people is so low that they prefer to be caught in a traffic jam than using the WHC or Route 3? It is all because of the same reason, for it all boils down to the price. In fact, when the contract for this tunnel was awarded back then, the most important purpose was to relieve traffic. I believe the Government did not consider one principle in awarding the contract for the construction works. How will the tunnel company operate? The objective of its operation is certainly to make money, and this is often a topic of our debate. Why does the tunnel company prefer charging a higher toll than having patronage by more vehicles? The reason is that this can reduce the operational cost. Another point is that if this motion is passed today, or if the Government is really going to buy out the ownership of the tunnel, the

tunnel company would have a greater financial incentive to push up the toll, thus causing traffic congestion and hence making it necessary for the Government to buy out the tunnel.

In this Legislative Council, our position is considered as socialist. Is it not a problem for someone who always advocates market economy and a free market to suggest buying out the ownership of this tunnel? But as things now stand, we have no option, because since there is traffic congestion which has affected the development of the economy and logistics in Hong Kong as well as cross-boundary transport, it is necessary to discuss whether or not we should buy out the ownership of the tunnel.

I remember that at the time when the construction of Route 10 was discussed, somebody came to me for lobbying, trying to convince me that Route 10 was unnecessary and asking me why I had expressed support for Route 10 in the programme hosted by me. He considered that it would be enough to ask the Government to buy out the ownership of Route 3. Certainly, he came to me lobbying for my support on behalf of a consortium. Today, I do not know if this is lobbying — sorry, this is not lobbying; this is a motion — Why should we discuss buying out the ownership of Route 3? And there is also the question of a reasonable price.

What we are talking about now is not nationalization. This is a free market, and a contract has been signed. The tunnel company has a franchise to operate the tunnel. At what price should the Government buy it out? In a business sense, if I am the operator, I would certainly wish to sell it at a high price and what is more, I am even making a profit now. If it has to be a reasonable price, then, to a businessman, the Government certainly has to give him a return; but to the Government or Members of the Legislative Council, I would certainly offer a price equivalent to the cost only, because as Mr LEUNG Kwok-hung said earlier, we are now coming to its rescue, right? Now that there is already a problem with the negotiation of price. So, when discussing whether or not to buy out the ownership of Route 3, it is most imperative to ascertain whether or not the Government has other means to relieve traffic and how Route 3 can be best utilized. It is wasteful to construct a road used by no vehicle. This would be entirely against the principle. Has the Government considered enacting some legislation? I remember that the transport industry did put forward some proposals at that time, such as whether it is possible to impose restrictions on the use of Tuen Mun Road by some vehicles during peak

hours, so that some vehicles will use Route 3 and the operator can charge a toll at a reasonable level. In that case, there will be a financial incentive and the opportunity cost in terms of time can also be reduced. Certainly, this must be done through a process of negotiation on, say, whether or not the franchise period should be extended. I think the proposal of rashly asking the Government to buy out the ownership of Route 3 before these measures are taken cannot be supported.

In fact, I also made a mistake in what I have said. The case is that this Council was really called "立法會", not "立法局", in 2002 or 2003, and Route 10 was negated at that time, not before 1997. I must put this information right. It turns out that Mr LEUNG Kwok-hung was actually correct. Why is Sarah LIAO shaking her head? Somebody has just given me this note as a reminder. But in any case, the most important thing is that this Council, whether it be "立法局" or "立法會", did oppose the construction of Route 10 at that time. Should we propose again that studies be conducted on the construction of Route 10? This can be an issue for discussion. With regard to asking the Government to buy out the ownership of Route 3 at a reasonable price, I cannot support that the Government should be asked to buy out the ownership of Route 3 before the Government has put in place other measures to relieve traffic. I so submit. Thank you, President.

DR RAYMOND HO: Madam President, the impending commissioning of the Hong Kong-Shenzhen Western Corridor at the end of this year will certainly put an enormous strain on the traffic load in the western and northwestern parts of the New Territories, with the anticipated increase in cross-boundary traffic flows including container trucks. Apart from this, the growing population in this region requires better traffic planning. For all these years, residents in the region have to put up with the deteriorating traffic congestion. This alone is a very compelling reason for the Government to take immediate actions to address their concerns.

The unbalanced traffic distribution between Route 3 and Tuen Mun Road is among the causes of frustration. Route 3 remains under-utilized since its opening in 1998. It is fully understandable that motorists prefer the toll-free Tuen Mun Road to Route 3, which is a toll road. Even so, I cannot accept that we should use huge amounts of public money to buy out the ownership of Route 3 with a view to improving traffic distribution between Route 3 and Tuen Mun

Road. Although we have just resolved the budget deficit problem, we must not get carried away with the improved public finances.

Moreover, it may only be our own wishful thinking as we are not certain if the owner of Route 3 is willing to give up its franchise at this stage, particularly if it intends to regard Route 3 as a long-term investment. The company was granted in 1995 a 30-year franchise to build and operate the route. At this point in time, the Government may negotiate an agreement with the company to extend the franchise period of Route 3 with a view to lowering existing tolls. It seems to be a more workable solution.

In any case, the Government should lose no time to expedite the improvement of Tuen Mun Road, including widening the whole expressway section of Tuen Mun Road to a four-lane carriageway. Meanwhile, the Government should resubmit as soon as possible its Route 10 proposal to this Council for approval with a revised alignment if necessary.

This Route 10 proposal was approved by the Public Works Subcommittee, with me as Chairman in February 2002 — this is for the benefit of the Honourable Albert CHENG, but he is not in the Chamber at this moment — but some votes were lobbied away by the time it reached our Finance Committee. Route 10, if built, will relieve the north-south bound traffic between western and northwestern New Territories, Kowloon and Hong Kong. I am glad to know that the Honourable Albert CHENG and the Democratic Party have been supporting Route 10 through these years. At the same time, the Government should proceed with the construction of Easterly Link Road which would serve as an additional access road connecting the Hong Kong-Shenzhen Western Corridor and Deep Bay Link to the existing road system.

Of course, the railway network for the New Territories will not be completed without the Northern Link and Kowloon Southern Link which must be expedited without delay. Madam President, traffic problem has been plaguing residents of the western and northwestern parts of the New Territories for almost two decades. It is time for the Administration, as a responsible government, to come up with a comprehensive long-term solution to address the problem.

With these remarks, Madam President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no Member wishes to speak, I now call upon Mrs Selina CHOW to speak on the amendments. You may speak up to five minutes.

MRS SELINA CHOW (in Cantonese): President, I do not know if a record has been broken or not, but there are indeed so many amendments and amendments to amendments under this motion.

I am very grateful to Members for their support of this motion and for the efforts they have spent on it. Mr LEE Cheuk-yan was right when he said earlier that there was actually a very strong consensus and that was to ask the Government to get things done expeditiously. But in terms of methods, Members may hold different views. I think that we should not go back from where we used to be and talk about Route 10 all the time. I would like to remind Members that when the application was negated by the Legislative Council back in 2002, it was not as Mr Albert CHAN said that the decision was totally groundless. No, this is not true.

Actually, at that time we had reasons for doing so. They were: a distant solution will not help address a pressing and immediate concern, the costs are high, and resources would be wasted because the two roads would run parallel to each other. So if the Government had to spend some \$20 billion to build a road that runs in parallel with Route 3, then as Route 3 was also a resource of society, this would be a big waste. Members should bear in mind that at that time the trades voiced great opposition. The logistics industry strongly opposed the building of Route 10. Members should not forget that tolls would be charged for Route 10 and it would not have been free. So if Route 10 is to be built, a similar thing will happen and that is, it may not alleviate the traffic load of Tuen Mun Road which is free of charge. Therefore, on this occasion the Liberal Party completely supports the amendment proposed by Mr WONG Kwok-hing as it is more comprehensive. Actually, he is using another way to solve the traffic problem in Northwest New Territories.

Mr CHEUNG Hok-ming's amendment adds in a suggestion that the franchise period may be extended, but this is absolutely not what Mr Albert CHAN has said. He has omitted one part and he does not see the method suggested by Mr CHEUNG Hok-ming to extend the franchise period. The aim is "lowering the existing tolls". That is the aim. If existing tolls are lowered, more vehicles will be attracted to using it. Mr Albert CHAN has not mentioned this point. All he has said is that negotiating with the consortia means collusion between the Government and business. He is ready to label this as collusion between the Government and business at any time. But he forgets the fact that often times a lot of things done in society are the result of co-operation between the Government and the people or between the public and private sectors. This will be beneficial to the consumers and the public. In no way can we support the amendment proposed by Mr Albert CHAN and the arguments advanced by him. Likewise, we are totally against the allegations he makes against us.

Actually, every one of our decisions is made after careful consideration and we have put the consumers, that is, the public as our first and foremost concern. As for those Honourable colleagues from the Democratic Party, they are well-intentioned, but what they have done only shows that the spectre of Route 10 back in 2002 is still haunting them to this day. I do not want to talk again on the reasons why we hold a different view with respect to Route 10. It is because of this reason, that is, due to our view on Route 10 is different from theirs, that we cannot support them. In addition, Mr Andrew CHENG has proposed in his amendment that Tuen Mun Road be widened into a four-lane carriageway. Actually, some Honourable colleagues have also raised the point earlier that a bottleneck would be created when the highway in the Ting Kau Bridge section narrows suddenly from four lanes into two lanes again. That is a problem. Then there is another bottleneck when traffic goes into the Tuen Mun town centre as the highway narrows from four lanes into two. So another bottleneck is formed. If only part of the problems is solved and if only the highway is widened into four lanes but other problems are not resolved, this will not offer any comprehensive solution at all.

President, I have gone over the reasons quickly why the Liberal Party supports or has reservations about certain amendments. We will not oppose the amendments from the Democratic Party, but actually we have reservations about them. Therefore, we cannot support them and so we will abstain. Thank you, President.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, first of all, I thank Mrs Selina CHOW for proposing this motion, which has given us an opportunity to focus on the future development of the traffic conditions in Northwest New Territories and conduct in-depth discussions. Six other Members have proposed as many as seven amendments, and from this we can see that although Members are all concerned about this issue, they have many different suggestions and therefore, they have put forward many different proposals. Each of these proposals serves a different function and brings about different results. So, to properly address the problem, I hope that we can conduct an objective analysis by comparing the different proposals in terms of their feasibility and cost-effectiveness, and obtain support from all sides through thorough examinations and discussions, with a view to providing cost-effective transport infrastructure at an appropriate time.

Insofar as transport policy is concerned, it has been an established policy objective of the Government to provide cost-effective transport infrastructure in a timely manner. Given that large-scale transport infrastructure projects require colossal social resources, and as social resources are not inexhaustible, new transport infrastructure projects must therefore be planned systematically on the basis of objective data. It has been our practice to review from time to time the level of demand, project scale and implementation timetable relating to major road projects in various plans based on the latest planning data, including economic growth, demographic changes, development plan (including railway development plan) in the district and traffic volume forecast, in order to ensure that the transport infrastructure can meet the transport demand of the public.

A number of Members said earlier that the projection by the transport authorities is constantly changing. This is quite true, because we will make appropriate adjustment when the Planning Department has obtained the latest statistics on, say, demographic changes, and when the traffic volume is affected by changes in economic growth.

The Hong Kong section of the Hong Kong-Shenzhen Western Corridor (HK-SWC) was completed at the end of last year. I can tell Mr LEUNG Kwok-hung that we were not just sleeping during the last few years. Rather, we were mapping out plans for and working on the construction of transport infrastructure between Hong Kong and Guangdong. The Deep Bay Link which links up the HK-SWC with existing major road networks in Northwest New Territories was also completed early this year. As for the Shenzhen section of

the HK-SWC, and the principal works for co-location of immigration and customs facilities at Shekou border control point are expected to be completed at the end of this year.

As early as the construction works of the HK-SWC commenced, the Government already conducted in-depth studies of the possible impact on traffic after the commissioning of the HK-SWC. Results show that the existing road network in Northwest New Territories should be adequate to cope with the additional traffic flow to be generated upon the commissioning of the HK-SWC. Despite broadly smooth traffic at the town centre section of Tuen Mun Road, tighter traffic flow is still envisaged at this section when compared to other sections of Tuen Mun Road. For this reason, a series of short-to-medium-term traffic improvement measures was formulated in 2003.

Over the past few years, many traffic improvement measures have been completed one after another. They include lengthening the existing bus bay alongside the town centre section of Tuen Mun Road near Tseng Choi Street, in order to alleviate the impact on the traffic flow when buses stop at such points for loading/unloading passengers, and also lengthening the merging lane from Tuen Hi Road into Tuen Mun Road northbound. We also plan to widen the section near the Castle Peak Interchange (Appendix 2) of Tuen Mun Road from a dual two-lane carriageway to a dual three-lane carriageway, and works are expected to complete in 2008. With these traffic improvement measures combined, the comparatively more congested traffic conditions at the town centre section of Tuen Mun Road can be alleviated.

According to our projection based on objective data, upon the completion of these improvement measures, smooth traffic can be maintained on Tuen Mun Road, including the town centre section, up to 2010 (Appendix 2) as shown in the data. In spite of this, compared with other sections of Tuen Mun Road, the condition at the town centre section from Wong Chu Road to Lam Tei Interchange of Tuen Mun Road, which is mainly a two-lane carriageway, is not as good as that of three-lane carriageways at other sections. Therefore, we have commissioned consultants to study whether further improvement measures are technically feasible on this section. The study will be completed shortly.

Besides, improvement works will also be carried out at the section of Tuen Mun Road between Tsuen Wan and Sam Shing Hui. The objective is to upgrade the standard of this road section to bring it in line with the current

highway standard, thereby making further improvement to Tuen Mun Road in terms of safety and smooth flow of traffic.

Insofar as the matching transport facilities in the entire Northwestern part of the New Territories are concerned, we proposed in our study in 2003 four packages of road projects in the long term at a cost of \$68.7 billion. These include the Tuen Mun Western Bypass, Tuen Mun Eastern Bypass and Tuen Mun to Chek Lap Kok Link mentioned by Mr CHEUNG Hok-ming in his amendment.

Later, we completed in early 2005 the "2004 Northwest New Territories Traffic and Infrastructure Review" according to the latest planning data at the time and reviewed the long-term development strategy of traffic infrastructure in Northwest New Territories.

Results of the Review shown that with the road projects that had been and would be carried out as I mentioned earlier, coupled with the support of many traffic improvement measures, the existing major basic road network in Northwest New Territories would be adequate to meet the traffic demands in the district up to 2016, including the additional traffic to be generated by the HK-SWC and the Hong Kong-Zhuhai-Macao Bridge. According to our assessment, upon the commissioning of the HK-SWC, the daily traffic will be about 31 000 vehicle trips. By that time, the two major road links in Northwest New Territories, namely Tuen Mun Road and Route 3, will register a daily traffic of about 160 000 vehicle trips in total, which is still lower than their total design capacity of 250 000 vehicle trips. We estimate that by 2016, about 60 000 vehicle trips will be passing through the HK-SWC daily and by then, the daily traffic on Tuen Mun Road and Route 3 will be about 180 000 vehicle trips in total, and this is still lower than their total design capacity of 250 000 vehicles. As for the projected traffic vehicle/capacity ratio during peak hours, the ratio of all major roads in Northwest New Territories will be below 1.2 in 2016. Such being the case, according to the current planning data, our plan can still meet the traffic needs of the district for the time being.

To cater for the long-term traffic demands in Northwest New Territories in 2016 and thereafter, we have formulated three options based on the highway projects which I mentioned earlier. The main determinants of the optimum highway network option are the location, scale, scope and timetable of various

major development proposals in the area, because these factors can have a great bearing on the priorities and implementation timetable of the options. At present, there are uncertainties in various input assumptions, and coupled with the assessment that we have made, we consider that it is unnecessary to make a decision on which option to pursue, and a final decision can be made when clearer data are available. It would be prudent to carry out further investigations and more thorough studies of the various highway projects while keeping in view the position of the various major development proposals. Once the future development picture becomes clearer, work can be carried out expeditiously to implement the optimal option.

We are precisely moving on in this direction. As Mr CHEUNG Hok-ming has reminded us, in implementing the various projects, environmental impact assessments must be conducted to ensure the protection of the environment. Necessary mitigation measures will be carried out to minimize the impact of the works on the public and the environment.

Concerning the Easterly Link Road, a number of Members proposed the construction of the Easterly Link Road at Deep Bay Link and Route 3. The Government has considered this proposal comprehensively. From the traffic perspective, the Easterly Link Road can shorten the trip time by only two to four minutes, which means that the traffic diversion effect is far from significant. We therefore do not consider it worthwhile to construct this road. That said, the Government has since the middle of 2004 discussed with the franchisee of Route 3 the feasibility of Public-Private Partnership in the construction of the Easterly Link Road. We hope to come up with a proposal that can bring about a win-win situation, so that while we can achieve the traffic management objective on the principle that public money is well spent, we can at the same time maintain the commercial value of Route 3. An arrangement that is considered desirable must be compatible with the overall interests of the community in respect of finance and traffic management. But so far, there is no reasonable data and information to support that the construction of the Easterly Link Road can generate the economic gains required.

Certainly, we will continue to discuss with the franchisee of Route 3 as to how more vehicles can be attracted to use Route 3. We are actively studying with the franchisee the proposal of granting an extension of franchise in exchange for toll reduction, in the hope of better rationalizing the utilization rate

of Route 3 and Tuen Mun Road. An Honourable Member opined earlier that we should buy out Route 3 at cost, while others suggested that we should buy it out at market price. In any case, it should be literally understood as a reasonable price. If it is to be bought out at cost, I think it would be very difficult for the franchisee to perceive it as a reasonable price. In Hong Kong, whether in our work or living, everything must be done in compliance with the law. Although Members may not think that this is a desirable form of Public Private Partnership, it is a long-term BOT contract that was signed at the time, and we must respect the contractual and legal requirements. It is, therefore, necessary to discuss this with the operator, and there must be mutual consent in any case. So, I do not wish an impression is given that the Government can acquire it at cost, and if that is the case, I think nothing can be achieved in our discussion. I can tell Members that there is some sort of a breakthrough in our discussion recently. As oil prices have surged drastically, the gap between us has been narrowed in the discussion on exchanging franchise extension for toll reduction. Given high oil prices, and considering such factors as mileage, the time required and the extent of congestion, using Route 3 can save time directly and spare drivers the ordeal of traffic congestion, and all this can already offset the tunnel toll. Discussion on this mechanism will continue.

Although our assessment is that the traffic network in Northwest New Territories can continue to operate smoothly with the support of traffic improvement measures after the commissioning of the HK-SWC, I still hope that the public can travel on the existing mass carriers more frequently. In fact, we should not rely solely on road to meet the transport and traffic demands of the community. In respect of passenger transport, railway is better than road in terms of efficiency and environmental protection. To consistently take forward our policy objective of using railway as the backbone of the passenger transport system, the Government has been encouraging the public to use the existing railway network. I encourage members of the public to travel to and from Northwest New Territories by the West Rail more, in order to further alleviate the pressure on Tuen Mun Road, and I hope to see that the public can use as much as possible the railway network constructed by the Government with enormous social resources. As a number of Members have suggested, we will ensure that the Kowloon Southern Link of the Kowloon-Canton Railway will be completed as scheduled, and we undertake to finalize the Northern Link project as early as possible.

President, like Members, I also hope to do my utmost to meet the traffic demands of society and the public. But most importantly, we should come up with an optimal option for developing new traffic and transport infrastructure and devise a suitable implementation timetable based on objective planning data in a systematic manner. Otherwise, our valuable social resources may not be put to good use and they may not achieve the best result. Insofar as Northwest New Territories is concerned, the Government will continue to pursue the established policy objective and update the relevant assessments from time to time with reference to the latest planning data. We will formulate corresponding measures, with a view to providing the necessary transport infrastructure for the district in a timely and cost-effective manner. At the present stage, we are making the utmost effort to conduct further studies on the possible packages of highway projects that have been proposed and carry out other preparatory work, so that we can provide the facilities more efficiently in a timely manner to satisfy the traffic needs of the district in the future.

Thank you, President.

PRESIDENT (in Cantonese): I now call upon Mr WONG Kwok-hing to move his amendment to the motion.

MR WONG KWOK-HING (in Cantonese): President, I move that Mrs Selina CHOW's motion be amended.

Mr WONG Kwok-hing moved the following amendment: (Translation)

"To add ": (a)" after "including"; to add "; (b)" after "use by motorists" and to delete ", as well as" thereafter; and to add "; (c) expeditiously completing the extension of Tuen Mun Road; (d) implementing the Northern Link project as early as possible and expeditiously completing the Kowloon Southern Link project to perfect the railway network and encourage residents of the Northwest New Territories to make use of the railways for travelling to and from different districts, so as to alleviate the pressure on Tuen Mun Road and Route 3; and (e) setting reasonable fares that are acceptable to the public, so as to encourage them to use the railway transport system" after "traffic flow from Tuen Mun Road"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Kwok-hing to Mrs Selina CHOW's motion, be passed.

PRESIDENT (in Cantonese): I now call upon Mr Andrew CHENG to move his amendment to Mr WONG Kwok-hing's amendment.

PRESIDENT (in Cantonese): Mr Andrew CHENG is not in the Chamber now.....

(Mr Andrew CHENG hurried into the Chamber)

PRESIDENT (in Cantonese): Mr Andrew CHENG has returned to the Chamber just in time. You may now move your amendment to Mr WONG Kwok-hing's amendment.

MR ANDREW CHENG (in Cantonese): President, I move that Mr WONG Kwok-hing's amendment be amended.

Mr Andrew CHENG moved the following amendment to Mr WONG Kwok-hing's amendment: (Translation)

"To add ", including widening the whole expressway section of Tuen Mun Road to a four-lane carriageway" after "the extension of Tuen Mun Road". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Andrew CHENG to Mr WONG Kwok-hing's amendment, 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, after which the division will begin.

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:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, 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 and Mr Abraham SHEK voted against the amendment.

Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM and Mr Andrew LEUNG abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Dr YEUNG Sum, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr

Albert CHAN, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert CHENG voted against 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, 20 were present, 10 were in favour of the amendment, three against it and seven abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, 15 were in favour of the amendment, one against it 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.

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion "Expeditiously improving the traffic arrangements in the western and northwestern parts of the New Territories" or any amendment thereto, this Council do proceed to each of such divisions after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion "Expeditiously improving the traffic arrangements in the western and northwestern parts of the New Territories " or any amendment thereto, this Council do proceed to each of such divisions after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now put the question to you and that is: That Mr WONG Kwok-hing's amendment to Mrs Selina CHOW's motion be passed.

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

(Members raised their hands)

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

(Members raised their hands)

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 amendment passed.

PRESIDENT (in Cantonese): Members have been informed by circular that Mr Albert HO will withdraw his amendment if Mr WONG Kwok-hing's amendment is passed. Since Mr WONG Kwok-hing's amendment has been passed, Mr Albert HO has therefore withdrawn his amendment.

PRESIDENT (in Cantonese): Mr CHEUNG Hok-ming, as Mr WONG Kwok-hing's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR CHEUNG HOK-MING (in Cantonese): President, I move that Mrs Selina CHOW's motion, as amended by Mr WONG Kwok-hing, be further amended by my revised amendment.

President, in fact, my amendment has already expressed the position of the Democratic Alliance for the Betterment and Progress of Hong Kong. Mr WONG Kwok-hing has, on the basis of our position, added some points to the motion, and we consider his points worthy of our support. I have nothing else to add. Thank you, President.

Mr CHEUNG Hok-ming moved the following further amendment to the motion as amended by Mr WONG Kwok-hing: (Translation)

"To add "; furthermore, the Government may also lower the existing tolls by such means as extending the franchise period of Route 3; and should expeditiously construct the Tuen Mun Western Bypass, the Tuen Mun to Chek Lap Kok Link, as well as the Tuen Mun Eastern Bypass, while the environmental impact of the alignment of the relevant roads must be adequately assessed, with a view to reducing undesirable effects on the local environment; and expedite the various traffic improvements to the

Tuen Mun town centre section of Tuen Mun Road" after "causing great nuisance or inconvenience to local residents".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr CHEUNG Hok-ming's amendment to Mrs Selina CHOW's motion as amended by Mr WONG Kwok-hing be passed.

PRESIDENT (in Cantonese): I now call upon Mr Albert CHAN to move his amendment to Mr CHEUNG Hok-ming's amendment.

MR ALBERT CHAN (in Cantonese): President, I move that Mr CHEUNG Hok-ming's amendment be amended.

Mr Albert CHAN moved the following amendment to Mr CHEUNG Hok-ming's amendment: (Translation)

"To delete ", " after "use by motorists"; and to delete "or lowering the existing tolls by such means as extending the franchise period of Route 3" before "; (b)".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Albert CHAN's amendment to Mr CHEUNG Hok-ming's amendment 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 SIN Chung-kai rose to claim a division.

PRESIDENT (in Cantonese): Mr SIN Chung-kai has claimed a division. The division bell will ring for one minute, after which the division will begin.

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:

Ms Margaret NG, Ms LI Fung-ying, Dr Joseph LEE, Dr KWOK Ka-ki and Dr Fernando CHEUNG voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong voted against the amendment.

Mr CHEUNG Man-kwong and Mr SIN Chung-kai abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Albert CHAN, Ms Audrey EU, Mr Alan LEONG and Mr LEUNG Kwok-hung voted for the amendment.

Mr James TIEN, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr LI Kwok-ying, Mr CHEUNG Hok-ming and Mr Albert HO voted against the amendment.

Mr Albert HO, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, five were in favour of the amendment, 12 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, five were in favour of the amendment, nine against it and five 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): I now call upon Mr LEE Wing-tat to move his amendment to Mr CHEUNG Hok-ming's amendment.

MR LEE WING-TAT (in Cantonese): President, I move that Mr CHEUNG Hok-ming's amendment be amended.

Mr LEE Wing-tat moved the following amendment to Mr CHEUNG Hok-ming's amendment: (Translation)

"To add "the Northern section of Route 10," after "expeditiously constructing"; and to delete "the Tuen Mun Eastern Bypass," after "Chek Lap Kok Link,","."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr LEE Wing-tat's amendment to Mr CHEUNG Hok-ming's amendment 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 CHAN Kam-lam rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam has claimed a division. The division bell will ring for one minute, after which the division will begin.

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:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki and Dr Fernando CHEUNG voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah and Mr Abraham SHEK voted against the amendment.

Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG, Ms Audrey EU, Mr LEE Wing-tat and Mr Alan LEONG voted for the amendment.

Mr Albert CHENG voted against the amendment.

Mr James TIEN, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Albert CHAN, Mr LI Kwok-ying, Mr LEUNG Kwok-hung and Mr CHEUNG Hok-ming abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, eight were in favour of the amendment, three against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, eight were in favour of the amendment, one against it and 10 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): I now put the question to you and that is: That Mr CHEUNG Hok-ming's amendment to Mrs Selina CHOW's motion as amended by Mr WONG Kwok-hing be passed. Will those in favour please raise their hands.

(Members raised their hands)

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

(Members raised their hands)

Mr SIN Chung-kai rose to claim a division.

PRESIDENT (in Cantonese): Mr SIN Chung-kai has claimed a division. The division bell will ring for one minute, after which the division will begin.

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:

Ms Margaret NG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr Fernando CHEUNG and Mr WONG Ting-kwong voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah and Mr Abraham SHEK voted against the amendment.

Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Dr KWOK Ka-ki abstained.

Geographical Constituencies:

Mr James TIEN, Mr LEE Cheuk-yan, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Ms Audrey EU, Mr LI Kwok-ying, Mr Alan LEONG and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert CHAN, Mr LEUNG Kwok-hung and Mr Albert CHENG voted against the amendment.

Mr Albert HO, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 14 were in favour of the amendment, three against it and three abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 11 were in favour of the amendment, three against it and five abstained. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): Mrs Selina CHOW, you may now reply and you have one minute 32 seconds.

MRS SELINA CHOW (in Cantonese): I feel very much encouraged by this result. I hope that I can see the same result later on.

It now turns out that Mr LEE Cheuk-yan has correctly predicted the final result and that is, it is hoped that we can reach a consensus. Although there may be small differences in our views on the methods to be adopted, we all very much hope that the Government can expeditiously solve this problem and make a good job of this in a focused manner.

I am very grateful to Members for exhausting their energy and efforts on this issue and unanimously throwing weight behind this motion, with a view to solving a pressing problem in the northwestern part of the New Territories, and this is truly putting out "a fire nearby" with "nearby water". I hope that Members can support this motion.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Selina CHOW, as amended by Mr WONG Kwok-hing and Mr CHEUNG Hok-ming, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr SIN Chung-kai rose to claim a division.

PRESIDENT (in Cantonese): Mr SIN Chung-kai has claimed a division. The division bell will ring for one minute, after which the division will begin.

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:

Ms Margaret NG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr WONG Ting-kwong voted for the motion as amended.

Dr Raymond HO, Dr LUI Ming-wah and Mr Abraham SHEK voted against the motion as amended.

Mr CHEUNG Man-kwong and Mr SIN Chung-kai abstained.

Geographical Constituencies:

Mr James TIEN, Mr LEE Cheuk-yan, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Ms Audrey EU,

Mr LI Kwok-ying, Mr Alan LEONG and Mr CHEUNG Hok-ming voted for the motion as amended.

Mr Albert CHAN, Mr LEUNG Kwok-hung and Mr Albert CHENG voted against the motion as amended.

Mr Albert HO, Mr James TO, Dr YEUNG Sum, Mr Andrew CHENG and Mr LEE Wing-tat abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 15 were in favour of the motion as amended, three against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, 11 were in favour of the motion as amended, three against it and five abstained. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion as amended was carried.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 22 March 2006.

Adjourned accordingly at twenty-seven minutes to Midnight.

Appendix 1**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for the Environment, Transport and Works requested the following post-meeting amendments in respect of a supplementary question to Question 6

Sixth paragraph, page 43 of the Confirmed version

To amend "At present we have 131 housings and there will be 131 cameras when the ratio of 1:1 is reached in future" as "At present we have 111 housings and there will be 155 cameras when the ratio 1:1 is reached in future" (Translation)

(Please refer to lines 2 to 3, third paragraph, page 5369 of this Translated version)

Line 1, first paragraph, page 44 of the Confirmed version

To amend ".....the exact number is 131 times 4?" as ".....the exact number is 111 times 4?" (Translation)

(Please refer to lines 1 to 2, fourth paragraph, page 5369 of this Translated version)

Second paragraph, page 44 of the Confirmed version

To amend "It is 131 divided by 4." as "It is 111 divided by 4." (Translation)

(Please refer to line 2, fifth paragraph, page 5369 of this Translated version)

Appendix 2**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for the Environment, Transport and Works requested the following post-meeting amendments

Lines 3 to 4, fourth paragraph, page 236 of the Confirmed version

To amend ".....the section near the Castle Peak Interchange of Tuen Mun Road..." as ".....the section near the Tsing Tin Interchange of Tuen Mun Road....." (Translation)

(Please refer to lines 6 to 7, third paragraph, page 5655 of this Translated version)

Line 2, fifth paragraph, page 236 of the Confirmed version

To amend ".....up to 2010....." as ".....up to 2016....." (Translation)

(Please refer to line 3, fourth paragraph, page 5655 of this Translated version)