

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 28 June 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.

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

THE HONOURABLE WONG YUNG-KAN, J.P.

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

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

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.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 MA LIK, G.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

**PUBLIC OFFICERS ATTENDING:**

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

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

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

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

DR THE HONOURABLE 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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

**TABLING OF PAPERS**

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
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Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2006 .....	151/2006
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Electronic Transactions (Exclusion) (Amendment of Schedules) Order 2006 .....	152/2006
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**Other Papers**

No. 94 — Annual Report 2004-2005  
Hong Kong Broadcasting Authority

Report of the Finance Committee on the examination of the Estimates of  
Expenditure 2006-07

Report of the Bills Committee on Certification for Employee Benefits  
(Chinese Medicine) (Miscellaneous Amendments) Bill 2005

**ADDRESSES**

**PRESIDENT** (in Cantonese): Addresses. Ms Emily LAU will address the Council on the Report of the Finance Committee on the examination of the Estimates of Expenditure 2006-07.

**Report of the Finance Committee on the examination of the Estimates of Expenditure 2006-07**

**MS EMILY LAU** (in Cantonese): President, under Rule 71(11) of the Rules of Procedure, the President referred the Estimates of Expenditure 2006-07 to the

Finance Committee (FC). The FC has completed the examination of the relevant Estimates and I shall now report on behalf of the FC.

As in the past years, regarding the examination of the Estimates of Expenditure, the FC held open meetings to study in detail various items of government expenditure for 2006-07 to ensure that funds applied for by the Administration will not exceed what is needed for implementing various government policies. During the period from 13 to 16 March this year, we held a total of six special meetings in 19 sessions.

In order that members will have more detailed information on the content of the Estimates of Expenditure before the special meetings, members have about one week's time to raise written questions. In this regard, the FC and the Administration have all along adopted a well-established arrangement, that is, no matter how many written questions are raised by members, the authorities will process the first 1 200 questions with priority, and written replies will be provided to these 1 200 questions at least two working days before the relevant sessions of the special meetings. And upon receipt of the written questions raised by members, FC's Secretariat will rearrange them, and on a first-come-first-serve basis, each member will be given as far as possible the opportunity to raise questions and repetitive questions will not be asked as far as possible. With regard to questions in excess of 1 200 questions, it will be up to the individual Policy Bureaux to decide whether written replies can be provided before the deadline. This practice has been operating well with the acceptance of members and the adequate co-operation of the Financial Services and the Treasury Bureau as well as other Policy Bureaux.

President, the FC put forward 2 415 written questions this year, and the Government's hard copies and electronic version of the replies were forwarded to members before the special meetings. Members of the public could also look up such replies on the website of the Legislative Council.

Concerns raised by members at the meetings were recorded in detail in Chapters II to XXI of the Report. This year, members are particularly concerned about the accuracy of the Budget. Since a net surplus of \$19.6 billion has been recorded during the first 10 months of 2005-06, which has far exceeded the original estimate of \$4.1 billion, members think that it is necessary for the authorities to review the mechanism, so as to improve the accuracy of the Budget.

In respect of enhancing innovation and added value of our economy, members urge the Administration to inject sufficient resources to strengthen the economic co-operation between Hong Kong and the Mainland as well as improving the local business environment. In particular, in the development and promotion of Hong Kong brand names, the authorities should make even better use of the resources, so as to consolidate the strengths of the relevant Policy Bureaux and departments.

In order to cope with the competition brought about by globalization, members consider that it is imperative for the authorities to upgrade the quality of the local workforce, so as to maintain the existing competitive edge of Hong Kong. In this connection, the Government should place special emphasis on the implementation of education, training and re-training measures. In the meantime, the authorities should actively tackle the offence of defaulting wage payments and assist employees in recovering wages in arrears, so as to protect the interests of employees. Members think that the present trial practice of using the autopay service for making wage payments and Mandatory Provident Fund contributions in public works projects can be extended to other government projects, thereby setting good examples in the industry. In view of the fiscal surplus in public finance in recent years, members are of the opinion that the authorities should note those public services which had been contracted in the past due to financial constraints, and review whether sufficient funding can be allocated to various Policy Bureaux and departments, so as to improve the livelihood of the people.

President, the relevant Appropriation Bill was already passed by the Legislative Council on 29 March 2006. This report contains members' opinions on the Budget of the year. Such opinions should provide good reference to the authorities in drafting the Estimates of Expenditure as well as implementing the relevant policies in the coming year.

President, I am truly grateful for members' enthusiastic participation in this year's special FC meetings and the Administration's positive responses. I would also like to take this opportunity to express my gratitude to the staff of the Financial Services and the Treasury Bureau and the Legislative Council Secretariat who have given unreserved support to the work of the FC.

I so submit. Thank you, President.

**ORAL ANSWERS TO QUESTIONS**

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

**Ngong Ping Skyrail**

1. **MR JAMES TIEN** (in Cantonese): *President, the "Ngong Ping 360" cable car service between Tung Chung and Ngong Ping (Ngong Ping Skyrail) had been suspended when wind speed exceeded 90 kilometres per hour (km/h), and according to the Hong Kong Observatory, there was an average of 55 days with gust equal to or greater than 90 km/h recorded at Ngong Ping in each of the past three years. In addition, following the suspension of the trial run of the Skyrail on 17 June 2006 due to system failure which could not be repaired immediately, the company announced the postponement of the launch of the service. In this connection, will the Government inform this Council if it knows:*

- (a) *the circumstances that necessitate suspension of service of Ngong Ping Skyrail;*
- (b) *whether it was envisaged at the initial stage of designing this cable car system that cable car service would have to be suspended under such circumstances; if so, whether the relevant details have been disclosed at that time; if not, of the reasons for that; and*
- (c) *the contingency measures to be adopted when the cable car service is suspended in the situation mentioned above, including measures for handling the flow of visitors?*

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

- (a) According to the design of the cable car system, there will be temporary suspensions of the system in the circumstances of adverse weather conditions, including Typhoon Signal No. 8 and above, black rainstorm warning, lightning and strong winds, that is, wind speed of 90 km/h persistent wind and 135 km/h gust wind. On the advice of the cable car system manufacturer, the operator, Skyrail defines persistent wind speed as the average wind speed over a

period of 30 seconds and the gust wind speed over a period of one second. This definition is also adopted by some similar cable car systems overseas.

In the case of lightning and strong winds in the local area, the cable car will usually be able to resume service within a short period of time.

The decision on whether to temporarily suspend operation will be made by Skyrail having regard to the safety and comfort of the passengers. Under the Aerial Ropeways (Safety) Ordinance (the Ordinance), the operator, Skyrail, has the power to suspend the operation on safety grounds. Skyrail may suspend the cable car service having regard to a host of factors including wind speed. According to the wind speed data collected at Ngong Ping by the Hong Kong Observatory over the past four years during the operating hours of the cable car, that is, between 9 am and 6.30 pm, there were on average seven days in a year (totalling 23 hours) when such wind conditions existed.

As regards the suspension of cable car service during the trial run on 17 June 2006, Skyrail is of the view that the suspension was caused by three technical problems that occurred closely together, namely:

- (i) a fault with the system that controls the spacing of cable cars in Ngong Ping Skyrail Terminal;
- (ii) a friction-related problem with the conveyor rail system that transports cable cars around the contour of the Ngong Ping Skyrail Terminal; and
- (iii) a failure of the gate leading into the cable car parking area at Ngong Ping Skyrail Terminal which blocked the parking of the cable cars.

Skyrail has submitted a report on the incident to the Electrical and Mechanical Services Department (EMSD). The EMSD is now examining the report and will monitor closely the tests to be conducted by Skyrail on the cable car system.

- (b) When the Government introduced the Tung Chung Cable Car Bill to the Legislative Council in 2003, we pointed out that the operation and safety standards of cable car systems were regulated by the Ordinance. We pointed out to the Bills Committee that the design submissions from the MTR Corporation Limited (MTRCL) indicated that the cable car system was designed to cope with the prevailing weather conditions of Hong Kong. The Bills Committee examined the safety requirements for the operation of the cable car system under inclement weather, including requirements to reduce the speed or to stop the operation of the system under specified conditions. The Bills Committee noted that the operation and safety standards of the Cable Car System would be regulated by the Ordinance. The MTRCL had also informed the Legislative Council of the wind data collected at that time.
- (c) Skyrail has formulated a rescue plan and a transport contingency plan to deal with suspension of the cable car service.

When the rescue plan is activated, the Fire Services Department (FSD), the Government Flying Service and the Civil Aid Service will provide assistance as appropriate. Staff of the FSD have already received intensive training under the rescue plan. Upon the opening of "Ngong Ping 360", Skyrail and the FSD will also organize regular on-the-job training for their staff to familiarize themselves with the rescue operation.

The transport contingency plan outlines the steps to be taken, including relief buses to take visitors from the Ngong Ping Village to Tung Chung. Upon notification by Skyrail of cable car service suspension, the Transport Department will closely monitor the operation of bus service at Ngong Ping including the relief bus service; and arrange publicity for the traffic and transport arrangements from time to time. The police will also increase its manpower for traffic and crowd control measures.

During suspension of the cable car service, the MTRCL and Skyrail will post signage and notices in the MTR network and at the Tung Chung and Ngong Ping Skyrail Terminals. Skyrail will deploy its staff on site to explain the situation to visitors. It will also disseminate information through the "Ngong Ping 360" hotline, its website, press statements and communication with the travel trade.

**MR JAMES TIEN** (in Cantonese): *President, it is mentioned in the Government's main reply that according to the data collected by the Hong Kong Observatory, there were on average seven days in a year when such wind conditions as defined existed. But according to the data available to us, there were 55 such days. Can the Government explain such a discrepancy? Besides, speaking of these seven days, can they always complete the necessary repairs within one or two hours every time when similar wind conditions exist? Or, are we going to see something like the recent system suspension, which has been dragging on for 10 days since the 17th of this month? The situation will be very bad if this occurs seven times a year and operation must be suspended for 10 days on every occasion. Can the Secretary offer an explanation?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Thanks to Mr TIEN for his question. There are two points in Mr TIEN's supplementary question. The first point concerns the Hong Kong Observatory's information that there were 55 days when such wind conditions existed. I also wish to take this opportunity to clarify this point. The figure of 55 days supplied by the Hong Kong Observatory is computed on the basis of the average daily wind speeds in 24 hours in the past few years. However, since we are discussing the operation time of the cable car system, the basis of computation should be the period between its opening and closing every day (9 am to 6.30 pm, for example). In other words, we should be looking at the wind speeds during this period for the purpose of comparison. When all the 24 hours of each day were adopted as the basis of computation, there was an average of 55 days with such wind conditions in the past few years. But when the operation period of the cable car system was adopted as the basis of computation, there were on average seven days in each of the past four years (totalling 23 hours) when such wind conditions existed. If Mr TIEN does some calculations, he will know that there were on average three hours or so each day.

Weather conditions are totally beyond our control. When there are no strong winds or gusts at a speed of 135 km/h, the cable car system can always operate. I believe that this is also the case with cable car systems in foreign countries. Members can observe that in times of strong winds or gusts, the cable car systems in other countries will cease operation. Safety is naturally the primary concern here.

As for the system suspension on 17 June mentioned by Mr TIEN, it was actually caused by technical problems instead of weather conditions. It is therefore necessary to conduct investigations and find out what went wrong. Members all know that Skyrail has submitted a report. The EMSD is examining the report and will require them to conduct all the necessary tests once again, so as to ensure that everything is in good order. Skyrail must have absolute confidence that when the cable car system formally inaugurates, everything must be in good order, such that safety is assured.

**MR ABRAHAM SHEK** (in Cantonese): *President, the cable system of Ocean Park is world-famous. May I ask the Secretary whether the relevant personnel of Ocean Park have been consulted on the problems with Ngong Ping Skyrail? I asked this question because Ocean Park has a long history and established system of cable car operation. Besides, President, how is Ngong Ping Skyrail different from the Ocean Park cable car system?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): I am sorry. Mr SHEK asked whether we had approached Ocean Park. I wish to point out that these are actually two different systems. I have been told by experts that the one in Ocean Park is a mono-cable system, that is, a system equipped with merely one cable. The one in Ngong Ping is, however, a bi-cable system, that is, there are two cables. Apparently, since there are two cables in a bi-cable system, it should be safer.

Experts have been trying to find out the problems. Actually, they have been running a cable car system of this kind in Australia. Everybody is very concerned about the problems with the trial run. At present, the engineering personnel concerned are trying to find out what went wrong, and they seem to have identified the causes. I have already explained the causes of the problems. Naturally, the EMSD must still conduct in-depth investigations and all necessary tests, instead of doing nothing more. I believe that all procedures must be tested. The cable car system can resume operation only when the authorities concerned, including the MTRCL, Skyrail and the EMSD, are all satisfied with the test results and convinced that everything is in good order.

**DR RAYMOND HO** (in Cantonese): *According to the Secretary's main reply, there will be temporary suspension of the cable car system in adverse weather conditions, which are defined as wind speed of 90 km/h persistent wind and 135 km/h gust wind. However, the durations of measurement are just 30 seconds and one second respectively, as recorded by the Hong Kong Observatory's Automatic Weather Station in Ngong Ping. As mentioned by the Secretary just now, the cable car system in Ngong Ping is a bi-cable one, which is different from that in Ocean Park. But in foreign countries, are there any geographical and climatic conditions similar to those in Hong Kong, and are there frequent strong winds and gust winds of such short durations? Is the bi-cable car system concerned suitable for Hong Kong?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): As I informed the Legislative Council at that time, bi-cable car systems are suitable for operation in normal weather conditions. Strong winds, such as gust winds at a speed of 135 km/h, are not so common anyway. For this reason, when I replied to Mr TIEN's supplementary question just now, I remarked that according to the statistics of the Hong Kong Observatory, such wind speeds were not common, and there was just an average of seven days in each of the past four years when such wind conditions existed. I believe that in other countries, the cable car systems of snowy mountains must also be temporarily suspended from time to time due to inclement weather. That being the case, I am of the view that priority should be accorded to passenger safety and comfort.

According to the statistics for the past four years, there were seven days totalling 23 hours only, meaning that such wind conditions did not last for the whole day on each occasion. Weather conditions are beyond the control of all, and I believe that no passengers will want to travel on cable cars in times of strong winds. The cable car company will first consider all factors and the impacts of weather conditions on passenger safety and comfort before deciding on service suspension in accordance with the code of practice.

**MR JEFFREY LAM** (in Cantonese): *The last time when there was a service disruption, the weather conditions were not too bad. Suppose there is another service disruption, and strong winds at a speed of more than 90 km/h suddenly blow when many passengers are "suspended", will there be any measures to*

*arrange the prompt eviction of passengers from "suspended cars" and exposure to strong winds?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): I must point out that the service suspension on 17 June was not caused by weather conditions but by technical problems. As pointed out in my main reply, the suspension was caused by three technical problems that occurred closely together. We of course cannot tolerate such problems. Tests must first be conducted to identify the problems with the system, and service resumption will not be permitted until all the problems are rectified. In this connection, the EMSD is conducting the necessary studies.

We must first ensure that the system can operate smoothly before giving permission for service resumption. We do not wish to see the repeated occurrence of these problems either. The most important thing now is that we must ensure the good order of the entire system. However, even so, we cannot rule out the possibility of service disruption from time to time. In my reply to Mr TIEN's main question, I have already mentioned the various measures that will be adopted in times of service disruption, including the formulation of a rescue plan and a contingency scheme. We have also reached an agreement with the New Lantau Bus Company (1973) Limited, whereby contingency bus service will be provided whenever necessary to take passengers back to Tung Chung. If there is any need for rescue operations, the FSD and the Civil Aid Service will provide assistance. Both of them have been conducting many drills.

**MRS SELINA CHOW** (in Cantonese): *In regard to the "down time", or the periods of service suspension necessitated by weather conditions, there is some discrepancy between the Secretary's computation and Mr TIEN's, because the Secretary's computation takes account of many other factors besides wind speed. Actually, there may really be many days on which visitors cannot take the cable cars. We have learnt in the course of tourism marketing that visitors do like the cable car system very much and all want to travel on it. To make sure that visitors will not be disappointed, can the Secretary tell us whether any contingency plans have been formulated to deal with the volumes of visitors on the one hand and avoid their disappointment on the other, so that they may still enjoy themselves in the vicinity of Lantau?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): I believe that Mrs Selina CHOW's supplementary question is on whether or not there are any alternative arrangements for visitors to go to other places on Lantau in case they really cannot board the cable cars after arriving at Tung Chung. I believe Mrs Selina CHOW is also aware of the co-operation between the MTRCL and the New Lantao Bus Company (1973) Limited in this regard. If such a situation really occurs and visitors have already boarded the cable cars, arrangements will be made as far as possible to take them away. In addition, apart from taking the cable cars, visitors may also go to other scenic spots on Lantau. I believe this is a good proposal and we will follow up with Skyrail and the MTRCL to see if such arrangements can be made. For instance, we will explore the idea of providing visitors with vehicular transport in case such a situation really occurs, so that they can visit the Wisdom Path, the Po Lin Monastery or other tourism spots on Lantau instead.

**MR TAM YIU-CHUNG** (in Cantonese): *President, three reasons for the service suspension following the trial run on 17 June are listed in the Secretary's main reply. In fact, the three problems may occur very frequently. Are these problems basically connected with the computer system, such as the inexperience of technical and control personnel or any system defects? Are these the causes of the prolonged service suspension? Can the Secretary offer a detailed explanation again? As far as my understanding goes, the compartments of the Ngong Ping cable cars are quite large, each being capable of carrying 17 passengers. If as many eight to 10 passengers board a cable car together, the boarding time will surely be very long, thus lengthening the travel time of each section of the system. Is it true that the computer system is simply unable to cope with such a situation? What actually are the causes?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): I believe the problems mentioned by Mr TAM Yiu-chung just now will not occur very easily. Mr TAM Yiu-chung assumed just now that those problems would occur frequently, so he thought that they could be tackled very easily. But as far as I understand it, those problems are not supposed to occur at all. For instance, while the system that controls the spacing of cable cars is in operation, cable cars are not supposed to come too close to one another. Besides, there should not be any friction-related problems around the contour of the cable car terminal.

As a matter of fact, the trial run had continued for a week or so without any problems and when I myself travelled on it, there were no problems too. But on 17 June, problems occurred. All are thus very concerned and do not want such problems to occur ever again, to speak less of occurring frequently. They have conducted an investigation and submitted a report. They must still explain how the problems can be solved. The report is being studied by the EMSD, with the Director following it up personally. All tests must of course be conducted once again and we will ensure that all the problems are solved before allowing the system to resume operation.

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

**MS AUDREY EU** (in Cantonese): *President, it is mentioned in part (c) of the main reply that contingency measures will be adopted in times of service disruption. Actually, Mr LAM has already asked a similar supplementary question, but the Secretary only replied that many rescue plans had been formulated. But if any similar incident occurs, that is, in case passengers are "suspended" for an hour or two and in urgent need of rescue, do the Government and Skyrail really have any methods to rescue all the passengers stranded inside the cable cars? What is more, I have heard from the radio that in cases like the last service suspension, passengers can actually be "pulled" back on manual operation. Can the Secretary clarify whether this is possible in practice?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Many thanks to Ms Audrey EU for her question. The Director is sitting next to me now, and I have actually asked him the same question. If this is really possible in practice, all will indeed be very simple, and there should be no reason for our not doing so. But I suppose Members will also wonder how the "suspended" cable cars can possibly be pulled back manually. The Director has given me the reply that this is impossible. The most important thing to do in cases like this should be finding out how to resume the operation of the system, so that all the cable cars can travel slowly up there. I think it is rather difficult and dangerous to go to the "suspended" cable cars one by one and rescue the passengers stranded inside. The most important point is we must make sure

that the passengers stranded inside are all safe and then try to resume the operation of the system.

As far as my understanding goes, it is certainly impossible to "pull" back any passengers manually as described by the mass media. I have been told by experts that this is impossible. I think in cases like this, the most important thing to do should be to find out the problems. For example, if there is a power failure, the reserve power supply system must be activated. I think all these are after all technical problems. If it can be so simple as to "pull" passengers back manually, ..... Members can readily see that this is impossible. We must in any case try to resume the operation of the system.

Why do we need two plans? First, as I have mentioned, if there is a power failure, we must reactivate the power supply. If there are other mechanical problems, repairs must be done as soon as possible to rescue passengers promptly, in very much the same way as passengers are rescued during elevator failures. However, if we find this impossible after examining the situation, we must turn to rescue plans, so as to avoid subjecting passengers to any protracted panic of "suspension". Why are we so concerned? We have mentioned that the FSD has been conducting intensive drills and there is close co-operation between the Civil Aid Service and the police. The reason for all this is that we think there may be a need for rescue operations. I am sure that Members will not wish to see such situations happening, though.

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

### **Safety of Vegetables and Fruits**

2. **MR WONG YUNG-KAN** (in Cantonese): *President, regarding the monitoring of the safety of vegetables and fruits, will the Government inform this Council:*

- (a) *regarding the findings of a survey recently conducted by an environmental concern group indicated that some vegetables and tomatoes on sale in the two major local supermarket chains contained excess pesticide residues and unregistered pesticides,*

*whether the authorities know the registered farms or purchasing stations which supplied such vegetables and tomatoes; if so, of the details; if not, the reasons for that;*

- (b) of the progress of its discussion with the mainland authorities on the publication on the Government's website of the list of registered farms supplying vegetables to Hong Kong, and whether a timetable has been set for the publication of the list; if not, of the risk posed to the public; and*
- (c) whether it will set up a vegetable supply tracking system and a mandatory database to be provided by vegetable importers on the information on imported vegetables; if it will, of the implementation timetable; if not, the reasons for that?*

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

- (a) Regarding the control on imported vegetables from the Mainland, there has been an administrative arrangement between the Food and Environmental Hygiene Department (FEHD) and the Mainland. All vegetables imported from the Mainland must come from registered vegetable farms/collection stations for supplying vegetables to Hong Kong and be inspected and approved by the relevant Entry-Exit Inspection and Quarantine Bureau. The staff of Man Kam To Food Control Office would also inspect the documentation on the farms that supply the imported vegetables and use of pesticides. Regarding the subject case, the Health, Welfare and Food Bureau and the FEHD have already met with the senior management of the supermarkets concerned. According to the information provided by the management of the supermarkets, some of these vegetables and tomatoes could be traced back to mainland farms whilst others could only be traced back to vegetable wholesale markets in the Mainland or Hong Kong. The management of the supermarkets has promised to improve its source tracking system to facilitate tracing back the source for follow-up actions in case of any problems arising from vegetables or other farm produce in the future.

- (b) In response to the request of the Government of Special Administrative Region, the State General Administration of Quality Supervision, Inspection and Quarantine (ASQIQ) has published the lists of mainland registered vegetable farms and collection stations for supplying vegetables to Hong Kong on its website<sup>1</sup> since 30 April. The list will be updated from time to time. Moreover, the FEHD has also obtained the consent of the ASQIQ to set a referring link for the lists from its website.
- (c) To ensure that vegetables imported into Hong Kong come from registered farms/collection stations in the Mainland, the FEHD will work with the trade to follow up the issues of vegetable sourcing and tracking system. It will also remind large-scale vegetable suppliers and retailers to source their produce from registered vegetable farms/collection stations supplying vegetables to Hong Kong only. The FEHD has also sent the information on the vegetable farms and collections stations that are permitted to supply vegetables to Hong Kong to the two abovementioned supermarkets to remind them to check the source of vegetables that are to be imported from the Mainland. At present, there is no plans to require a mandatory vegetable database to be provided.

Regarding locally produced vegetables, at present, most of the large local vegetable farms have joined the Accredited Farm Scheme of the Agriculture, Fisheries and Conservation Department (AFCD) and supplied vegetables to the local market through Vegetable Marketing Organization. The remaining local supply comes from small vegetable farms that do not have consistent operation schedule or production capacity. To address the public concern for safety of vegetables and the actual operation practices of local vegetable farms, the AFCD plans to launch a non-mandatory registration scheme for local vegetable farms. The AFCD will commence registration for local vegetable farms in July. The database will be completed by late September. The database will keep on its operation. Besides, the AFCD will conduct regular inspections to these vegetable farms, collect samples to test for pesticide residues and disseminate information on the proper way to use pesticides.

<sup>1</sup> The list of registered mainland vegetable farms for supplying vegetables to Hong Kong  
< [http://www.aqiq.gov.cn/cms/data/2038/19062\\_19062\\_ccmd.xls](http://www.aqiq.gov.cn/cms/data/2038/19062_19062_ccmd.xls) >  
The list of registered mainland vegetable collection stations for supplying vegetables to Hong Kong  
< [http://www.aqiq.gov.cn/cms/data/2038/19062\\_sgzs.xls](http://www.aqiq.gov.cn/cms/data/2038/19062_sgzs.xls) >

**MR WONG YUNG-KAN** (in Cantonese): *President, I hope the Secretary can answer my question more clearly. At present, 70% of the vegetables supplied for our consumption comes from registered farms in the Mainland. Of the remaining 30% of vegetable supply, only a small proportion of them is supplied by local farms, and the remainder is bought from collection stations. The subject case is caused precisely by vegetables from unidentified sources. This being the case, may I ask the Secretary if the Government has got any database or detailed information on the collection stations for the purposes of following up the matter? Given that the vegetables available at the collection stations, which are called the "communal vegetables", are purchased from many different sources, how will the Government protect our health? Does the Government plan to put in more efforts in this regard?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, it should be ideal if we can track down the collection stations and even the farms from which every single lot of vegetable is supplied. However, as far as registered farms or collection stations are concerned, currently we may not be able to obtain detailed information such as the farms that supply the vegetables. Therefore, we are working with the mainland authorities for more effective measures to exercise management at the source. For the time being, we are stepping up the communications as well as requirements between the two sides. Meanwhile, we have to clarify the needs of local farms so that we can proceed with our work in this area to cope with the relevant developments in the Mainland.

**MR VINCENT FANG** (in Cantonese): *President, may I ask, apart from the publication of the lists of registered farms and collection stations, whether the authorities will consider enhancing co-operation with the Mainland with a view to increasing the number of mainland registered farms and collection stations? In doing so, we will not only increase the supply in the market, but also spare certain buyers from the risks of importing vegetables from unregistered farms or collection stations. If so, when will this be carried out? If not, why not?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, the suggestion made by Mr Vincent FANG just now is

certainly a measure that the Government plans to implement step by step. But we have to realize that the supplies at some collection stations come in an unstable fashion. Sometimes they may be buying some vegetables from this farm and some from that farm, and they may even make their purchases in different provinces. Therefore, we have to give the mainland authorities some time to do their jobs properly. We already have enhanced communication with the mainland authorities, and it is our hope that we will get this job done step by step, so that apart from having information on registered farms and collection stations, we will also have reliable information on the source of the vegetables supplied by the collection stations. However, it will certainly take some time before this can be done.

**MR LI KWOK-YING** (in Cantonese): *President, since the occurrence of the subject case, the FEHD once indicated that excess pesticide does not necessarily constitute a safety issue. May I ask the Secretary if the Government has any sufficient justification to support the claim that consumption of vegetables with excess pesticide on a long-term basis will not constitute a safety issue? Is there any evidence? If there is no such evidence, what kind of justifications does the Government have in making such a claim?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, with regard to food safety in general and issues relating to chemical substances in particular, we have experts in the Centre for Food Safety whose responsibilities are to analyse the types of health hazards caused by specific chemical substances. Some pesticides, when present in the human body, will cause acute poisoning, and these are problems that we will tackle as soon as possible. There are also cases where health hazards arise due to high concentration or high level of pesticides accumulated inside the human body over a long period of time. Therefore, with the analysis by our experts, we shall be able to inform members of the public of the threat of health hazards resulting from the consumption of pesticide-contaminated vegetables in terms of the amount of consumption or the frequency of consumption. We cannot judge everything by the same standard, but with the analysis by our experts, we shall be able to determine the threat of a health hazard resulting from the consumption of pesticide-contaminated vegetables in terms of the amount of daily

consumption or the frequency of consumption. Therefore, analyses of the effects of pesticides will be conducted, and the results of such analyses will be published.

Furthermore, according to explanations given by our experts, most of the pesticides can be dissolved in water. Therefore, when we take home the vegetables we have bought, we should wash them thoroughly or soak them in water for some time, and this will bring pesticides down to a very low level. Members of the public should be informed that a small amount of pesticide in the vegetables will not pose a great threat to our health. Of course, we will closely monitor any cases where excess pesticides are found in vegetables. It is most important for us to exercise control at source in order to curb such vegetables from entering the market. We are most concerned about this.

**MR FRED LI** (in Cantonese): *President, both imported vegetables and freshwater fish are having similar problems. My supplementary question is, that the current arrangement between Hong Kong and the Mainland is only an administrative arrangement but not a legal requirement. In other words, if the vegetable vendors in Hong Kong could source vegetables from unregistered farms in the Mainland and import them directly into Hong Kong without going through the Vegetable Marketing Organization, or without even being quarantined at Man Kam To, what, if any, legal provisions or regulations are in place to prevent the sale of these vegetables from unregistered vegetable farms? Maybe the answer is there is no legal provision for such supervision. Is it the intention of the Government to make remedies only after problems have surfaced?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as we all know, the Centre for Food Safety is established because we wish to see that our food safety can be managed more systemically. We are aware that Hong Kong faces many food safety problems. We use the level of risk as the criterion for prioritizing the type of foods that have to be regulated by law. As we have reported to this Council and to the Legislative Council Panel on Food Safety and Environmental Hygiene specifically, foods with a high risk level such as aquatic products are given priority. Since

vegetables are food that is being consumed almost every day, we shall also consider what regulation should be imposed. Of course, when it comes to what and how legislation should be made, we have to consult members of the trade as well as the consumers. And we have already prepared some long-term measures in this regard. With regard to time and other issues, we have to prioritize our work. We will report to the Panel on Food Safety and Environmental Hygiene in due course.

**MR SIN CHUNG-KAI** (in Cantonese): *President, I have a similar supplementary question too. The question from Mr WONG Yung-kan is very specific. He asked if there will be a vegetable supply tracking system and a mandatory database provided by vegetable importers containing information on the imported vegetables. The Secretary answered in the negative. Mr WONG Yung-kan specifically asked whether there will be such measures. Therefore, may I ask the Secretary whether there will be such measures and when such measures will be put in place?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, for the time being, we do not have a timetable or any concrete plan in this regard, but we are working on setting up a general framework for the management of food at source. Regardless of whether it is a database or any other measures, I believe we have to carefully consider whether it is the most effective solution. For the time being, however, we find it most important that we should first strive to ensure that the local vegetable farms are in order. Subsequent to that, we can work with the Mainland, our major vegetable supplier, to implement management at source. With regard to whether a database or other management systems should be established in future, we will make a decision after considering the issue carefully.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, it is mentioned in today's main question that a survey was conducted by an environmental concern group in supermarket chains, may I ask if mechanisms are in place within the Government for conducting inspections of retail vendors in supermarkets or wet markets? If so, are there any signs indicating that the problem mainly occurs in*

*the supermarkets? Or whether the opposite is true, that vegetables sold in the supermarkets contain less pesticide residues than those sold in the market stalls?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we conduct spot checks not only in supermarkets — we do that at different places. First of all, spot checks are conducted at Man Kam To customs control points of vehicles shipping vegetable supplies to Hong Kong. Meanwhile, spot checks will be made of vegetables in the wholesale markets of the Vegetable Marketing Organization. At the retail level, we keep conducting spot checks at different locations on a random basis. Of course, if any news should come to our attention, such as results of tests conducted by local organizations indicating major problems with certain types of vegetables, we will follow up and test for similar problem. Therefore, we do not target our spot checks at specific locations or specific suppliers or vendors. However, if the result of our spot checks conducted at a particular location found problems with the vegetables, naturally we would conduct more frequent spot checks at that particular unit or location with a view to identifying the source of the vegetables in question. Therefore, we do not have specific targets of spot checks. We collect more than 20 000 specimens from such spot checks annually.

**MR WONG KWOK-HING** (in Cantonese): *The Secretary said in the main reply that, according to information provided by supermarkets, their vegetables could only be traced back to mainland farms or some vegetable wholesale markets. The management of supermarkets had promised to implement this system, but it was just a promise made by the supermarkets. Earlier on, I heard the Secretary evading a question put forward by Members, that is, whether or not the Government will consider and when the Government will consider to legislate against vegetables supplied by unregistered farms, so that vegetables from unregistered farms will be banned from being imported into Hong Kong. I hope the Secretary can answer this supplementary question raised by me.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as I have said just now, according to our present procedure, we shall first carry out our work with local farms, and next with mainland

registered farms. In the meantime, we also hope that there can be more mainland registered farms and more choices, so that the amount of vegetables supplied by unregistered farms can be reduced. Of course, there is a relatively weak spot in our present legislation: If vegetables supplied to Hong Kong do not contain anything that violates our food safety regulations, we have to allow their sale in Hong Kong. This is exactly the area that warrants a review. Of course, we still do not have any timetable detailing the timeframe for carrying out a review of the legislation.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has not answered my question on when the Government will tackle the problem of unregistered farms. The Secretary has just said that they will first carry out work with local farms, and then next with mainland registered farms. But, in fact, 70% of the vegetables supplied to Hong Kong comes from the Mainland. That is why I hope the Secretary can answer this question.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, although 70% of our vegetable supply is from the Mainland, most of the vegetables imported from the Mainland come from registered vegetable farms/collection stations for supplying vegetables to Hong Kong. That is why we have attached special significance to the sources of the majority of such vegetables, and implement management over them.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has not answered what the Government will do if any contravention is detected.*

**PRESIDENT** (in Cantonese): Is this part of your original question?

**MR WONG KWOK-HING** (in Cantonese): *Yes, President. I asked this at the beginning: What would the Government do if vegetables supplied to Hong Kong are found to be from unregistered farms? The Secretary has not answered this question.*

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

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I have said that, according to the existing legislation, if vegetables supplied to Hong Kong do not contain anything that violates our food safety regulations, we would allow their sale. I have also said that we shall consider what we should do in addressing the issue in this regard in future. However, we also hope that we can expand the list of registered vegetable farms/collection stations for supplying vegetables to Hong Kong. By increasing the sources, we can reduce the amount of vegetables supplied by unregistered farms. This is an even more positive approach.

**PRESIDENT** (in Cantonese): This Council has spent more than 19 minutes on this question. Now we shall proceed to the third oral question.

### **Soccer Betting**

3. **MR LAU KONG-WAH** (in Cantonese): *President, regarding soccer betting activities, will the Government inform this Council:*

- (a) *of the respective numbers of persons arrested by the police so far for allegedly operating or participating in illegal betting on the soccer matches in this year's World Cup Finals, and how the figures compare to those in the last Finals;*
- (b) *how the police's law-enforcement actions against illegal betting on the soccer matches in this year's Finals, and their effectiveness, compare to those in the last Finals; and*
- (c) *whether underage persons' participation in legal and illegal soccer betting activities is on the rise; if so, of the details?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, having consulted the Secretary for Security and the Commissioner of Police, the Administration's reply is set out as follows:

- (a) From the commencement of the World Cup 2006 to 23 June, the Hong Kong Police Force have arrested a total of 85 persons in 46 operations and have seized soccer betting slips which were worth more than \$56 million.

During the World Cup Finals in June 2002, the police arrested a total of 66 persons in 38 operations and seized soccer betting slips which were worth more than \$38 million.

- (b) All along, the police have long-term strategies on combating illegal soccer betting activities, and have continuously combated such illegal activities with regard to circumstances. To prevent the likelihood of some bookmakers trying all sorts of means to lure participants in illegal soccer betting during the World Cup period, the police have put in place a series of measures to strengthen combat action, including adopting a four-pronged approach in respect of prevention, education, gathering of intelligence and law enforcement.

With regard to prevention and education, the police have arranged Police School Liaison Officers to reach out to schools to promulgate among students the right attitude towards illegal soccer betting. The police are also concerned about whether illegal bookmakers are accepting bets on soccer matches in some bars or entertainment premises. During this period, the police will also disseminate messages on refraining from illegal soccer betting through publicity leaflets, press conferences, government publicity films, seminars, and discussion with the persons-in-charge of licensed liquor premises and entertainment premises on how best to prevent illegal soccer betting activities from taking place in their premises.

On intelligence front, the police have formed a special working group at the Police Headquarters to co-ordinate intelligence gathering from all the units of the headquarters, the region and district levels to combat illegal soccer betting activities. The police have also strengthened liaison with the Hong Kong Jockey Club (HKJC) in order to gather intelligence on illegal soccer bookmaking activities. The police liaise closely with the law-enforcement agencies of the Mainland, Macao and overseas on exchanging such

intelligence, with a view to rigorously combating illegal bookmaking activities based in or outside Hong Kong.

On law enforcement, the police have sent officers to attend working meetings with the law-enforcement agencies in the neighbouring jurisdictions such as Guangdong Province, Macao and Southeast Asian countries. Consensus was reached on setting up a mechanism on direct contact with the various places, in order to work closely with their law-enforcement agencies to combat illegal soccer bookmaking activities during this period. The police are confident that they can successfully smash illegal bookmaking syndicates.

In respect of the latest enforcement action and its effectiveness, due to the vigorous enforcement action by the police over the years, most of the illegal bookmakers have moved their operations out of Hong Kong. At the same time, most of them are carrying out illegal transactions on the Internet. The police have enlisted support of the Internet Service Providers and in the recent operations, the police have seized eight servers found to be connected with 13 websites suspected to be involved in illegal soccer betting for detailed investigation. Five of the websites have moved out of Hong Kong in view of the police action.

The police have strengthened liaison and exchange of intelligence with the law-enforcement agencies in neighbouring jurisdictions. If necessary, the police will conduct joint operations to combat such illegal activities. The recent smashing of a transnational bookmaking syndicate by the police in collaboration with the Police Forces of Malaysia and Australia is one successful example.

The police have written to international remittance organizations reminding them to exercise special care in providing account services to those companies related to bookmaking activities.

The police have exchanged intelligence relating to bookmaking with the HKJC.

Apart from conducting raids against such bookmaking syndicates, the police will also conduct in-depth financial investigation of these

syndicates for the purpose of tackling their means of income and investigating offences likely to be associated with money-laundering.

- (c) Young people below the age of 18 should not participate in gambling. The police do not have figures on participation of young people in soccer betting activities.

**MR LAU KONG-WAH** (in Cantonese): *President, in part (a) of the main reply the Secretary said that this year — the World Cup of this year actually has not yet ended — 85 persons have been arrested so far, compared to 66 in the last Finals, and that since the commencement of the World Cup, soccer betting slips totalling \$56 million have been seized, but those seized during the entire period of the last World Cup amounted to \$38 million only.*

*President, in promoting legislation on soccer betting, the Government had said that legalization of soccer betting can combat illegal soccer betting, but judging from the statistics, it seems that the number of persons arrested has nevertheless increased. So has the number of soccer betting slips seized. Is it a failure of the legalization of soccer betting to achieve its desired objective or is illegal soccer betting much too attractive indeed?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, it is true that the number of persons arrested has increased, but more operations have been launched too. There are more successful operations, and the number of soccer betting slips seized has also increased. But in the meantime, insofar as the authorized channels are concerned, the revenue from betting duty on the HKJC has also increased. In other words, it depends on how the current situation is interpreted.

Having said that, however, the World Cup Finals, being a major event held once every four years, has become more and more successful. More often than not, Hong Kong people tend to develop a stronger and stronger interest as the matches unfold and as a result, these activities may eventually increase. But, meanwhile, these activities carried out in various other ways, including those through authorized channels, have also increased, and we also have more experiences of successful enforcement. I think we will be more and more

successful in this regard, and I hope that illegal gambling activities can be further tackled.

**MR ALBERT CHAN** (in Cantonese): *President, the Secretary opined that the World Cup has become more and more successful, but I wonder when Hong Kong will have the opportunity to enter the World Cup Finals.*

*President, with regard to prosecution and arrests, the Secretary said in the main reply that some \$56 million-worth soccer betting slips were involved. As far as I understand it, in an operation launched in Macao a few days ago, the Macao authorities had seized soccer betting slips totalling as much as \$100 million. It seems that the actions taken by Macao are more successful than those by Hong Kong. Can the Secretary explain if it is because illegal soccer betting is more serious in Macao than in Hong Kong, or does it mean that Hong Kong is not as successful as Macao in terms of prosecution and combat operations?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, with regard to the case mentioned by Mr Albert CHAN just now, that is, the one about Macao cracking a syndicate, the syndicate was actually controlled by some Hong Kong people, and the persons arrested in this operation also included Hong Kong people.

Everybody is saying that the World Cup is more and more successful, but illegal operators are also providing more and more choices of gambling activities and many illegal bookmakers have relocated their operation to places outside Hong Kong because of the very strict and successful enforcement actions in Hong Kong. But they will still breach the laws of Hong Kong if their market still targets at Hong Kong people. In this connection, the Hong Kong police will exchange intelligence with overseas police forces and launch joint operations. If Hong Kong people are found to be controlling or taking part in these channels of illegal gambling, they will definitely become targets of our combat actions.

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, from the Secretary's main reply I learn that there has been an increase in illegal*

*bookmaking activities. At present, there are often cases of the police cracking illegal bookmaking syndicates. In other words, we can assume that illegal betting is very active now. Have the authorities considered imposing heavier penalties on illegal bookmakers and reviewed whether the penalties meted out by the Judiciary in these cases are too lenient, and also reviewed whether there is a need for the police to further step up enforcement actions?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, under section 8 of the Gambling Ordinance (Cap. 148), any person who bets with a bookmaker, whether the bet is received within or outside Hong Kong, commits an offence and is liable on first conviction to a fine of \$10,000 and to imprisonment for three months; on second conviction to a fine of \$20,000 and to imprisonment for six months; and on third or subsequent conviction to a fine of \$30,000 and to imprisonment for nine months. Moreover, any person who receives within or outside Hong Kong a bet which is placed from Hong Kong commits an offence; the maximum penalty is a fine of \$5 million and imprisonment for seven years

**MISS TAM HEUNG-MAN** (in Cantonese): *Madam President, the Secretary responded that penalties at several levels would be imposed, such as a fine of \$10,000 and imprisonment for three months or a fine of \$20,000 and imprisonment for six months, and so on. But does he consider such penalties too lenient? Will he consider increasing the penalties? I was asking him this in my supplementary question.*

**PRESIDENT** (in Cantonese): Yes, Miss TAM did ask this in her supplementary question earlier.

**MISS TAM HEUNG-MAN** (in Cantonese): *Yes.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Now, we certainly have to combat illegal gambling activities. First, there must be comprehensive legislation; second, law enforcement must be effective; third, there must be

channels for regularization or diversion; and fourth, which is most important, we should focus on education, publicity and promotion. We will take a four-pronged approach in this regard.

On the question of whether legislative control is adequate, we have no intention to introduce amendments to the existing legislation.

**MR SIN CHUNG-KAI** (in Cantonese): *President, in his reply to Mr LAU Kong-wah's supplementary earlier on, the Secretary mentioned that there is an increase in soccer gambling, whether through illegal or legal channels, adding that illegal gambling has become more serious. It shows that the actions against illegal bookmaking seem to be not very effective.*

*However, President, my supplementary question is: In part (a) of the main reply, it was said that 85 persons had been arrested, and I would like to know among these 85 persons, were there persons arrested for purely participating in placing bets, not receiving bets, on soccer matches? Over \$56 million-worth soccer betting slips were seized by the authorities. Is it possible to use these betting slips to trace these bettors and arrest them? Has the Government done this? It is because I have participated in the enactment of the Gambling Ordinance and according to my understanding at the time, it is an offence to place or receive bets on soccer matches.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, I do not have the latest statistics on hand, but I can provide them later.

However, I do have the figures about the number of arrests made. For example, in 2001, six persons were arrested for placing bets with an illegal bookmaker and some 3 000 persons were arrested for receiving bets; in 2002, 16 persons arrested were bettors; in 2003, 12 were bettors; in 2005, 47 were bettors. So, we did trace those persons placing bets with an illegal bookmaker and arrest them.

Nevertheless, some 1 000 to 2 000 persons are arrested for receiving soccer bets or other bets every year, and this is generally the situation every year. As for the figures in 2006, I will give a reply in writing later.

**MR SIN CHUNG-KAI** (in Cantonese): *With regard to their proportion, why is it as such? The Secretary did not give me an answer as to why they take up such a small proportion, or why so few bettors were arrested?*

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

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): I have nothing to add. I will give a reply in writing later. (Appendix I)

**MR ANDREW CHENG** (in Cantonese): *President, the thrust of this question today is that the Government had said before that legalizing soccer betting could combat soccer bookmaking, and in his reply earlier on, the Secretary even seemed to feel complacent, saying that the operations have been more and more successful. He is irresponsible in making this remark. I wish to ask the Government and the Secretary whether they will admit that bookmaking has become more and more rampant now. Many members of the community, old or young, men or women, take part in soccer betting and yet, the Secretary still said that the operations are more and more successful. But you have failed to combat illegal bookmaking activities effectively. Would you not think that the Government's policy on gambling is a complete fiasco in that it cannot honour the undertaking made by you back then of implementing this policy to combat bookmaking activities?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, all that I have said is supported by facts.

The University of Hong Kong conducted in 2005 a study on Hong Kong people's participation in gambling activities, the report of which was also explained to the relevant panel of the Legislative Council. It provided useful statistics on the participation by Hong Kong people in gambling activities. In 2001, The Hong Kong Polytechnic University conducted a similar study, and we have drawn a comparison between the reports of these studies made in 2001 and 2005.

In general, we have reached several conclusions: First, the overall participation rate in gambling activities has remained stable; second, the overall participation rate in illegal gambling activities has dropped; and third, the participation rate in soccer gambling by placing bets with illegal bookmakers locally and overseas also shows a downward trend. It reflects that since the regularization of soccer betting in 2003, soccer gambling has obviously shifted to legal betting channels to a certain extent.

We, therefore, infer that part of the illegal bets have been diverted to the authorized outlet, because if legal channels are provided, many people said that they would prefer placing bets through legal channels for gambling, rather than taking risks. Secondly, given that illegal bookmakers may go bust, and as the payout for winning bets can be guaranteed if the bets are placed through legal channels and disputes over the payout are less likely to occur, most people said when they answered the questionnaire that they would prefer placing bets through legal channels, rather than betting through illegal channels.

**MR ANDREW CHENG** (in Cantonese): *The Secretary has not answered my supplementary question. I did not ask the Secretary to read out those statistics. If he must read them out, I have the statistics from studies conducted by other universities to prove to you that.....*

**PRESIDENT** (in Cantonese): Please state directly the part of your earlier supplementary question that has not been answered.

**MR ANDREW CHENG** (in Cantonese): *I would like to ask the Secretary this: Insofar as illegal bookmaking is concerned, it is obvious that over the past four years, soccer bets alone have increased by tens of million dollars. How can you convince me that the Government can guarantee that legalizing soccer gambling can curb illegal bookmaking activities? And you even said in such complacency that great success has been achieved. Secretary, you are irresponsible indeed.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, I do not think that I, being a Director of Bureau, have done anything irresponsible. We

have reached the conclusions according to facts. The Member asked whether the legalization of soccer betting is successful. I can tell you that if soccer betting is not regularized, the situation that we would otherwise face might be even worse.

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

**MR LAU KONG-WAH** (in Cantonese): *President, the Secretary cited some figures to show that the participation rate in soccer gambling has remained stable. But he also said earlier that legal soccer betting has increased, and so have the figures on illegal soccer betting. Is this not somewhat contradictory?*

*Moreover, in saying that success has been achieved, the Secretary actually means that as legal soccer betting has increased and illegal soccer betting has also increased, it goes to show that the World Cup is a success. But from another angle, would the Secretary not think that gambling has become more rampant?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, if Mr LAU would like to have more information, I can provide the full report to Mr LAU Kong-wah.

However, in 2001, people who said that they had participated or would participate in illegal gambling accounted for 1.6% of the interviewees; in 2005, according to a similar type of study conducted by the University of Hong Kong, people who had participated in illegal gambling or had the intention to participate in it accounted for 1%.

**MR LAU KONG-WAH** (in Cantonese): *President, the Secretary has not answered my supplementary question. In fact, he already said that it was 1%, and if that is the case, the number should have decreased, but it has increased actually. Is this not contradictory? The Secretary has not answered my question. Second, he did not tell me whether gambling has become more rampant.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the soccer betting slips seized by the police in law-enforcement operations cannot reflect the actual situation. Perhaps Members can think in this way. The more betting slips seized by the police, the more effective law enforcement is.

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

### **Unemployed People with Low Education Levels and Low Skills**

4. **MR CHEUNG HOK-MING** (in Cantonese): *Regarding the unemployed people with low education levels and low skills in Hong Kong, will the Government inform this Council:*

- (a) *of the latest unemployment rate of the abovementioned people, the estimated number as well as the age and gender profiles of such people at the end of 2008, and how these figures compare to the current figures (in age groups of 10 years each);*
- (b) *of the proportion of new immigrants in the above estimated unemployed population in 2008; and*
- (c) *whether in respect of the abovementioned unemployed people, in particular new immigrants, the Government will adopt measures to enhance their work skills, facilitate their participation in the workforce, and reduce inter-generational poverty; if it will, of the details of such measures, and the roles and tasks to be performed by various bureaux?*

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

(a) and (b)

According to the findings of the General Household Survey for the first quarter of 2006, the unemployment rates of people with low

education levels (that is, lower secondary level or below) and low skills by age group and sex are set out at Annex to the written reply.

The Government does not have the estimated number of unemployed population for 2008. In addition, the Government does not compile or publish any unemployment figures for new arrivals.

- (c) The government departments and organizations concerned have made tremendous efforts in implementing various measures to alleviate the unemployment problem of people with low education levels and low skills. The measures include retraining, skills upgrading and different employment programmes, which also cater for the needs of new arrivals. The details are as follows:

*(1) Skills upgrading*

The Government provides retraining services to the unemployed (including new arrivals) with low education levels through the Employees Retraining Board (ERB). The ERB will provide some 100 000 training places for the unemployed in 2006-07. Moreover, since 1997, the ERB has been providing "Job Search Skills" courses which aim at introducing to new arrivals the local labour market and employment situation, equip them with necessary job search skills, help them develop a positive working attitude and get them prepared for employment.

To enhance the quality of the local workforce, the Education and Manpower Bureau (the Bureau) allocated \$400 million in 2001 to set up the Skills Upgrading Scheme to provide targeted in-service training for workers with education at or below secondary level. The purpose of the Scheme is to upgrade their vocational skills and employability so as to cope with the future developments of the industries concerned. In addition, to promote lifelong learning, the Bureau set up a \$5 billion Continuing Education Fund in 2002 to offer financial assistance to people aged between 18 and 60 with learning aspirations. All eligible new arrivals may apply for the Skills Upgrading Scheme and the Continuing Education Fund.

(2) *Promoting employment*

The Labour Department (LD) provides a comprehensive range of free employment assistance and counselling services to job-seekers through its 10 job centres, the Telephone Employment Service Centre and the web-based Interactive Employment Service.

Besides, a number of special employment programmes are being implemented by the LD to help the unemployed, in particular those with low education levels and low skills, to re-enter the workforce. These include the Job Matching Programme, the Employment Programme for the Middle-aged and the Work Trial Scheme. These services also cater for the needs of the new arrivals.

In addition, the LD has set up resource corners in its job centres to provide comprehensive employment information for new arrivals. Regular employment briefings for new arrivals are organized to help them understand the local labour market and acquire job search and interview skills. The Vacancy Search Terminals at the job centres and the Interactive Employment Service website are equipped with software using traditional and simplified Chinese to meet the needs of different job-seekers. Telephones, fax machines, computers with Internet connection and resume-building software are available in the job centres for use by job-seekers. Job-seekers can complete the entire job searching process and receive job referral service through this one-stop service.

Apart from the LD, the Social Welfare Department (SWD) has also commissioned non-governmental organizations (NGOs) to operate various projects under the Intensive Employment Assistance Projects (IEAPs) (including job matching, vocational skills training and employment counselling) to help the unemployed Comprehensive Social Security Assistance (CSSA) recipients and near CSSA recipients (including people with low education levels and low skills and new arrivals) to overcome difficulties in finding jobs and to rejoin the workforce. The estimated expenditure of the Projects including administrative support expenses for 2006-07 is

\$77.3 million. Funding will come from the Lottery Fund, Hong Kong Jockey Club Charities Trust and the Government.

(3) *Alleviation of Inter-generational Poverty*

We agree that the healthy development of children and youth is instrumental to the prevention and alleviation of inter-generational poverty. In 2004-05, the Government's investment in programmes and services for the children and youth totalled around \$60 billion, of which about 25% (that is, \$15 billion) was specifically used on the provision of services for children and youth from disadvantaged families, including the provision of child care service and support for low-income families and various student financial assistance schemes.

One of the services is the Comprehensive Child Development Service launched by the Health, Welfare and Food Bureau, which aims at augmenting the existing universal service in our Maternal and Child Health Centres through the alignment of the delivery of health, education and social services. The Service would enable the early identification of the various needs of children aged zero to five and those of their families (including new arrivals) so that timely services can be offered to them.

Starting from the 2005-06 school year, the Bureau would earmark \$75 million per annum for conducting School-based After-school Learning and Support Programmes and introducing small-class teaching to schools with a high concentration of disadvantaged students; as well as provide \$2 million per annum to Uniformed Groups and The Hong Kong Award for Young People for operating assistance schemes for their needy student members. Moreover, the Bureau set up the Task Force on Continuing Development and Employment-related Training for Youth in 2004. The Task Force is responsible for the administration of the \$50 million Youth Sustainable Development and Engagement Fund set up by the Government to subsidize new initiatives and pilot schemes to promote employment opportunities for the unemployed youth.

## Annex

## Unemployment rates of people with low education levels and low skills

(Based on the General Household Survey for the first quarter of 2006  
by age group and sex)

Age Group	Sex				Both Sexes	
	Male		Female			
Aged 15 to 29	14.6%	(8 400)	5.4%	(2 400)	10.6%	(10 800)
Aged 30 to 39	10.3%	(10 400)	4.4%	(3 400)	7.7%	(13 800)
Aged 40 to 49	10.1%	(19 900)	5.4%	(8 800)	8.0%	(28 700)
Aged 50 to 59	10.8%	(20 800)	5.6%	(7 200)	8.7%	(28 000)
Aged 60 or above	5.0%	(2 400)	*		3.9%	(2 400)
Overall	10.4%	(61 900)	5.1 %	(21 900)	8.2%	(83 800)

Note: \* Figures are compiled based on a small number of observations and not released owing to large sampling errors.

**MR CHEUNG HOK-MING** (in Cantonese): *President, the Secretary mentions in a paragraph in part (c) of the main reply the subject of skills upgrading and points out inter alia that the ERB will provide some 100 000 training places for the unemployed in 2006-07. May I ask the Secretary how many of these 100 000 people, having undergone retraining, would be able to rejoin the labour market? Does the Government have any projection on this? If so, does the projected number tally with their expectation?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): The figure is worked out by the ERB. I think I have to check whether or not there are figures in this respect. Perhaps I have to give Mr CHEUNG a reply in writing. (Appendix II)

**MR KWONG CHI-KIN** (in Cantonese: *President, nowadays many jobs require job-seekers to have a secondary school qualification, that is, they should have taken the Hong Kong Certificate of Education Examination (HKCEE). However, many adult new arrivals to Hong Kong do not possess any Hong Kong*

*academic qualifications. In the past, these people might enrol in government evening schools but now the Government has stopped operating such schools. Some organizations are commissioned to operate these programmes without any government subsidy, so the school fees are quite expensive.*

*President, I would like to ask the Secretary this question. Will the Government put in more efforts to help these adult new arrivals to Hong Kong acquire the qualification of HKCEE?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, actually, apart from evening schools, there are many other channels available through which adults can further their studies. I have pointed out some measures devised to this end, but I have not talked about channels like Project Yi Jin under which participants who have completed the Project are deemed to have gained five passes in the HKCEE.

**MR LEE CHEUK-YAN** (in Cantonese): *Although it is said that the economy of Hong Kong has improved, if we read the Annex, we will find that even though the overall unemployment rate is 4.9%, the unemployment rate for workers with low education levels and low skills is very high, which is 8.2%, and the unemployment rate for young people is even higher, at 10.6%.*

*The Secretary mentions in the main reply many names and measures, in my opinion, of these the Continuing Education Fund (CEF) bears little relevance to workers with low education levels and low skills. Although there is no requirement stipulated in the CEF that only persons with high education levels may apply, as tuition fees for these programmes would be almost \$10,000, so most of these programmes are meant for application by degree holders.*

*I do not know if the Secretary has a detailed breakdown of the figures, such as the number of workers with low skills and low education levels who may apply for courses reimbursable by this \$5 billion CEF. Moreover, besides the four major industries, will the Government expand the scope of funding to include more industries? An example is the beauty care courses which are suitable for many young people, but they are not included. The fees for these courses may be as much as some tens of thousand dollars and the young people cannot apply for financial assistance even if they wish to enrol in these courses. Some*

*middle-aged people may wish to apply for a course for health workers, but they are not eligible for applying the CEF if the courses cost just a few thousand dollars. I hope the Secretary can give a reply to this question: How many workers with low skills and low education levels can apply for the CEF and will the Government expand the scope of application of the CEF?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, the CEF is a voluntary scheme and we have never compelled people to do anything. What we do is to encourage them and we will never compel them. In view of this, we have no figure showing the number of people who are eligible for enrolment in such courses.

As for the types of courses, just now the Honourable Member has mentioned the four major industries which are helpful to the Hong Kong economy. We encourage all people to apply but the courses must be related to these four major industries.

**MR LEE CHEUK-YAN** (in Cantonese): *The Secretary has not answered my supplementary question. I was not saying that the public should be compelled to take courses. I was just asking whether or not workers with low education levels and skills stand a much less chance of taking courses. Does the Secretary have any figures showing things like the number of people taking the CEF-funded courses and of these people, the percentage of workers with low education levels and low skills? From this we can see whether or not the CEF is not applicable to workers with low education levels and low skills. Then will the Secretary consider doing as much as he can to make adjustments in the CEF requirements, such as expanding the scope of trades included and lowering the entry requirements so that it would be easier for these workers to enrol in courses?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, when we set up the CEF, we had not intended to invite applications from people with a bachelor's degree. However, later on we learnt that there was still money left that could be open to application from people who had a degree, then we expanded the types of eligible applicants. It can be seen that we intended at first to help those people without a bachelor's degree so that they could further their studies.

**DR FERNANDO CHEUNG** (in Cantonese): *The Secretary has mentioned in the main reply that the SWD has commissioned NGOs to operate various projects under the IEAPs. I wish to point out that the existing IEAPs are for CSSA recipients, that is, those so-called able-bodied persons. As stipulated, able-bodied persons who have stayed in Hong Kong for less than seven years are not eligible for CSSA. In addition, IEAPs and the New Dawn Project which aims at helping single parents do not allow new arrivals who have resided in Hong Kong for less than seven years to apply.*

*In the past few years, the Government has closed about 10 resource centres for new arrivals and such resource centres used to offer employment services to the new arrivals. May I ask the Secretary — though it may not be his business as it may be more related to Secretary Dr York CHOW — as the Government closed resource centres for new arrivals and denied them of training, where the Secretary would expect these new arrivals to obtain such services?*

**PRESIDENT** (in Cantonese): Is the Secretary for Home Affairs going to take up this question?

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Yes. I will try to answer this supplementary question.

Actually, from the angle of the Home Affairs Bureau, as a general rule, we should not label services offered to new arrivals as such. How should new arrivals be defined? Are they people who have been in Hong Kong for one year, two years, three years or seven years? I think when such problems are handled by departments or Policy Bureaux, different definitions may be used. For the Home Affairs Bureau, it is hoped that all arrivals to Hong Kong, be they new or old, should integrate into Hong Kong society. If certain needs or problems arise in the course of their integration into Hong Kong society, we will offer services in this respect. Therefore, in terms of the overall service environment, the Home Affairs Bureau will assume a co-ordinating role.

As for Dr Fernando CHEUNG's question about the rationale for closing the centres for new arrivals, perhaps I shall give a reply in writing. (Appendix III) However, I can say now that at the district level, we hope that the services offered to new arrivals will enable them to integrate into the community

instead of labelling those who walk into a centre for new arrivals as new arrivals. We hope to remove such a label. We wish to generalize and make our services available to all those in need, regardless of how many years they have been in Hong Kong. If they have any problem or need, and if they find it hard to integrate into our society, we will offer them our assistance schemes and services. We hope all these schemes and services can be made available to all the people in Hong Kong.

**DR FERNANDO CHEUNG** (in Cantonese): *Madam President, under the existing system, those new arrivals to Hong Kong who have stayed here for less than seven years cannot apply for CSSA and programmes related to CSSA on employment such as IEAPs, the New Dawn Project for single parents, and so on. They are barred from joining these programmes. My supplementary question is: What then should they do and where should they go? I know the Secretary does not know how newly arrivals are defined, but some government departments have already defined new arrivals as those who have been in Hong Kong for less than seven years. These people are denied such services. My supplementary question is: Where can they get the services?*

**PRESIDENT** (in Cantonese): Which Director of Bureau would like to add anything?

(The Secretary for Education and Manpower and the Secretary for Home Affairs indicated that they would not reply)

**PRESIDENT** (in Cantonese): I hope the Secretary can provide an answer in the written reply later.

We have spent 16 minutes on this question. Now the last supplementary question.

**DR KWOK KA-KI** (in Cantonese): *Madam President, the Secretary states in the main reply that the Government does not have any unemployment figures for new arrivals but there are many measures in place which new arrivals may find useful.*

*May I ask the Secretary whether some specific studies will be undertaken or some specific projects be set up to address the problem of unemployment among the new arrivals and help them rejoin the job market?*

**PRESIDENT** (in Cantonese): Which Director of Bureau will take this question? Secretary for Home Affairs.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): The Home Affairs Department has done some surveys among new arrivals from the Mainland who have arrived in Hong Kong for less than one year and who are above 11 years of age. The purpose of these surveys is to know more about them and gauge their practical needs, especially with respect to integrating into the community. Findings of these surveys are distributed in the form of quarterly reports to all related government departments and even NGOs, especially those which engage in this sort of work in the districts. This will enable them to offer the right kinds of service to new arrivals to Hong Kong.

At the beginning of 2003 we completed a report on this and in the third quarter of 2005, we also conducted a survey and the relevant report will be distributed to all government departments and some NGOs in about the third quarter of this year.

**DR KWOK KA-KI** (in Cantonese): *The supplementary question which I have just raised has two parts, one is whether or not the Government will undertake a study on the issue instead of compiling some statistics, and the second is whether or not in response to this study, some policies which will facilitate the re-entry of new arrivals into the job market will be formulated?*

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**DR KWOK KA-KI** (in Cantonese): *It is the second part.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): This survey we have conducted is called the Thematic Household Survey and it was completed in 2005. The contents include a survey of the needs of new arrivals to Hong Kong, that is, those who have come here for less than one year. We will distribute this report to every government department so that some co-ordination can be made to the direction of their work in the hope that they can offer services to new arrivals that will better suit their needs.

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

### Tests on Imported Fruits

5. **MR FRED LI** (in Cantonese): *President, in reply to my question two weeks ago, the Government said that in the past three years, the Food and Environmental Hygiene Department (FEHD) took 477 fruit samples for tests on pesticide residues, and one papaya sample was found to contain methamidophos. The authorities also said that the number of fruit samples taken for tests was limited because fruits were not considered to be at high risk. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of imported fruit samples taken by the FEHD at entry points, wholesale and retail levels for tests in each of the past three years;*
- (b) *whether the authorities have successfully traced the source of the papaya sample found to contain methamidophos and made arrangements for recalling the papayas in questions; and whether the authorities will consider establishing a tracking and recall system for imported fruits; if so, of the details; if not, the reasons for that; and*
- (c) *of the rationale and basis for the authorities' statement that fruits are not at high risk, and how the authorities can, by acting in accordance with such rationale and basis, ensure that foods consumed by the public are safe?*

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

- (a) The FEHD has collected about 480 samples of imported fruits at entry points, wholesale and retail levels for tests on pesticide residues over the past three years. The breakdown is as follows:

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Entry Points	65	78	102
Retail and Wholesale	58	75	99
Total	123	153	201

- (b) According to our record, the papaya being tested positive for methamidophos was imported from Malaysia. On being informed of the test results, the person-in-charge immediately stopped sourcing papayas from the same place in Malaysia and turned to other supplying places for papayas. No methamidophos was found after further tests on samples taken from the newly imported papayas of the primary distribution agent. Fruits are not considered to be at high risk. Indeed our records showed that fruits have a high passing rate in test results. Moreover, fruits are imported from a wide range of sources. Therefore, the Administration has no plan to set up a tracking system for imported fruits.
- (c) Generally, we will consider various factors in evaluating the risk potential of a food item, such as its characteristics, intake amount, nature of the hazard and its susceptibility to rapid proliferation of pathogens, and so on. Furthermore, we will also make reference to food poisoning reports and data of the Food Surveillance Programme in evaluating the risk potential of a food item. A food item that rarely causes food poisoning would be at relatively low risk. Generally, fruits are protected by their rind and have relatively high acidity with little protein. Therefore, fruits that are intact do not provide favorable conditions for rapid proliferation of pathogens. For the above reasons, fruits are not considered to be high-risk food.

**MR FRED LI** (in Cantonese): *President, according to part (c) of the main reply given by the Government, fruits are not considered high-risk food from the*

*pathogenic angle. However, it has been found, though not from the pathogenic angle, in the spot checks conducted by Green Peace on fruits imported from the Mainland that the fruits contain prohibited pesticides or excessive pesticide residues. With regard to these spot checks, will the Secretary consider conducting more fruit sample tests for pesticide residues to verify whether the percentage of pesticides contained in the fruits imported from the Mainland is as high as the percentage alleged by Green Peace?*

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

Madam President, we will certainly collect a wide range of information and data before determining the fruits or sources of fruits requiring enhanced surveillance. We will definitely step up surveillance if any data substantiated the need to do so. As pointed out by me earlier, the proliferation of pathogens is not the sole factor determining the risk levels. As I said in my earlier reply to a question on fruits and vegetables, we will conduct tests for pesticide residues in conducting spot checks on fruits and vegetables. Therefore, we will know if they are problematic. I agree that if it is found that there is extensive use of harmful pesticides at a certain place of origin, we will step up random checks on the fruits imported therefrom.

As Members are aware, the Mainland accounts for a mere 15% of all the fruits imported into Hong Kong. Fruits in Hong Kong are imported from 38 countries, and the Mainland merely occupies the third place in terms of the quantity of our imported fruits. Therefore, in addition to the situation in the Mainland, we will also keep in view the food safety or pesticide issues in other places of import. Spot checks will definitely be stepped up if a certain place is considered to be at high risk in these respects.

**MR LEE WING-TAT** (in Cantonese): *President, judging from the main reply, it is very easy to import fruits into Hong Kong, for regulation is simply absent here. According to my understanding, some countries have rejected the importation of problematic fruits from the Mainland, and these fruits have ended up being sold in Hong Kong. If tests in this area are not stepped up and a tracking system for fruits is not set up, Hong Kong will become a dumping ground for fruits considered as substandard by overseas places. In this connection, may I ask the Government what else can be done besides stepping up spot checks on fruits?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, regarding the fruits referred to by Mr LEE Wing-tat, some agricultural countries lay down relatively stringent requirements because they are particularly concerned about whether the fruits contain any pathogens or insects for fear that the fruits will become a carrier of pests. It has come to our notice that not all imported fruits are sold here. Sometimes, they will be re-exported to other countries. In this respect, we have to complement the requirements of other countries as well. We will complement the efforts made by the Environmental Protection Department (EPD) in the next Legislative Session to conduct a legislative review of pesticides.

**MR VINCENT FANG** (in Cantonese): *President, I would like to follow up the supplementary question raised by Mr LEE Wing-tat earlier. Has the Government compiled statistics on re-export fruits failing to meet the standards of other countries and will spot checks be stepped up on them?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, of the bulk of the re-export fruits at present, some are shipped to the Mainland from overseas countries via Hong Kong. Under the present arrangement for co-operation with the Mainland, re-export companies are required to comply with certain regulations in Hong Kong. For instance, re-export fruits are not allowed to be devanned, or wrapped or sealed again in Hong Kong. Furthermore, certain fruits are required to be sprayed with insecticides before being shipped to the Mainland. Therefore, we will endeavour to complement the requirements of the destinations of the re-export fruits. As regards the need to strengthen regulation by legislation, we do not have a definite position for the time being. Furthermore, I do not have the relevant data at hand.

**MR TOMMY CHEUNG** (in Cantonese): *President, I understand that some fruit importers have originally intended to ship their fruits to other countries, not direct into Hong Kong. However, after being rejected by those countries, the fruits were shipped to Hong Kong because of our less stringent requirements. As those fruits have been rejected by other countries, I am worried that it is equally problematic for these fruits to be re-exported to Hong Kong. Can the*

*bureau or department ascertain whether the fruits were shipped to Hong Kong from their places of origin direct? Insofar as goods rejected by other countries are concerned, can we prohibit the importation, or step up the inspection, of the fruits shipped to Hong Kong after being rejected by other countries to find out the reasons for their rejection?*

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

Madam President, we certainly have to find out the reasons for the rejection of the fruits by other countries to see if there are concerns that the fruits will bring in certain pests or cause food safety problems. In Hong Kong, food safety is our paramount concern. If food unfit for human consumption is found in the territory, we may institute prosecution or require the supplier to recall the food in question. This is what we can do. Therefore, it all depends on the causes. At present, the number of spot checks carried out is small. However, if any problems are identified, we will enhance our efforts expeditiously. Over the past years, no instances of intoxication caused by consumption of fruits have been recorded. Despite our concern, fruits are still considered relatively safe.

**PRESIDENT** (in Cantonese): Mr Tommy CHEUNG, is your supplementary question still not answered?

**MR TOMMY CHEUNG** (in Cantonese): *Yes, President. I actually wanted to ask the Secretary whether inspection would be stepped up in response to the re-export of fruits rejected by other countries (not places of origin) into Hong Kong?*

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

Madam President, as I explained earlier, we certainly have to find out the reasons if we know that some fruits rejected by other countries have really been re-exported to Hong Kong. If food safety is involved, we will definitely carry out spot checks proactively, or even seizure for inspection. If the fruits have been rejected because of decisions made subsequent to commercial discussion between two parties, we will have to consider if such work is really required. Anyhow, appropriate actions will be taken to inspect the fruits as long as we receive any news.

**MR WONG YUNG-KAN** (in Cantonese): *President, the Secretary mentioned in part (c) of the main reply that fruits are protected by their rind and many fruits are consumed after being peeled. However, is the Secretary aware that salted eggs have recently been found to be problematic though they are consumed after their shells are removed? At present, for the sake of preservation or packaging, large quantities of preservatives or other means are used to prevent fruits from rotting easily. What methods will the Government use to regulate this, or will the Government examine whether this is related to the question raised by the Honourable colleague earlier? If fruits containing preservatives are barred from importation in certain places, it may have something to do with pesticides. Despite the Secretary's view that fruits are consumed after being peeled, some fruits can be consumed with their rind. How can the Government regulate this?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): First of all, Madam President, I consider that fruits and salted eggs cannot be treated in the same way. Although some people will peel the rind of fruits before eating them, some will eat the fruits with their rind. Therefore, during our inspection, we will not consider whether the fruits in question have rind. Instead, we will examine whether the fruits contain substances considered unfit for consumption. Besides, given our knowledge of the abusive use of pesticides or other chemicals in the places of origin of certain imported fruits, we will step up spot checks in this area. Judging from various aspects, our approach is quite dynamic. Our colleagues will examine daily whether fruits imported from all parts of the world carry any particular risk. If certain imported fruits are considered to be at higher risk, our spot checks will be stepped up. Members should be aware that, since the establishment of the Centre for Food Safety, special attention has been paid to information on all foods. If required, we will step up spot checks, or even take certain actions.

**MR ANDREW CHENG** (in Cantonese): *Madam President, it is understood that up to 4 million tons of fruits are imported into Hong Kong each year. According to the main reply, out of the 4 million tons of fruits, an average of 160 samples are collected annually for tests on pesticide residues. With such an extremely low ratio, the spot checks can be described as nominal. May I ask the Secretary, as members of the public are encouraged to consume more fruit and yet the ratio of the fruit samples collected for spot checks is so low, how the Government can ensure the food safety of Hong Kong people? Will the*

*Secretary undertake to raise the ratio of spot checks to protect the food safety of Hong Kong people and boost our confidence in consumption of fruits?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, regarding whether the 400 samples collected each year for spot checks is a relatively low figure, I personally consider the figure not too low insofar as Hong Kong's present situation is concerned. Some overseas places collect only several samples for tests annually because the problem is not serious. However, if we learn from any information that the safety of certain foods is particularly problematic, or certain foods are risky or have turned risky, our spot checks will be stepped up. We have to rely on the source of information for effective spot checks. Hence, we cannot blindly step up our spot checks. For these reasons, we must first ascertain which foods are problematic by, for instance, taking seasonal measures, to step up spot checks on such seasonal fruits as lychee, longan, and so on.

We will do a good job of our task. If we notice that the risk of fruits has increased, more resources will definitely be deployed for spot checks. At the same time, we also see that food safety is a wide-ranging issue, and resources have to be pooled in certain areas to tackle it. For the time being, we consider fruits to be at high risk — excuse me, it should be low risk.

**MR WONG KWOK-HING** (in Cantonese): *Madam President, the Secretary indicated earlier that fruits are not considered to be at high risk. I would like to ask the Secretary through the President whether the Government has examined the cumulative effect of consuming more fruit, as the public is encouraged to consume more fruit daily. It does not matter if we eat only one or two pieces a day even if they contain illicit or prohibited pesticides. However, will the Government study the cumulative effect if a person consumes fruits daily throughout the year?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, a designated government team is responsible for analysing the health risk brought by a wide range of chemicals (including pesticides or other pollutant residues). If we find that the relative concentration of pollutants contained in food, as compared to the daily consumption by human beings in

general, will indeed affect us, we will let the public know if there is a cause for concern. Therefore, we will pay close attention to the global developments in agriculture and farming. As we will keep such work in view, Mr WONG needs not worry. If any food is found to be risky, particularly fruits, we will definitely notify the public expeditiously.

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

**MR HOWARD YOUNG** (in Cantonese): *President, the Secretary mentioned in part (b) of the main reply that fruits have a high passing rate in previous test results. The Secretary also indicated in his reply to the second oral question raised by Mr WONG Yung-kan on vegetables that tests had been conducted on vegetables too. May I ask the Government whether comparisons have been made and whether there are data indicating that the passing rates of fruits and vegetables are similar or greatly different?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): In our opinion, Madam President, vegetables are certainly far more risky than fruits. We have also seen a number of poisoning incidents caused by consumption by the public of vegetables containing excessive pesticides. According to the information provided by the Department of Health, there were 57 poisoning cases caused by consumption of vegetables by the public in 1991. After a series of efforts, the number of such cases has dropped to 15 in the past decade. For years, there have been no obvious instances of fruit poisoning. For these reasons, we consider that fruits are definitely less risky than vegetables. Among all the vegetables, leafy vegetables are more risky, while gourds and tomatoes are less risky.

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

### **Expansion of Private Health Care Service**

6. **DR KWOK KA-KI** (in Cantonese): *President, it has been reported that the Government is considering setting up a joint public-private medical centre on*

*Lantau Island while the Hospital Authority (HA) is also planning to expand its private health care service. Regarding the details of these two projects and their impact on public health care service, will the Government inform this Council:*

- (a) of the details of its plan to establish a joint public-private medical centre on Lantau Island;*
- (b) whether it plans to subsidize public health care service with the profits generated from the provision of private health care service in public hospitals; if so, how it can ensure that public hospital patients who cannot afford private health care service will not be affected, and that implementing the plan will not go against the principle that "every resident should have equal access to public health care service regardless of their financial means"; and*
- (c) how the expansion of private health care service will tie in with the health care financing scheme to be implemented and whether this will further drive up the bed occupancy rate of public hospitals, which is already on the high side?*

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

- (a) The Administration does not have any plan so far to establish a joint public-private medical centre on Lantau Island. As a matter of fact, the proposed North Lantau Hospital (NLH) is still at the planning stage, where the scope of medical services to be provided by NLH upon completion as well as the feasibility of commissioning the hospital in phases are being studied.

One of the recommendations in the discussion paper entitled "Building a Healthy Tomorrow" by the Health and Medical Development Advisory Committee is to encourage further integration between the private and public medical sectors. The Committee is of view that better integration would not only redress the imbalance between private and public medical services, but also promote healthy competition in terms of the overall service quality and professional standards and provide more choices for the public.

Therefore, the Administration will consider the feasibility of public-private collaboration when studying the future operational model of NLH, but no conclusion has been reached at this time.

- (b) It is the priority of the HA to provide quality medical services to the public in Hong Kong and to ensure that the low-income group and the underprivileged have equitable access to the necessary medical services. As a matter of fact, the HA does not have any plan currently to increase the supply of its private services. Furthermore, such services only account for a very small share of the overall level of services provided in public hospitals — below 1% in terms of both bed-days utilized and the number of out-patient attendances. Therefore, the public need not be concerned about their access to public medical services being affected by the HA's private services.

The main rationale for providing private medical services in public hospitals is that there are certain levels of expertise and facilities within the public medical sector, particularly at the teaching hospitals, which are not generally available in the private sector. The provision of private services in public hospitals provides those members of the public, who prefer to procure private medical services at their own expenses, a means of accessing the specialized services in public hospitals. This avoids increasing the burden of the public health care system by this group of people.

As a matter of principle, the Administration will not use public funds to subsidize the private services in public hospitals. Currently, the fees for private services are set with reference to market prices, but they must be higher than the costs for providing such services. This charging policy ensures that the HA's private services would not interfere with the normal operation of the private market. The income derived by the HA from its private services are fully ploughed back to meet the operational expenditure of its public services.

- (c) While the HA does not have any plan to expand its private medical services, it will continue to strive to improve the quality and standard of both its public and private services and establish an

exemplary benchmark with a view to enhancing the overall standard of medical services in Hong Kong. Through the provision of private medical services, the HA is to meet the demand of some members of the public who are willing to shoulder the full cost for services in public hospitals at their own expenses. There is no direct connection with the Administration's health care financing arrangement. Moreover, the HA will not change the level of provision or the capacity of its public medical services due to the provision of private services in public hospitals. Therefore, the HA's private services should not have any effect on the utilization rates of its public beds.

**DR KWOK KA-KI** (in Cantonese): *President, the Secretary said in part (a) of the main reply that integration between the private and public medical sectors will be encouraged. Later on, he also said that the feasibility of integration will be considered when studying the future operational model of NLH. Can the Secretary tell us the details of some of these ideas or feasible options and when will the final decisions on such measures be made?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, since residents on Lantau Island have all along requested that the Government build a hospital specially in Tung Chung to meet their needs, therefore we will design the hospital and carry out the planning in the light of the needs of the residents in the area as soon as possible. However, one special factor is that the number of residents on Lantau is not large. Generally speaking, our past practice is to wait until the population in an area has reached 150 000 to 200 000 persons before a hospital would be built. Therefore, we have to consider this special setting and see how best to ensure that the operation and services of this hospital can truly be sustained.

The number of residents on Lantau (including Tung Chung, Tai O and other places) is no more than 100 000 persons and it is in the short term (that is, in the next 10 years), and perhaps after some time that the total population will reach 150 000 persons. Therefore, even if a hospital will be built, we will expand it in phases so that the scope of services can be extended when necessary. In addition, we will also carry out planning of the hospital along the line of a small district hospital. In contrast with other hospitals in the urban areas in

Hong Kong, with regard to this hospital to be built on Lantau, unless there are special reasons, otherwise, I believe people in the urban areas will not travel from one district to another on purpose to seek treatment in the hospital in Tung Chung. Therefore, this hospital will mainly cater to residents on Lantau, in particular, residents of Tung Chung, and will also cater to the needs of the Hong Kong International Airport or the special needs of the Disneyland. We hope that in future, should there be any unforeseen event, residents on Lantau can seek treatment in this hospital. However, I believe it is not possible to develop any specialist service in the short term because the population in this area is really too small.

**MRS SELINA CHOW** (in Cantonese): *The Secretary said at the end of part (a) of the main reply that the Administration would consider the feasibility of public-private collaboration when studying the future operational model of NLH, but no conclusion has been reached at this time. May I ask the Secretary if he can tell us the scope covered by this feasibility of collaboration and when a final decision will be made?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, for the time being, we have not decided on a very definite model according to which we will proceed. Someone has merely expressed some views to me in the hope that a public-private collaboration scheme can be designed or that this hospital will be able to operate more smoothly or cater to a larger market in the future. I must seek more views and carry out analyses properly before making a decision. I have said just now that generally speaking, I believe that the likelihood of people in the urban areas going to Tung Chung Hospital on purpose to seek treatment is low unless they have special purposes or needs. Therefore, if this kind of public-private collaboration is to be carried out, I believe it must be ensured that such a scheme can be sustained and is successful, instead of simply transferring public services to the private sector and thinking that is the end of the matter.

Therefore, we must conduct a more detailed study on this, in particular, it is necessary to ensure that people on low income, people with disabilities or the underprivileged groups in society now using the services of the public sector can make use of the services of this hospital without having to travel long distances to other districts to receive treatment. We must uphold this principle.

**MRS SELINA CHOW** (in Cantonese): *President, the crux of my supplementary in fact asks the Government what the scope of the study on public-private collaboration being conducted by the Government is and when a final decision will be made, however, it seems the Secretary has not given any reply concerning these two areas.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I have said that the concept is only a preliminary one. A lot of people have presented their views to me, but we cannot make a decision on what to do for the time being. As we all know, public-private collaboration can take on a lot of different models but we have not yet decided which one to adopt, or if any, will be adopted at all.

**MR WONG KWOK-HING** (in Cantonese): *In part (a) of the main reply, the Secretary said that the feasibility of commissioning the hospital in phases was being studied. I have learned from other committees that the paper work of the relevant study will take two years and construction will commence only in 2009. May I ask the Secretary through the President if it is feasible to bring forward the phased commissioning of the hospital? In fact, be it Tung Chung residents, the airport, the recently commissioned cable car or the Disneyland, they all need the services provided by the hospital very much.*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, I fully understand that residents of Tung Chung and Lantau have some expectations on the hospital, therefore, to the Health, Welfare and Food Bureau, the construction of this hospital is in fact an infrastructural project accorded the highest priority. Therefore, we will take it forward as fast as possible. However, we can also see that in carrying out planning, we hope this hospital can cater to the prime needs of local residents fully when it comes into operation, while we must not introduce services that will not have adequate clients in future. In view of this, we must introduce additional services in phases and this is very important. In addition, as we all know, at present, the HA manages its hospitals under a network system, so no hospital operates alone but it must co-ordinate with other networks. In particular, with regard to specialist services, the work in this regard must be done duly. We are now carrying out the design and planning on various aspects and will give an account

on the procedures of this infrastructural project to the Panel on Health Services as soon as possible.

**MISS TAM HEUNG-MAN** (in Cantonese): *The Secretary said in part (b) of the main reply that the standards of public hospitals are very high and the standards of some of the services are even higher than those of the private sector, so some private medical services are provided. May I ask the Secretary if he has considered providing more private services or increasing the charges in this area, so that the public medical sector can have more revenue and lower its expenditure and costs?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, first of all, I must set the record straight. I did not say that the standards of the public sector are higher than those of the private sector. I only said that there are certain facilities within the public sector which are not generally available in the private sector. We hope to give the public choices in medical services: If they find it affordable and want to use the private medical services in the public sector, they can have such an option. As regards whether we should increase the charges further, of course, we have to consider the fees and charges. However, the aim of the HA is not to make a profit but to make good use of public funds. If the costs of providing some services are high, then we should recover the costs and perhaps levy some additional fees and charges on top of them.

At present, our public medical services are already divided into first and second classes. The fees and charges in second class are set at the level of cost recovery whereas the fees and charges in first class will be raised by about 20%. This is prescribed as a matter of policy. If Members consider it necessary to increase the fees and charges in this area, so that the HA can increase its revenue, of course, we will give that consideration. However, we also think it is only right that all services must be affordable to most people.

**MR LAU KONG-WAH** (in Cantonese): *At present, the medical services in the public or private sector are used by some mainlanders visiting Hong Kong. For example, quite a lot of pregnant women on the Mainland have come here to give birth to their babies. Has the Secretary noticed such a trend of increase, particularly in respect of medical services other than delivery? Have the*

*authorities made contingency plans for different scenarios to cope with these trends?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, we think that, particularly after the implementation of the Individual Visit Scheme, more mainlanders have chosen to seek treatment in Hong Kong. Such a trend does exist but I do not have more precise figures because quite a number of these patients seek treatment in the private sector. We have also discussed with the mainland authorities and they also think that if Hong Kong can provide some special services not provided on the Mainland, mainlanders will choose to seek treatment in Hong Kong. In that case, what complementary actions should we take? If patients from the Mainland have to stay in Hong Kong for a long period of time to undergo treatment, can we allow them to stay for longer periods of time? Of course, we have to discuss the relevant issues with the Security Bureau.

Since we now have better communication with the Mainland, we have also considered the fact that sometimes patients will choose to cross the boundary to seek treatment in Hong Kong. We have liaised with the Ministry of Health to see how best good options can be offered to all people and what appropriate services can be provided by us. I am not talking about obstetrics. I think there are some special factors that make mainland residents choose to come here for delivery.

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

**MISS CHAN YUEN-HAN** (in Cantonese): *President, concerning this question on NLH, that is, on this public hospital, in the reply, the Secretary mentioned in part (a) that the feasibility of commissioning the hospital in phases is being studied. In fact, this issue has been raised for a long period of time, so why has the Government failed to come up with a definite timetable to date? I just find this a bit strange. When I heard the Secretary reply in such a way, I was thinking that the Legislative Council has already raised this issue many times. May I ask how the Government's design is like at the time when the Secretary answered Dr KWOK Ka-ki's question? Or is it the case that the Secretary has no idea whatsoever, that he is just floating all sorts of proposals, and then talking*

*about public-private collaboration all of a sudden? What is the reason actually?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Madam President, as I have said, insofar as NLH is concerned, we are planning it according to the standards of a small district hospital and it also depends on the needs of the population in that area. According to the present projection — that is, according to the existing general procedures of the Government — construction will begin in 2008 or 2009 and operation will begin approximately in the year 2011-12. This is the present view of the Government. Of course, if we want to introduce the so-called concept of public-private collaboration, then an even longer period of time would be required to examine the pros and cons of it. Therefore, at the present stage, I cannot tell the time for implementation with any grain of certainty, but the foregoing is the timetable being considered.

**PRESIDENT** (in Cantonese): Miss CHAN Yuen-han, has your supplementary not been answered?

**MISS CHAN YUEN-HAN** (in Cantonese): *No, President. The Secretary sounds very equivocal. On the one hand, he said construction would commence in 2008 or 2009 and the project would be completed in about 2011, then he talked about public-private collaboration. Is the Government going to build a small hospital on Lantau Island, or has it already launched a study on public-private collaboration? President, I hope this can be made clearer because the Secretary's reply is very equivocal.*

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

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Let me make it clear once again. No matter if it will be public-private collaboration or the service will only be provided by the public sector, we are going to plan NLH as a small district hospital. Therefore, I hope Miss CHAN can rest assured because we will not turn the project into one that has nothing to do with a hospital.

**PRESIDENT** (in Cantonese): Oral questions end here.

## **WRITTEN ANSWERS TO QUESTIONS**

### **Youth Forums**

7. **MR MARTIN LEE** (in Chinese): *President, to provide a platform for young people to participate in public affairs, the Commission on Youth (COY) has been promoting the setting up of a youth forum in each district since 2004. In this connection, will the Government inform this Council:*

- (a) *of the districts in which youth forums have been set up, and when such forums are planned to be set up in the remaining districts;*
- (b) *of the number and background of the members of each district youth forum, including the respective numbers of those who are working people, young night drifters, non-engaged youths, ethnic minority people and people with disabilities, and the respective numbers of forum members who were nominated by schools and uniformed groups and those who volunteered to join the forum;*
- (c) *of the activities participated or organized by each district youth forum since its establishment;*
- (d) *whether it has reviewed the operation of district youth forums; if so, of the outcome of the review, including the areas in need of improvement; if not, whether there is a timetable for the review; and*
- (e) *whether the authorities will explore the feasibility of returning members of district youth forums through elections by young persons aged between 18 and 25, schools or youth organizations in the districts concerned?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President, since 2001, the COY has been organizing the annual Youth Summit and a series of district youth summits, as a prelude to the Youth Summit, for young people to have direct and interactive exchanges with government officials and interested parties on selected topics. The theme for the 2004 Youth Summit was "Voice and Power of the New Generation" and the topics discussed included education, mass media and

political system. During the district youth summits and Youth Summit, local young people expressed their interest in taking part in public affairs and called for additional channels of participation to be provided. They were of the view that the setting up of a youth forum would be a direct and effective way to facilitate their social participation and would provide a platform for them to participate in public affairs. The COY in principle endorses the value of a youth forum and has since undertaken extensive research, consultation and preparatory work. At its latest meeting, the COY reaffirmed the development direction of the youth forum but considered that its formation, operation and relationship with COY should be further examined with a view to working out a better mode before trying it out in certain districts. The replies to the various parts of the question raised are as follows:

- (a) The district youth forums have not been set up. As mentioned above, the COY is examining the implementation details with a view to working out a better mode before trying it out in certain districts.
- (b) It is planned that members of the district youth forums will include youth representatives from different backgrounds and sectors, including students, working youths, and so on.
- (c) The district youth forums have not been set up, and hence have not participated in or organized activities.
- (d) The COY will conduct a review after the implementation of the district pilot project.
- (e) It is planned that members of the district youth forums will be young people aged between 15 and 24. The COY is now examining ways of returning members of the district youth forums.

### **Promoting Development of Cantonese Opera**

8. **MR ALBERT HO** (in Chinese): *President, it has been reported that Cantonese opera bodies claim that there has been a lack of adequate support for the development of Cantonese opera in Hong Kong, and Ko Shan Theatre, which the Government plans to use for Cantonese opera performances, is not a satisfactory performance venue for Cantonese opera. In this connection, will the Government inform this Council:*

- (a) *whether it has reviewed the effectiveness of its measures to promote the development of Cantonese opera; if it has, of the outcome; and*
- (b) *whether it has studied the provision of a permanent performance venue for Cantonese opera in other locations, such as the West Kowloon Cultural District; if so, of the details of the study; if not, the reasons for that?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President, the Government has been promoting the development of Cantonese opera mainly through the work of the Leisure and Cultural Services Department (LCSD), the Cantonese Opera Advisory Committee (COAC) and the Hong Kong Arts Development Council (HKADC). The Hong Kong Academy for Performing Arts (HKAPA) and the Cantonese Opera Academy of Hong Kong under the Chinese Artists Association of Hong Kong have also contributed by providing training to groom Cantonese opera artists and organizing related activities. In response to part (a) of the question, the respective efforts and contributions of these institutions are described in the following.

On a regular basis, the LCSD stages Cantonese opera performances in the LCSD performing arts venues. Apart from regular presentations, the LCSD also supports the development of Cantonese opera in the following ways:

- Commissioning new works to enrich the repertoire of Cantonese opera;
- Art appreciation and education activities such as seminars, lectures and workshops, arranged before and after each performance;
- Organizing the annual District Cantonese Opera Parade to promote budding Cantonese opera artists and groups at district venues;
- Organizing audience-building schemes at schools and in the community that feature Cantonese opera troupes and artists. These will include the Community Cultural Ambassador Scheme, the Programme Partnership Scheme and the School Culture Day Scheme;
- Supporting Cantonese opera activities including Cantonese opera training classes and performances through the provision of free LCSD venues or rental subsidy/reduction at these venues;

- Raising community awareness of this art form, including designating the last Sunday of each November as Cantonese Opera Day since 2003 and organizing Cantonese opera performance on that day.

From 2001 to 2006, the LCSD staged Cantonese opera performances to an average audience size of 152 000 every year. In 2005-06, the total number of audience at the LCSD Cantonese opera presentations reached 177 334, rising from 121 880 in 2001-02.

Apart from this positive indicator in rising audience number, the scoring of Cantonese opera as a preferred art form in the LCSD's tracking survey also confirms the effectiveness of the Department's efforts in promoting this art form. According to the Opinion Survey Report on the LCSD Performing Arts Activities conducted in 2004, 16.3% of the audience surveyed chose Cantonese opera over the other art forms as their preferred art form, as compared to a score of 7.8% in 2001. It is clear that there is increased awareness and interest in this art form. In the same survey, the majority of audience (83%) also gave a good rating to the Cantonese opera programmes presented by the LCSD.

Reckoning the need to provide further momentum and focus to the promotion and development of this art form, the Home Affairs Bureau established the COAC in May 2004 and entrust it with the responsibility to provide advice to the Government on promoting interest in and training of Cantonese opera; facilitating co-operation between the Cantonese opera sector and other organizations (including the HKADC and the HKAPA); mobilizing participation of different sectors in promoting this art form; supporting exchanges with other regions, in particular, co-operation with the Pearl River Delta Region; examining, preserving and studying the history and heritage of this art form; assisting in exploring financial resources for this art form and considering ways to promote social recognition and status of this art form.

To ensure that the promotional and developmental measures that the COAC adopts are effective, we have appointed members from a wide spectrum who are familiar with this art form and are devoted to its preservation and development. They include practising Cantonese opera artists, playwrights, performing group organizers, educationalists, and other professionals who have been actively involved in the preservation and development of this art form.

Over the past two-year term of the COAC, the Committee initiated the setting up of the Cantonese Opera Development Fund (CODF) in November 2005 to provide financial support to the development of this art form. Since its

inception, the CODF has already secured around \$12 million in donations. Through the CODF, the Committee has been able to support researches related to the development of this art form and activities and projects that help to promote and develop it. The Fund invites applications once every three months and in the first round of invitations in the first quarter of 2006, 18 projects have been approved. They include applications to support performances, youth cultural exchange and training programmes, publications on Cantonese opera and operatic songs, training programmes for playwrights, operatic singing competition, seminars on this art form, school performance tours and workshops, and sponsorship to student tickets. The CODF has also made a donation of \$500,000 to the refurbishment of Sunbeam Theatre in 2005 in support of its reopening as a popular performance venue for Cantonese opera. For these successful applicants, it is a requirement of support that they have to submit an evaluation report on the outcome and effectiveness of their project for the CODF Committee to consider. Further, they are also asked to participate in sharing sessions to report on their projects for the purpose of review.

Apart from working through the CODF, the Committee has also successfully negotiated with the LCSD more flexible booking arrangements at the LCSD venues to facilitate Cantonese opera performances. Through its Venue Subcommittee, Promotions Subcommittee and Preservation Subcommittee, the COAC has been championing for a permanent performance venue for Cantonese opera after the expiry of the lease of Sunbeam Theatre, conducting studies on the setting up of a Hong Kong Cantonese Opera Troupe to help new artists, supporting projects to promote the art form in tertiary institutions, laying the ground for a Cantonese opera and Cantonese operatic singing public examination, and systematic archival of materials related to this art form.

The Committee has constantly reviewed the effectiveness of its work. As recent as 29 May, the Committee staged a large-scale open consultation meeting on the work of the Committee that drew an attendance of around 150. The feedback from attendees confirmed the direction of the Committee's work and its effectiveness.

The Xiqu Art Form Group is the group responsible for promoting the development of Cantonese opera at the HKADC. The HKADC has supported various projects of this art form from performance, script-writing to school projects and community projects. From 2001 to 2006, the HKADC funded 109 projects related to Cantonese opera. It is a requirement of the HKADC supported projects to submit an assessment report after project completion.

According to the HKADC, all these projects have proved to be effective in promoting the art form.

Regarding part (b) of the question, while quite a number of practising artists in the sector have commented that they do not consider Ko Shan Theatre a good performance venue for Cantonese opera, it is still the LCSD venue with the highest booking rate for Cantonese opera performances. At the COAC open consultation meeting on 29 May, some attendees from the sector expressed support for using the Theatre for Cantonese opera performance especially after the completion of improvement works.

Ko Shan Theatre aside, the Home Affairs Bureau, in consultation with the LCSD, is actively exploring all possible options to provide a permanent performance venue for Cantonese opera acceptable to the sector after the expiry of the lease of Sunbeam Theatre in August 2009. We shall discuss with the sector as soon as possible once detailed proposals have been worked out. As regards the provision of a permanent performance venue for this art form at the future West Kowloon Cultural District, the Performing Arts and Tourism Advisory Group under the Consultative Committee on the Core Arts and Cultural Facilities of the West Kowloon Cultural District has been in continuous dialogue with the Cantonese opera sector. Three focus group meetings have been held to ascertain their needs with a view to formulating the Advisory Group's advice to be submitted to the Government later this year.

In the recently released Report of the Committee on Performing Arts, it has also confirmed that the Cantonese opera is an important, unique and indigenous art form in Hong Kong and Cantonese opera artists and groups also face similar problems of inadequate support as those in other art forms. It is a recommendation in the report that the LCSD should continue to promote this art form through staging more performances and audience building activities, and the needs of budding artists of Cantonese opera should be duly considered in the new scheme to support budding artists to be introduced by the HKADC, both in terms of funding support and venue support. Cantonese opera companies are also welcome to respond to the newly proposed Venue Partnership Scheme to be operated at the LCSD venues. The Report also affirms the Committee's support to the work of the COAC in negotiating more flexible venue arrangements for Cantonese opera performances at the LCSD venues, continued efforts in the search for a permanent performance venue for this art form and studying the establishment of a government-funded Cantonese opera group for Hong Kong. The Home Affairs Bureau has accepted all the recommendations in this Report.

**Promoting Healthy Diet**

9. **MR BERNARD CHAN** (in Chinese): *President, in spite of greater efforts made by the authorities in recent years to promote balanced diet, there are surveys which indicate that vegetables and fruits are still lacking generally in people's diet. Many people, especially children, face the problem of obesity. In this connection, will the Government inform this Council:*

- (a) *whether it has conducted studies on the above issue; if so, of the findings; and*
- (b) *whether it will step up publicity, such as promoting healthy menus in co-operation with restaurants and caterers, as well as commending organizations which promote healthy diet, in order to provide the public with more healthy diet choices?*

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Chinese): President, we are aware that obesity has posed a growing threat to public health and become a heavy economic burden in many other places around the world. In Hong Kong, obesity control and the promotion of a balanced diet have been, among others, a key component in our public health policy. In this connection, strenuous efforts have been made by the Department of Health (DH) to promote healthy diets in its publicity drive. Featured prominently in its recent initiatives are the Two plus Three A Day Campaign and the Nutritional Guidelines on School Lunch for Primary School Students for food suppliers.

It should also be noted that in the 2005-06 policy agenda, the Administration has set out "promoting healthy eating habit among school children to protect the public from life-style diseases" as one of our initiatives.

My answers to the questions asked by the Honourable Bernard CHAN are as follows:

- (a) The DH conducts regular telephone surveys to collect information on behavioural risk factors from people aged 18 to 64 in our local adult population in order to assess the trend of risk factors and develop measures for health promotion and disease prevention accordingly. The surveys cover areas like people's habits in consuming fruit and vegetables, level of physical activity and body mass index, and so on.

The findings on the fruit and vegetables consumption habits of the public are tabulated below:

<i>Servings of fruit and vegetables per day<sup>#</sup></i>	<i>Percentage</i>			
	<i>October 2004</i>	<i>April 2005</i>	<i>October 2005</i>	<i>April 2006</i>
Less than five servings	82.3%	82.1%	80.1%	77.6%*
Five servings or more	17.7%	15.7%	18.9%	21.6%*

<sup>#</sup> The World Health Organization recommends that an adult should consume at least five servings of fruit and vegetables per day to stay healthy.

\* These are provisional figures.

The above findings reveal that since the introduction of the Two plus Three A Day Campaign by the DH in June 2005, people have become more aware of the need to consume adequate servings of fruit and vegetables. In the past year, the proportion of people who consumed five or more servings of fruit and vegetables per day increased by nearly 6 percentage points.

A healthy eating habit could be best fostered at an early age. In this regard, a study undertaken by the DH in 2004 among school children revealed that although school children possessed the knowledge about healthy eating, their dietary practices remained unhealthy as they were under the influence of a number of negative factors, such as excessive snack consumption, peer influence, a lack of healthy foods at home or in schools, and so on. This highlights the need for greater collaboration and concerted efforts from the community at large, including schools, parents, students, food suppliers, and so on, in creating a conducive and health-conscious environment to nurture children's eating habits.

- (b) In addition to the above publicity and educational initiatives, the DH will continue to intensify its efforts in disseminating information on healthy eating through various activities and channels. As far as school children are concerned, the DH has in recent years introduced a series of school-based programmes to promote balanced diet, including publishing guidebooks and pamphlets featuring useful information on healthy eating, giving advice on menu targeting at primary and secondary school students, and organizing health talks at schools. The DH will soon issue the Nutritional Guidelines on Snacks for Primary School Students for schools' reference.

Besides, the DH has also provided primary schools and their lunch caterers with the Nutritional Guidelines on School Lunch for Primary School Students to enable them to make an informed choice of suitable lunches for the school children. The DH will keep the effectiveness of these efforts under review. On the other hand, it will explore room for further collaboration with the catering industry and encourage them to provide more choices for the general public in terms of healthy food.

### Noise Nuisances

10. **MR LAU WONG-FAT** (in Chinese): *President, regarding the existing roads which generate excessive traffic noise but cannot be retrofitted with noise barriers/enclosures or resurfaced with low noise material, will the Government inform this Council of the other measures to mitigate the noise nuisances caused by road traffic to the residents nearby; if such measures include traffic control schemes, how the authorities balance the interest of the residents with that of the motorists?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Chinese): President, over the years, the Government has been tackling traffic noise problem at source through legislation, town planning, road design and education. For existing roads that generate excessive traffic noise, engineering measures such as retrofitting of noise barriers/enclosures or resurfacing with low noise materials for noise mitigation will be implemented where practicable. For roads where such engineering measures are impracticable, the Government will consider implementing traffic management schemes in each individual case.

A prerequisite for implementing a traffic management scheme is that the scheme must effectively alleviate the noise problem without seriously affecting members of the public such as motorists. Therefore, before implementation, the departments concerned will carefully study the conditions near the particular road section and will consult local residents, individuals and groups affected, the relevant District Council and Legislative Council Members as far as possible. If the scheme is subsequently implemented, the Government will follow up by reviewing its effectiveness in mitigating traffic noise and its impact on travelling distance and time. Appropriate adjustments will be made if necessary.

**Consultancy Studies Commissioned by Government**

11. **MS AUDREY EU** (in Chinese): *President, regarding consultancy studies commissioned by the Government, will the Government inform this Council:*

- (a) *of the justifications for the Central Policy Unit (CPU) classifying as internal reference materials and not making public the consultancy report on socio-economic-political development trends in Singapore, Malaysia and Thailand, which was commissioned in 2003-04 at a cost of \$1.3 million; whether it will reconsider making the report public; if it will make the report public, of its details and findings; if not, the reasons for that;*
- (b) *of the titles of the government-commissioned consultancy studies on socio-economic-political development trends conducted in the past three years but the reports on which have not been or will not be made public, as well as the names of the appointed consultants and the consultancy fees; and*
- (c) *whether it has guidelines to require all government departments to make public research reports which do not contain sensitive information; if it has, of the details; if not, the reasons for that?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, my reply to the question is as follows:

- (a) One of the functions of the CPU is to provide the upper echelons of the Government with research analysis of the political, economic and social developments in neighbouring regions. In order to allow the consultants to provide such analysis and offer views in a frank manner, and in view of the fact that such consultancy reports might contain sensitive political and economic information, the CPU has never made public these consultancy reports. It has no intention of changing the existing practice.
- (b) The government-commissioned consultancy studies on social, economic and political trends conducted between the 2003-04 financial year and the present but the findings of which have not been made public are tabulated as follows:

<i>Titles of the Studies</i>	<i>Consultants</i>	<i>Consultancy Fees (\$ million)</i>
Socio-Economic-Political Trends in the Mainland (commissioned in December 2003)	One Country Two Systems Research Institute Limited	1.287
Socio-Economic-Political Trends in Taiwan (commissioned in December 2003)	Hong Kong Policy Research Institute Limited	1.066
Socio-Economic-Political Trends in Southeast Asia (commissioned in February 2004)	Centre of Asian Studies, University of Hong Kong	1.300
Socio-Economic-Political Trends in Japan and South Korea (commissioned in February 2004)	One Country Two Systems Research Institute Limited	0.743
Socio-Economic-Political Trends in the Mainland (commissioned in August 2005)	Hong Kong Policy Research Institute Limited	0.906

- (c) We leave it to the procuring bureaux or departments responsible for the studies to decide whether a study report should be made public. In making the decision, they will take into account factors such as the purpose and nature of each study, and whether it contains sensitive information.

### **Stress Sources for Hong Kong People**

12. **MR LEE WING-TAT** (in Chinese): *President, according to the World Health Organization's estimates of the global burden of diseases, mental and behavioural disorders represent five of the top 10 leading disease burdens. Furthermore, recently there have been a number of media reports on verbal violence and even wounding cases triggered off by trivial matters. In this connection, will the Government inform this Council:*

- (a) *whether it has looked into the sources of stress for the general public, including ascertaining if the current public policies and public administrative measures are major sources of stress for civil servants, employees of subvented organizations, users of public service and members of the public;*
- (b) *of the resources allocated annually by the authorities for promoting mental health in the community, as well as for public education on*

*the awareness of and ways to handle mental and behavioural disorders, and the organizations responsible for providing and co-ordinating services and initiatives in this regard; and*

- (c) *whether a Mental Health Council as proposed by the Equal Opportunities Commission (EOC) will be set up to co-ordinate policy formulation, programme arrangements, research and public education in the area of mental health?*

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

- (a) Hong Kong is a busy cosmopolitan city. As in all major urban centres, its residents are inevitably living under considerable pressure. While suitable level of pressure can push for progress and improvement; excessive stress may cause health or relationship problems, and have negative impact.

We note the findings of some surveys and researches on stress conducted in Hong Kong by quite a number of academics and interested organizations. While some of the most common sources of stress are known to include economic situation, work, family life and health, individuals differ with respect to their specific causes of stress, as well as their reactions and thresholds.

In the course of formulating public policies and measures, public consultations are conducted to gauge the views of the public affected, including civil servants, employees of government subvented organizations, and users of public services, and so on.

As an employer, the Government has always been concerned with its staff's occupational safety and health, and has implemented a wide range of measures to help civil servants to cope with work pressure. On the one hand, we provide professional counselling service for our staff; and on the other hand, we take preventive measures to remind the management to be mindful of staff's work pressure, and to help staff build up stress management skills. We promote a balanced healthy living model through training courses, seminars and online resource bank. We will continue to develop relevant programme to help our staff handle work pressure, and to

raise the ability and skills of managers in identifying and helping their staff troubled by stress.

- (b) The Health, Welfare and Food Bureau (the Bureau) spearheads territory-wide public education on mental health, co-ordinates the efforts of the Hospital Authority (HA), Department of Health (DH), Social Welfare Department (SWD) and other related bureaux/departments, and seeks to leverage community resources by mobilizing the participation of the whole community, including all the 18 districts and interested non-governmental organizations (NGOs), to promote mental health in different sectors.

Since 1995, the Bureau, in collaboration with all relevant government departments, NGOs and community personalities, has been organizing the territory-wide Mental Health Month in October each year to promote specifically the message of mental health, early intervention and acceptance of ex-mentally ill persons. In parallel, the Bureau seeks to conduct public education on mental health through broadcasting APIs and TV docu-drama, and so on, via various media. The Subcommittee on Public Education under the Rehabilitation Advisory Committee has identified "mental health" as one of the major themes for its public education programme this year.

Separately, under the co-ordination of the Bureau, relevant government departments also seek to bring home the message of mental health through various channels. The HA, through its medical services, particularly its psychiatric specialist service, carry out mental health education and promotion in the course of providing relevant assessment and formulating treatment plan. The DH also includes mental health in the scope of its overall public health education. In parallel, the SWD seeks to convey the message of mental health through its rehabilitation services and publicity activities. Each year, the Government spends over \$3.2 billion in total on mental health related services, including medical, rehabilitation and publicity, as well as on the overall public health education.

- (c) The Bureau assumes overall responsibility in co-ordinating the policies and programmes on mental health. The Bureau works

closely with the HA, DH, SWD, other related bureaux/departments, NGOs and other interested parties, in formulating policy and delivery of services on mental health. Our efforts cover all related aspects from prevention, early identification and intervention, psychiatric treatment and follow-up care to rehabilitation.

The system has worked well and ensures that our policy is not fragmented. Co-ordinated, comprehensive and personalized services are provided to persons with mental illness. A multidisciplinary and cross-sectoral approach is adopted in the provision of medical care and rehabilitation services to the mentally ill. The Bureau will continue to strengthen its co-ordinating role on matters pertaining to mental health, including enhancing our collaboration with relevant authorities and NGOs.

In this regard, we do not see the need of setting up a Mental Health Council as proposed by the EOC and had explained it to the latter. The EOC noted the background and did not insist on its proposal, but urged the Government to formulate a more comprehensive strategy on mental health in consultation with users and stakeholders under the current Rehabilitation Programme Plan (RPP) Review. The Working Group of the Review discussed the matter and considered that mental health was an important issue and should involve the participation of the whole society. It also agreed that the RPP would address more on the issue of mental health, including the enhancement of integrated services, inter-sectoral collaboration and tripartite partnership.

### **Fee-charging Tourist Attractions to Offer Free Admission Concession to Tour Guides**

13. **MR HOWARD YOUNG** (in Chinese): *President, will the Government inform this Council whether tour guides are offered free admissions to fee charging tourist attractions of which the Government is a shareholder, or which are managed by the Leisure and Cultural Services Department (LCSD) at present, such as the Hong Kong Wetland Park, the Hong Kong Disneyland and other exhibition galleries, so that they can take care of the visitors in their tour groups; if so, of the tourist attractions which offer and those which do not offer such concession; if not, the reasons for that and whether it will study the feasibility of offering such concession?*

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Chinese): President, for fee charging tourist attractions of which the Government is a shareholder or which are managed by government departments, it is the general practice that free admission is given to tourist guides accompanying a group of visitors subject to meeting certain criteria. The practice may vary from facility to facility having regard to factors such as the nature of operation and promotion strategy. Generally, free admission is given if:

- (1) the group of visitors is organized by a travel agent and has reached a prescribed number of visitors set by the attraction concerned; and/or
- (2) the tourist guide accompanying the group is in possession of a valid Tourist Guide Pass issued by the Travel Industry Council of Hong Kong or is a member of the Hong Kong Association of Registered Tour Co-ordinators.

At present, the following attractions offer free admission to tourist guides subject to the abovementioned criteria:

- (1) Hong Kong Disneyland;
- (2) Ocean Park; and
- (3) facilities operated by the LCSD<sup>(Note)</sup>
  - (i) Hong Kong Museum of Art;
  - (ii) Hong Kong Museum of History;
  - (iii) Hong Kong Heritage Museum;
  - (iv) Hong Kong Science Museum;
  - (v) Hong Kong Space Museum; and
  - (vi) Hong Kong Museum of Coastal Defence.

In addition, the Hong Kong Wetland Park and Ngong Ping 360 are planning to offer free admission to tourist guides.

<sup>(Note)</sup> The LCSD administers 14 museums of which only six have admission charges. The other eight do not have any admission charge. Admission to parks and playgrounds under the LCSD, for example, the Hong Kong Park and Victoria Park, is free of charge.

### **Government Revenues Brought to Credit in March Each Year**

14. **MR SIN CHUNG-KAI** (in Chinese): *President, will the Government inform this Council of the following items brought to credit in March in each of the financial years from 1997-98 to 2005-06:*

- (a) *total amount of government revenue;*
- (b) *investment income of the fiscal reserves placed with the Exchange Fund; and*
- (c) *land premium?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, the government revenue data required for the month of March in each of the financial years from 1997-98 to 2005-06 are given below:

(\$ billion)

<i>Financial year</i>	<i>Total amount of revenue</i>	<i>Investment income of the fiscal reserves placed with the Exchange Fund</i>	<i>Land premium</i>
1997-98	13.5	N.A. <sup>(note)</sup>	1.2
1998-99	29.4	26.0	0.6
1999-2000	52.5	41.1	1.0
2000-01	33.4	22.4	1.2
2001-02	11.3	0.1	2.2
2002-03	28.3	17.1	1.3
2003-04	37.4	25.7	0.3
2004-05	30.1	14.5	2.8
2005-06	24.8	10.1	0.6

Note: The return of the fiscal reserves (except for the balances of the Loan Fund and the Capital Investment Fund) was linked to the performance of the overall Exchange Fund with effect from 1 April 1998. The Government's share of the return achieved by the Exchange Fund under this arrangement is credited to the Government's accounts as a lump sum in March each year. In other words, such arrangement is not applicable to the year of 1997-98.

### **Rubbish Flowing into Waterway of Hong Kong Wetland Park**

15. **MR LI KWOK-YING** (in Chinese): *President, it has been reported that large quantities of rubbish flow into the waterway beside the Riverside Hide and the Boardwalk within the Hong Kong Wetland Park (HKWP) each day during high tide. In this connection, will the Government inform this Council:*

- (a) *whether it has traced the source of such rubbish; if so, of the results; if not, the reasons for that;*

- (b) *where such rubbish is found to originate from Shenzhen waters, whether the authorities have reflected the problem to the Shenzhen authorities and discussed improvement measures with them; and*
- (c) *of the impact of such rubbish on the ecology of the HKWP, as well as the current measures to alleviate such impact?*

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

(in Chinese): President, the HKWP is located in the vicinity of the Tin Shui Wai Open Nullah and Deep Bay. The floating refuse found in the HKWP is likely to be from the nearby waterways and Deep Bay. The Agriculture, Fisheries and Conservation Department (AFCD) monitors the situation on a daily basis and floating refuse was found in the HKWP only occasionally. When rubbish is spotted in the waterways within the HKWP, the AFCD will take immediate action to clear them. The Marine Department will arrange scavenging of the refuse in the navigable waters of Deep Bay when significant amounts of floating refuse are spotted in the open sea. The Food and Environmental Hygiene Department also clears the floating refuse in the neighbouring waterways on a monthly basis.

Given that the AFCD will take prompt action to clear any rubbish found within the HKWP, the occasional influx of rubbish into the waterways of the HKWP will not have impacts on the ecological habitats there. In fact, according to the ecological monitoring conducted at the HKWP, the number of wildlife species found there has been increasing. The latest survey shows that a total of 190 species of birds, 40 species of dragonflies and 110 species of butterflies were found in the HKWP, as compared to 160 species of birds, 37 species of dragonflies and 100 species of butterflies recorded in 2004.

**Mutual Use Programme for Hong Kong's Octopus Card and Shenzhen's TransCard**

16. **DR RAYMOND HO** (in Chinese): *President, it has been reported that the MTR Corporation Limited (MTRCL) intends to implement a mutual use programme for Hong Kong's Octopus card and Shenzhen's TransCard, so that the two types of cards can be used in both Hong Kong and Shenzhen. In this connection, will the Government inform this Council whether it knows:*

- (a) *the general arrangements for the programme at the present stage and implementation time; if so, of the details;*

- (b) *the estimated increase in the daily usage of Octopus cards upon the implementation of the programme; if so, of the estimated rate of increase; and*
- (c) *the number of people in Hong Kong and Shenzhen who will benefit from the programme?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, the Octopus Cards Limited (OCL) has provided the following information:

(a) The general arrangements for the programme at the present stage and implementation time; if so, of the details?

Hong Kong Octopus and Shenzhen Transcard would discuss on the feasibilities of co-operation on the basis of the relevant legislations and policies of the two local governments.

Hong Kong Octopus and Shenzhen Transcard have had discussions on this. However, the discussions so far are at the preliminary stage. It is difficult to predict the implementation schedule of the Hong Kong Octopus and Shenzhen Tran(s)card systems.

(b) The estimated increase in the daily usage of Octopus cards upon the implementation of the programme; if so, of the estimated rate of increase?

The interoperability plan for the Hong Kong Octopus and Shenzhen Transcard aims to bring greater convenience to the citizens of Hong Kong and Shenzhen by using one common IC card for transportation, and to accelerate the unification in the Pearl River Delta. We (OCL) are unable to provide an estimation of the increase in Octopus usage once the project is implemented.

(c) The number of people in Hong Kong and Shenzhen who will benefit from the programme?

Our company (OCL) estimates that after the implementation of the project, most of the citizens who are travelling between Hong Kong and Shenzhen would be benefited. However, we (OCL) are unable to estimate the number of people who might benefit from this project.

According to the MTRCL, the MTRCL together with the OCL are interested in exploring the feasibility of using the Octopus Card in Shenzhen. However, the discussion with the Shenzhen counterparts is still at an initial stage and it is expected to take some time in order to have any conclusion(s) on the feasibility. The MTRCL is not able to provide any details.

As the matter is being dealt with by the OCL and the Shenzhen Transcard as a business proposal, the Government does not have any additional information to provide.

### **Improving Traffic Distribution Among Road Harbour Crossings**

17. **MR FREDERICK FUNG** (in Chinese): *President, the substantial toll increase of the Eastern Harbour Crossing (EHC) in 2005 aroused widespread public concern about the substantial toll increase of some of the road harbour crossings, the uneven distribution of traffic among various crossings, and the toll adjustment mechanism for Build-Operate-Transfer (BOT) transport infrastructure facilities. The Government put forward a number of options for improving the distribution of traffic among the three road harbour crossings in April 2005, and indicated at the meeting of the Panel on Transport on 19 December 2005 that it would further consider the option involving a combination of franchise extension and toll rationalization, and would continue its discussion with the tunnel operators concerned. In this connection, will the Government inform this Council:*

- (a) *of the latest progress of the consultation with various sectors and discussion with the tunnel operators concerned on the abovementioned problems and solutions, including the response of the tunnel operators concerned, the difficulties encountered in the course of discussion, the expected date for reaching a final solution, and whether it has scheduled a timetable for reaching a consensus on a solution with the tunnel operators concerned; if not, of the reasons for that;*
- (b) *whether it still favours the option involving a combination of franchise extension and toll rationalization as the solution to the abovementioned problems; if not, of the option which will be chosen by the Government and its details, and whether further consultation on this option will be conducted; and*

- (c) *whether it has reviewed the BOT mode currently adopted for the development of transport infrastructure facilities, especially whether there is room for improvement in the toll adjustment mechanism for such facilities; if so, of the details and result of the review?*

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

(in Chinese): President, we have been actively discussing with the franchisees of the EHC and Western Harbour Crossing (WHC) how to improve the distribution of traffic among the road harbour crossings. We do not consider it appropriate to set a timetable for the discussion or disclose the details at this stage, as this will reduce our flexibility in considering the different options, and may not be conducive to achieving the best results for the public and taxpayers. We will report to the Legislative Council and the public on the progress of the discussion at an appropriate juncture.

We consider that a combination of franchise extension and toll rationalization is an option that is worthy of our consideration. We have been actively exploring with the franchisees of EHC and WHC possible options with a view to reaching an agreement that would be beneficial to the public, fair to taxpayers and able to tackle the traffic problems.

The BOT mode currently adopted for the development of transport infrastructure has its historical background and is closely related to the political climate, economic conditions as well as investment costs and opportunities prevailing at the time when the facility was constructed. We will review the existing mechanism and consider whether and how public-private partnership could be applied to new transport infrastructure projects. In formulating the toll adjustment mechanism for new projects, we will also take into account the views of all concerned parties, local and overseas experience in operating similar infrastructure projects, as well as other relevant factors.

**Promotion of Gender Equality**

18. **MS EMILY LAU** (in Chinese): *President, regarding the promotion of gender equality, will the executive authorities inform this Council:*

- (a) *as the Equal Opportunities Commission (EOC) was granted \$2 million in 2001 to carry out a study on "equal pay for work of*

*equal value" (EPEV) but has not released the report so far, how the authorities have followed up the work in this respect;*

- (b) as the EOC proposed to amend the Sex Discrimination Ordinance (the Ordinance) in 1999, of the reasons for the authorities not having introduced a bill into this Council to amend the Ordinance;*
- (c) as only two of the 15 non-official members of the Executive Council are females, and there are only two females among the 19 Principal Officials, of the authorities' measures to increase the proportion of women at the decision-making level of the Government; and*
- (d) as the authorities have indicated that they intend to raise the existing 25% gender benchmark for the memberships of statutory and advisory bodies (that is, at least 25% of their members are of either sex) in line with international norms (that is, between 30% and 35%), of the details of such a plan?*

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

- (a) The Government was represented on the Task Force set up to oversee the study on EPEV commissioned by the EOC. Other members of the Task Force included representatives from the EOC and academics. Members of the Task Force examined the draft report of the study in 2003 and had divergent views on the methodology adopted in the study, the interpretation of data and whether the findings of the draft report could support the recommendations made. The EOC considered it necessary to look into the various issues in further detail.

Since then, we have been following up the progress of the study through our regular liaison with the EOC. Due to the complexities of the issues involved, the EOC required more time to examine the respective issues and consider the best way to take the matter forward. The EOC has planned to finalize and release the results of the study within the next three months. Thereafter, the EOC will revise the Code of Practice on Employment and organize training, workshops, seminars, and so on, to further promote the concept of EPEV and eliminate gender stereotyping.

- (b) As regards the EOC's proposal to extend the statutory provisions against sexual harassment to additional areas, we will expand the scope of protection against sexual harassment in educational establishments by extending the definition of sexual harassment in the Ordinance to cover conduct which renders sexually hostile or intimidating the environment in which she works, studies or undergoes training, or carries out related or incidental activities. We will incorporate the above proposed amendment to the Ordinance in the Race Discrimination Bill as the latter will also deal with racial harassment in a similar manner.

As regards the other amendments proposed by the EOC, some are technical amendments and the others may have read-across implications on other anti-discrimination ordinances. We will consider the most appropriate way to take forward these proposed amendments after the enactment of the Race Discrimination Bill.

- (c) When making nomination for appointment as Principal Officials and appointing Members of the Executive Council in accordance with the Basic Law, the Chief Executive will take into consideration an individual's ability, expertise, experience, integrity and commitment to public service, regardless of gender.
- (d) As we stated at the motion debate on "Perfecting the framework of advisory and statutory bodies" at the Legislative Council meeting on 10 May 2006, we will continue to monitor progress and to promote the participation of women in the work of advisory and statutory bodies. We will also consider raising the benchmark in due course, having regard to international practices and local circumstances.

### **Green Roof Projects**

19. **MISS CHOY SO-YUK** (in Chinese): *President, in its progress report regarding the motion on "Conservation of Energy" passed by this Council on 14 December last year, the Environmental Protection Department points out that the Architectural Services Department has incorporated green roof or flat roof landscaping into new government building projects wherever possible since 2001, and almost 40 related projects are either being planned or under construction; moreover, the Government will continue to implement green roof or*

*flat roof projects wherever feasible. In this connection, will the Government inform this Council:*

- (a) of the details of the 40 projects and those that involve roof greening;*
- (b) among the projects which involve roof greening, of the percentage of the area of the roofs on which greening work has been carried out, in the total roof area, and the average cost per sq ft for roof greening; and*
- (c) of the criteria for deciding whether green roof projects will be implemented on buildings, and whether such criteria include energy conservation?*

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

(in Chinese): President,

- (a) Government buildings projects under planning/construction that involve roof greening include schools, community centres, hospitals, office buildings, crematoriums and recreational and cultural facilities. The extent of greening will be determined by the use and design of the roof, which usually include provision of planters, soft and hard landscaping, paving, decking and related waterproofing, irrigation and drainage system works.
- (b) Greening accounts for 10% to 80% of a building's total roof area, depending on the building services and communication facilities located on the roof. Similarly, the unit cost of roof greening, normally ranging from \$75 to \$190 per sq ft (excluding the cost of structural works), is determined by the design, material specifications, site conditions, and so on.
- (c) Apart from enhancing the landscape and the environment of our city, attenuating the heat island effect and improving air quality, roof greening can also improve the performance and increase the lifespan of waterproof and insulation facilities on the roof. Consequently, roof greening is also conducive to energy conservation. The Architectural Services Department, therefore, aims to implement green roof projects for new government buildings under planning, wherever practicable.

## Location of Bus Stops

20. **MR ALBERT CHAN** (in Chinese): *President, in reply to my question on 15 October 2003, the Administration advised that it had guidelines and measures to ensure that the location of bus stops would not affect road safety, and it would closely monitor the operation of bus stops and initiate appropriate improvement measures where necessary. However, I have still received complaints that many bus stops are located less than 10 m away from car-park accesses, causing a number of traffic accidents. In this connection, will the Government inform this Council:*

- (a) of the required distance between a bus stop and a car-park access according to the standard adopted by the Administration;*
- (b) whether there are bus stops the distance of which from car-park accesses does not comply with the above standard; if so, of the number of such bus stops and the number of years they have been in use;*
- (c) of the number of traffic accidents in the past three years which were attributable to a bus stop being located less than 10 m away from a car-park access; and*
- (d) whether it will consider adopting measures to improve the above situation, such as relocating bus stops further away from car-park accesses; if so, of the details of the measures; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS** (in Chinese): President, according to the Transport Department (TD)'s "Transport Planning and Design Manual", the distance between a bus stop and the ingress/egress of a car park should be 30 m.

We do not have statistics on the bus stops which are located less than 30 m from the ingress/egress of car parks, or related accident figures. In fact, apart from the distance from the ingress/egress of car parks, the TD will also take into consideration other factors, including the sightline of pedestrians and motorists, traffic conditions, passenger demand, site constraints, and so on, in designating bus stops. In all cases, road safety is the primary consideration.

The TD will continue to closely monitor the operation of bus stops and will relocate bus stops or implement mitigation measures when necessary. These measures include providing lay-bys, erecting appropriate traffic signs and road markings, adjusting the number of stops by reorganizing the bus routes observing a particular bus stop, designating stopping restrictions, and so on, to ensure that road safety will not be jeopardized.

## **BILLS**

### **Second Reading of Bills**

#### **Resumption of Second Reading Debate on Bills**

**PRESIDENT** (in Cantonese): Bill. We now resume the Second Reading debate on the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005.

#### **CERTIFICATION FOR EMPLOYEE BENEFITS (CHINESE MEDICINE) (MISCELLANEOUS AMENDMENTS) BILL 2005**

#### **Resumption of debate on Second Reading which was moved on 15 June 2005**

**PRESIDENT** (in Cantonese): Mr LI Kwok-ying, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report on the Bill.

**MR LI KWOK-YING** (in Cantonese): Madam President, in my capacity as Chairman of the Bills Committee on Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (the Bills Committee), I would like to report on the major deliberations of the Bills Committee.

The Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (the Bill) seeks to provide for recognition of certification in various forms given by, and medical examination and treatment conducted or given by, registered Chinese medicine practitioners

for the purposes of entitlement to certain employees' benefits under the Employment Ordinance (EO), the Employees' Compensation Ordinance (ECO) and the Pneumoconiosis (Compensation) Ordinance (PCO).

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

A matter of major concern to members is the second opinion given by a medical practitioner or a registered Chinese medicine practitioner (CMP). Under the existing EO, if a pregnant employee has produced a medical certificate with an opinion as to her unfitness to handle heavy, hazardous or harmful work, her employer may require her to attend a medical examination, at the employer's expense, for obtaining a second opinion as to the employee's fitness for the controversial work. Furthermore, where an employee has terminated his contract upon being certified as being permanently unfit for a particular type of work, the employer may require the employee to undergo a medical examination, at the employer's expense, to obtain a second opinion. Under the Bill, the employer may choose to arrange for such examination to be conducted by either a medical practitioner or a registered CMP regardless of whether the medical certificate was issued by a medical practitioner or a registered CMP.

Some members have suggested that an employer should only be allowed to seek a second opinion from a practitioner of the same medical discipline as that certifying the unfitness of his employee, that is, a second opinion should be given by a registered CMP if the first opinion was given by a registered CMP, and a medical practitioner if the first opinion was given by a medical practitioner. These members are concerned about possible disputes between employers and employees if the second opinion is not given by the practitioner of the same medical discipline, given the difference in training.

The Administration has explained that the proposed new sections 15AA(3A) and 31R(3A) of the EO seek to give an employer a choice between registered medical practitioners and registered CMPs to seek a second opinion on the fitness of his employee for certain work when he considers it necessary. The proposed provisions merely allow the employer to obtain a second opinion from the broadest pool of medical professionals. Where there is disagreement between the two medical opinions, a mechanism is provided under the EO under

which the employer may turn to the Commissioner for Labour for a determination.

Ms LI Fung-ying is strongly of the view that an employer should only be allowed to seek a second opinion from a practitioner of the same medical discipline as that certifying the unfitness of his employee in order to minimize possible disputes.

Section 16 of the ECO currently provides for an employer requiring his injured employee to undergo medical examination free of charge. The proposed new section 16(1B) provides that the examination is to be conducted by a medical practitioner, registered CMP or registered dentist, depending on whether the employee is first attended by a medical practitioner, registered CMP or registered dentist. Some members have queried why the employer is not given a choice of seeking the second opinion of either a medical practitioner or a registered CMP.

The Administration has explained that in the case of work injury, as the employee concerned is at the material time receiving the treatment of a medical practitioner or a registered CMP as the case may be, and given that the approach of medical treatments given by a medical practitioner and a registered CMP is fundamentally different, there will be confusion to the employee as to the treatment if the second opinion is given by a practitioner of not the same medical discipline.

The Bills Committee has discussed in detail whether listed CMPs should be recognized like registered CMPs under the Bill. Some members have expressed concern that while listed CMPs are allowed to practise Chinese medicine, they are not included in the Bill and accorded the same recognition as registered CMPs. They consider that listed CMPs should be recognized for performing the same functions as registered CMPs under the Bill.

Some other members, however, oppose the proposal. These members are of the view that listed CMPs are only a transitional arrangement, that they have not been assessed professionally, and the recognition of Chinese medicine is a new policy and should be implemented cautiously. Therefore, the business sector has grave reservations about giving listed CMPs the same status as registered CMPs.

The Administration disagrees that listed CMPs should be recognized like registered CMPs under the three labour laws. The Administration has explained that, enacted in 1999, the Chinese Medicine Ordinance (CMO) stipulates the details of the registration system of CMPs, including the transitional and long-term registration arrangements for CMPs. At that time, the Administration understood that there were many CMPs practising in Hong Kong, and therefore suggested that those who were practising Chinese medicine in Hong Kong on 3 January 2000 could have their names put on a list and continue practising Chinese medicine as listed CMPs until a date as would be specified and promulgated by the Secretary for Health, Welfare and Food by notice in the Gazette.

The Administration considers that a more positive approach is to explore ways to assist those listed CMPs who aspire to be registered to achieve their goal. The Health, Welfare and Food Bureau has agreed to provide as soon as possible a paper to the Panel on Health Service on ways to assist listed CMPs to become registered, subject to discussion of the Chinese Medicine Council.

As the Administration disagrees that listed CMPs should be given the same status as registered CMPs under the Bill, the Bills Committee has decided, after voting, to move Committee stage amendments (CSAs) to recognize that listed CMPs may perform the same medical functions as that of registered CMPs under the Bill. However, given the President's ruling that the amendment is outside the scope of the Bill, I cannot move the CSAs. While the Bills Committee respects the President's ruling, it is hoped that the authorities can follow up the issue of listed CMPs.

Deputy President, the proposed new section 12(2)(d) of the PCO provides that medical expenses shall not be payable in respect of medical treatment received outside Hong Kong. Members have pointed out that at present, expenses for medical treatment given by registered medical practitioners outside Hong Kong are not disallowed. The proposed provision, if implemented, will have the effect of disallowing expenses for such medical treatment to be recoverable, which is a change of the existing policy. Members have queried the need for the proposed provision. Members consider that expenses for medical treatment given by registered medical practitioners or registered CMPs outside Hong Kong should be recoverable, given that a number of pneumoconiotic persons may have moved to the Mainland.

Having considered members' views and taking into account the chronic nature of pneumoconiosis, the likely older age of compensation recipients under the PCO and the higher possibilities for these recipients to move to the Mainland, the Administration has agreed to amend the provision. Under the proposed amendment, if the medical treatment given by the registered medical practitioner or registered CMP is medical treatment that may have been lawfully given in the course of his practice in Hong Kong, and that the treatment is also given lawfully under the law of the place where the treatment is given, expenses for such medical treatment will be recoverable. Relevant amendments will also be introduced by the Administration to empower the PCFB to seek advice from the attending registered medical practitioner or registered CMP, and advice from any person competent for the purpose, as to whether the medical treatment given in any place outside Hong Kong in respect of which medical expenses are claimed, satisfies the abovementioned conditions.

As regards the cost of proprietary Chinese medicines, the Administration will move CSAs to empower injured workers to, under section 37 of the ECO, be reimbursed the cost of the proprietary Chinese medicines, as referred to in the Chinese Medicines Regulation (that is, proprietary Chinese medicines compounded by manufacturers entrusted with the prescriptions of a registered CMP and administered and supplied to patients under the direct care of the attending registered CMP). The same principle will be applied to the PCO.

The Bills Committee considers that publicity efforts should be stepped up to help those in the Chinese medicine profession to better understand the functions, rights and responsibilities that will be conferred on registered CMPs under the Bill.

The Bills Committee supports the CSAs to be moved by the Secretary for Economic Development and Labour. Thank you, Deputy President.

Deputy President, I have not finished my speech yet. The foregoing is the Bills Committee's Report. On behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), I would like to express our views on the Report.

Deputy President, next I will speak on behalf of the DAB to express our views on the Bill. Many registered CMPs have written to us recently, calling

on this Council to expedite the passage of legislation in recognition of the statutory status of registered CMPs to issue sick leave certificates. Actually, besides CMPs themselves, most members of the public and I also hope that the relevant certification, particularly the issuance of sick leave certificates, can be given recognition expeditiously. This is because the issuance of sick leave certificates is the most fundamental, and the most important, step towards promoting the development of CMPs in Hong Kong. Two years ago, I proposed a debate on the motion "Overall development of Chinese medicine practitioners" calling on the Government to facilitate the development of CMPs, highlighting the request for the Government to accord statutory status to the sick leave certificates issued by CMPs. The request made then has finally received a positive response from the Government. Now I am even given an opportunity to cast a historic vote for the Bill in relation to the recognition of statutory certification in various forms, including sick leave certificates, given by CMPs.

With the popularity of traditional Chinese medicine, many members of the public are accustomed to consulting CMPs, and the acceptance of Chinese medicine has thus been raised. Let me cite medical insurance compensation claims as an example. In the past, a claimant often has to consult a Western medical practitioner (MP) before being awarded compensation. However, in the light of the needs of their clients, most insurance companies have now recognized the certification by CMPs. This is, in a way, a recognition of Chinese medicine. However, as the statutory status of CMPs to issue sick leave certificates is not recognized under existing laws, employees will habitually consult a Western MP after consulting a CMP for the sake of obtaining a sick leave certificate, thereby resulting in a ridiculous phenomenon of "consulting a Western MP for a sick leave certificate after consulting a CMP". We can only feel helpless about this utterly unreasonable phenomenon. In particular, given that the two are committed to practising medicine in order to help the people, why can the sick leave certificates issued by a CMP not given the same recognition as those issued by a Western MP?

To give the matter its fair deal, it is the general trend to recognize the sick leave certificates issued by CMPs. However, there is still some small imperfection as the Bill has merely recognized certain medical functions performed by CMPs under labour laws, while failing to complement the development trend of specialization of CMPs and keep abreast of the times. Under the Bill, CMPs are not recognized for performing certain medical

functions, such as examinations for employees in relation to the occupational diseases specified in the Second Schedule of the ECO or injury assessments in relation to pneumoconiosis. It is known that the Government's policy direction is premised on the principle that where registered CMPs are capable of performing the medical functions stipulated under labour laws, they should be recognized for performing those functions. However, the Government is of the view that these medical functions are out of the scope of traditional Chinese medicine.

Nevertheless, the integration of Chinese medicine and Western medicine has become a general trend. The traditional CMPs trained in three local universities at present will have access to and apply modern medical equipment and skills. Furthermore, registered CMPs may acquire relevant knowledge through training. For these reasons, the authorities should not simply disallow registered CMPs to perform these medical functions. Instead, they should actively examine the establishment of a qualification assessment channel to enable traditional CMPs with modern medical knowledge to undergo assessment to expeditiously acquire the recognized qualification required for the performance of the relevant medical functions. As for registered CMPs who have not received basic training in modern medicine, the Government may consider collaborating with tertiary institutions to enable registered CMPs to, through continuous learning, acquire the skills for performing the medical functions stipulated in labour legislation and lay a foundation for the direction of integration of Chinese medicine and Western medicine.

Deputy President, another issue of concern to me is the completely different sets of medical theories held by CMP and Western MP, and both Chinese and Western medical systems might come up with different diagnoses and treatment methods for the same disease. Hence, under the proposed new sections 15AA(3) and (3A) and 31R(3) and (3A) of the EO, the employer may choose, according to his own preference, to arrange for health examination to be conducted by either a medical practitioner or a registered CMP regardless of whether the medical certificate was issued by a medical practitioner or a registered CMP. Nonetheless, whether these provisions can be implemented smoothly is worrying. The starting point of the relevant provisions is to offer the employers more options. However, as Chinese and Western medicine are not of the same medical discipline, I am worried that unnecessary disputes will arise should CMPs and Western MPs have conflicting professional opinions. I

believe even the Commissioner for Labour can hardly dissolve the divergence of professional opinions. After the passage of legislation, I hope the relevant arrangements can be reviewed expeditiously.

During the deliberations on the Bill, members expressed concern about whether listed CMPs should enjoy the same statutory status as registered CMPs in recognition of sick leave certificates issued by them. Actually, both registered CMPs and listed CMPs can practise medicine in Hong Kong to provide Chinese medical consultation services to the public. Given that listed CMPs are qualified to practise medicine, why are they disallowed from certification, such as issuing sick leave certificates? On behalf of the Bills Committee, I have therefore proposed a CSA, which has unfortunately been ruled by the President to be irrelevant to the original subject of the Bill and cannot be tabled before the meeting today for a vote. While respecting the President's ruling, the DAB expresses regret and disappointment at the Government's failure to resolve the problem of the status of listed CMPs after much delay. We understand that listed CMPs are merely a transitional arrangement. However, the Government has still not laid down concrete objectives and demonstrated determination to properly tackle the relevant policies. I can also not see the Government's commitment to reforming the existing examination system for traditional CMPs. As a result, some listed CMPs who have true skill and genuine knowledge but cannot cope with the existing examination system can still not be registered and are forced to trudge along helplessly.

Actually, I have been told by a number of registered CMPs that there is no difference in professional standard between registered CMPs and listed CMPs, only that the latter have difficulty in verifying their qualification. With great sympathy for listed CMPs, the registered CMPs have unanimously criticized the Government for its reluctance to address the issue of listed CMPs. In this connection, the DAB appeals to the Government, listed CMP groups, and the Chinese Medicine Council to, pinpointing the problem of professional assessment faced by listed CMPs, devise an appropriate method for assessing listed CMPs through serious discussion to expedite the transition of existing listed CMPs.

With these remarks, Deputy President, I support the Second Reading of the Bill on behalf of the DAB.

**MR WONG KWOK-HING** (in Cantonese): Following the passage of the Bill, today will mark the first historic step for CMPs to issue sick leave certificates. It is nevertheless a great pity that an enormous aftermath and regret will still remain after this historic step as listed CMPs have not been able to benefit from the passage of the Bill and accorded the same status.

For three consecutive days, groups and representatives of listed CMPs have gathered outside the Legislative Council for a 72-hour sit-in protest. Today, in gloomy weather and amid the lightning and thunder before our meeting started, the Hong Kong Medicine Workers General Union (Yee-Shing) had submitted a petition letter, which is now in my hand. The letter, wet from the rain, has certainly dried now. While registered CMPs are given the statutory status of issuing sick leave certificates, listed CMPs, who are also allowed to practise medicine in Hong Kong, are being marginalized for they are not permitted to do the same. In my opinion, the latter are actually being discriminated against.

Despite his effort, the amendments proposed by Mr LI Kwok-ying have been rejected because of the provisions under the Rules of Procedure. Under such circumstances, I earnestly express my hope through the President that the Secretary could proactively follow up the matter after the passage of the Bill. I hope the Secretary can, in responding to Members' speeches later, indicate that assistance will be rendered to listed CMPs to minimize the damage inflicted on them during the transitional period, and assistance should be offered to them expeditiously so that they will be qualified for issuing sick leave certificates and perform their work in concrete terms. I hope the Secretary will not disregard the legitimate requests of listed CMPs after the passage of the Bill today.

I received a petition letter from the Hong Kong Medicine Workers General Union (Yee-Shing) before entering the Legislative Council Building today. Three requests have been unequivocally put forward in the letter: the first request is about specialty examinations. They criticize that the Chinese Medicine Practitioners Board requires that all CMPs must be graduates of degree programmes and the number of disciplines examined is as high as 26. For many listed CMPs specializing in one or two disciplines, such as gynaecology, paediatrics, orthopaedics, bone-setting, acupuncture, and so on, given that most of them have acquired their knowledge through the passing on of knowledge by old CMPs or self-learning, can the examination questions be focused on their

specialties complemented by other subjects? This is more compatible with the real significance of acquiring the professional qualification. This is the first request.

Secondly, they request for special ways to deal with specialized disciplines. At present, more than 3 000 listed CMPs are practising medicine. Actually, they have practised for years and attained a very high professional standard. However, because of their age or problems in other areas, it is very difficult for them to acquire the CMP qualification immediately. However, if they are not permitted to issue sick leave certificates, their survival will be marginalized. Therefore, should the Government not reconsider that its decision will greatly affect listed CMPs, though the Government has no intention to do so? The listed CMPs say that they will not be able to make ends meet under such circumstances. Regarding this earnest request, I very much hope that the Secretary can, during the transitional period, examine ways to help them to be qualified for issuing sick leave certificates, formulate relevant measures, and refrain from engaging in empty talks.

Thirdly, they request that the Government offer them assistance through the setting up of a training fund. In my opinion, their request is extremely humble and absolutely legitimate. They have pointed out that the current programmes for acquiring CMP qualification invariably cost them some \$100,000 to \$200,000 — they are not afraid of examinations or studies. This is actually a problem for this group of providers of professional services. For these reasons, should the Government not actively consider offering them assistance, such as in the case of vocational training programmes, by subsidizing 70%, 80% or 90% of their tuition fees to ensure that they can study while practising and acquire the qualification expeditiously?

In my opinion, these three requests made by the relevant trade union is perfectly legitimate. Therefore, I would like to earnestly appeal to the Secretary through the Deputy President to appreciate public sentiments. As the Chief Executive once put it, we must not adopt an imposing stance. Instead, we must listen to public sentiments and refrain from working in the office in strict compliance with "rigid" provisions and laws. As the saying goes, law is a matter of human relationship. The Secretary must take into account human relationship, reasons, the situation and hardship of the listed CMPs, appreciate their plight, and offer them assistance accordingly.

Deputy President, I will support today's Bill. However, I would also like to take this opportunity to reflect the earnest, legitimate and yet humble requests of the listed CMPs and hope that the Secretary can truly listen to their calls, appreciate their hardship and give them a positive response.

Thank you, Deputy President.

**MR JAMES TIEN** (in Cantonese): Deputy President, I rise to speak in support of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (the Bill).

Subsequent to the tabling of the Bill before this Council for First Reading on 15 June 2005, the Bills Committee has convened a number of meetings with the Administration and relevant organizations. As in-depth discussions have been conducted on the Bill, I believe the Bill will not cause great controversies. Hence, I hope that the Bill can be passed expeditiously to confer the relevant statutory powers, including the power to issue sick leave certificates, on registered CMPs so that employees in need can be benefited.

As regards the fight of listed CMPs for the authority to issue sick leave certificates as registered CMPs, the Bills Committee was divided on this. Nevertheless, the President of the Legislative Council has already ruled that the Bill does not apply to listed CMPs, and the amendment proposed by the Bills Committee is outside the scope of the Bill.

Deputy President, next I would like to present the views of the Liberal Party on the issuance of sick leave certificates by listed CMPs.

It has taken the Chinese medicine profession years of efforts for the recognition of the sick leave certificates issued by CMPs to be materialized. Yet, there has been considerable controversy in society since the beginning of the discussion. For instance, some Western MP bodies, the business and commercial sectors and representatives of employers have expressed queries and concern that the relaxation to allow CMPs to issue sick leave certificates will easily lead to indiscriminate issuance of sick leave certificates. At that time, for the sake of setting the minds of members of the community, including the business and commercial sectors and small and medium enterprises, at ease, a consensus was finally reached among all relevant parties, after negotiations and

balancing of the pros and cons, to confine the authority to issue sick leave certificates to registered CMPs for the time being. Given the stringent vetting, or excessively stringent vetting, as some people put it, of the professional qualification of registered CMPs, the interest of both the employers and employees will be protected and the views and interest of both parties can be balanced.

In the opinion of the Liberal Party, as the Bill has not come into force yet and the specific details of operation are still unknown, in order to avoid complicating the matter and affecting the public's confidence in the issuance of sick leave certificates by CMPs and the establishment of the system, it is most appropriate, for the time being, to maintain the practice of recognizing the issuance of sick leave certificates by registered CMPs only.

I do appreciate that listed CMPs are dissatisfied with the absence of standard answers for the Chinese Medicine Practitioners Licensing Examination and the sole reliance on the subjective criteria laid down by moderators and, as a result, they feel at a loss as to what to do. Under the existing mechanism, candidates may appeal to the Chinese Medicine Council (CMC) against the judgement made by the Chinese Medicine Practitioners Board (PB) in respect of the examination. However, some candidates have criticized the CMC for lack of transparency. As a result, the candidates have no idea why they cannot pass the examination and gain the qualification for practice. We do have great sympathy for listed CMPs, particularly the bitter experience of the old CMPs. We also understand their fight for more recognition, such as possessing the authority to issue sick leave certificates, as being discussed today.

Deputy President, regarding the views expressed by a group of listed CMPs to the Liberal Party, we share one or two examples cited therein. First, they notice a lot of cases in which the apprentices manage to pass the qualification examination, and yet their masters cannot pass the examination. This might be attributed to the fact that the masters are more advanced in age or their Chinese is not good enough. However, they are certainly better than their apprentices in terms of medical skills. This is what we were told by the apprentices themselves. So, how can this problem be tackled?

Let me cite one more example. Some old CMPs have focused merely on certain specialized disciplines, such as orthopaedics. However, when they sit for the qualification examination, they will be required to pass the examination in

a wide range of areas, such as medicine, dermatology, and so on. As a result, they end up failing the examination. I think the Government should continue to deal with this situation.

Given the initial differentiation between registered CMPs and listed CMPs, there are bound to be certain differences between them in terms of exercising the authority as a CMP. I will attempt to cite another example to perhaps make listed CMPs feel better. At present, even Western MPs in possession of a practice licence recognized by overseas countries are not allowed to practise in Hong Kong legally or issue sick leave certificates, unless they have registered with the Hong Kong Medical Council in Hong Kong. Registered CMPs and listed CMPs can at least practise legally in Hong Kong, and the difference merely lies in the authority of listed CMPs to issue sick leave certificates and make certain prescriptions.

(THE PRESIDENT resumed the Chair)

Up to the present moment, the Liberal Party feels that it is most important for the legislation to take effect. After the legislation has come into force, we hope that, in the course of operation, the confidence of employers in the business sector in registered CMPs and listed CMPs will increase. At the same time, the concern of society about the indiscriminate issuance of sick leave certificates may reach a consensus. It will then be more appropriate for us to move on dealing with the remaining issues.

Madam President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): We in the Hong Kong Confederation of Trade Unions (CTU) absolutely support the long-awaited proposal to allow CMPs to issue sick leave certificates because many wage earners trust CMPs and hope to foster their health conditions through CMPs.

At present, even if they have consulted a CMP, they would still have to consult a Western MP for obtaining sick leave, and be forced to pay twice. Although they very much hope to seek consultation from CMPs and have no intention to rely on Western MPs, they still have to pay twice and seek

consultation in two separate places before they can obtain sick leave certificates and related allowances. Therefore, insofar as workers are concerned, the proposed system will rationalize the entire sickness allowance regime and boost their confidence in seeking medical consultation from CMPs. Furthermore, they may now obtain sick leave certificates through CMPs. In my opinion, the Bill is conducive to developments in this area.

Nevertheless, President, I feel so sorry that while this should be something good originally, regrettably, the Government has intentionally made it flawed and even created an unfair phenomenon. Why should listed CMPs in particular be discriminated against in the Bill?

Why are listed CMPs disallowed from issuing sick leave certificates if the Government believes that listed CMPs are capable of providing medical treatment and if the patients allow CMPs to take care of their health and bodies, and even their lives? The Bills Committee has originally intended to raise this discriminatory phenomenon for rectification. However, the President has ruled against the amendment proposed by the Chairman of the Bills Committee because of the Rules of Procedure. Actually, the fact that this matter has to be submitted to the President or the amendment has to be proposed by the Chairman of the Bills Committee on behalf of the Committee is already a flaw *per se*. Right at the beginning, we already had the feeling that the Bill proposed by the Administration should not discriminate against listed CMPs. As they are allowed to practise medicine, it is unreasonable not to allow them to issue sick leave certificates. What is the Government's motive?

Listed CMPs suspect that the Government intends to dry them up. Actually, I am really worried about them too. Although the Administration has indicated in a meeting of the Bills Committee that about 40% of the clients of CMPs engage in non-economic activities and 60% are wage earners, 60% are already a majority. Even if 40% of the clients continue to consult listed CMPs, listed CMPs will still be greatly affected if the remaining 60% stop consulting them. We can hardly imagine a worker, who is used to consulting a listed CMP, pays a special visit to a registered CMP, in addition to his previous visit to a listed CMP, in order to obtain a sick leave certificate. This could not possibly happen. His only choice will be to discontinue his visit to the listed CMP he has all along been consulting, and turn to a registered CMP instead. What is it if this is not an act of "drying them up"?

If the Government is asked why it has to do so, it will certainly say that, as a registration system is already in place, it has to protect the system. This involves yet another more serious problem. Is the registration system reasonable? If it is not and such an unreasonable situation is further extended to the issuance of sick leave certificates, the listed CMPs will certainly feel that the Administration is intentionally "drying" them up by allowing such an unreasonable system to suppress them, who have been practising medicine for years. Just imagine how serious the impact will be.

Nothing can be said if all Members agree that the registration system is reasonable. However, we have been told that there are a lot of unreasonable cases. Even Mr James TIEN raised the point earlier that while some apprentices had successfully registered, their masters might have failed to do so. This is most absurd. I have also been told that some have failed to obtain qualification certification because their employers have passed away. Though he might know someone else for more than a decade, that person is still unable to certify for him, for his employer is the only one who is qualified to do so.

This kind of problems has put the entire registration system in doubt. Some people have also doubted why a bone-setter is required to sit for examination in 26 disciplines. As Members are aware, bone-setting is a highly specialized, not purely academic, discipline. Very often, the relevant knowledge is passed on from one to another. Is it an act of suppression by the Government?

President, we feel very sorry that, despite this good act, the Government has done something really unnecessary at the same time. This will deal a blow to the dignity of the listed CMPs and seriously affect their livelihood in future. Furthermore, they are facing the problem of being "dried up".

President, there is yet another problem with the Bill, which we think the Government has to review in future. I have once raised it in the Bills Committee. At present, Western MPs are facing the same problem too. An employee wishing to obtain long service payment may request a MP to issue certification to prove that he has suffered from permanent incapacity or can no longer work. With the certification by the MP, he may resign and receive long service payment. However, in the event that an appeal is lodged, if the one issuing the certification is a CMP, while the one issuing certification in support of the appeal is a Western MP, or *vice versa*, the employee will be in great

trouble whenever a conflict or problem arises. If the appeal is successful and he has already resigned, can he return to his post? If he cannot return to his post, his long service payment accumulated all through his life will be affected. Even if this problem is not dealt with under this Bill, I still feel that the Secretary should deal with it together with the other issues in the hope that the situation can be rationalized in the future.

On the other hand, President, I would like to point out that the Bill will cause a new impact on wage earners. This is a scenario I expect to happen in the future. At present, many companies have their own MPs. In other words, medical services are provided to employees by their companies or employers. This is originally a good idea. However, employees might in future complain about their companies of providing the MPs to control their sick leave. If a company has its own MP, the sick leave certificates obtained by its employees from another MP will have to be recognized by the company's own MP. Therefore, although employees consider this welfare excellent, and I will commend these employers too, the employers will not after all be able to clear itself of the suspicion of controlling sick leave.

President, I would still like to point out a new phenomenon. Although sick leave might be controlled by the company, the employees may seek medical consultation from a CMP without the need to be certified by the company's MP. On the contrary, a sick leave certificate issued by a Western MP has to gain recognition.

Under such circumstances, I believe two scenarios might arise in the future. One scenario is that the company might switch its direction to providing its employees with CMP services. Another possibility is that employees will consult CMPs for sick leave if they are not granted sick leave by their company's MP. This will affect those workers who have been enjoying such benefits. I have pointed out the impact here in the hope that employers who have provided their companies with their own MPs may offer CMP services simultaneously. Insofar as the benefits of employees are concerned, this is even more comprehensive.

Lastly, President, on behalf of the CTU, I support this Bill while expressing regret at the Government's reluctance to include listed CMPs in the Bill. I understand that the Secretary consults CMPs too, though I have no idea whether he will consult listed CMPs or registered CMPs. I hope the Secretary

can consider the point that, since we trust the treatment methods of CMPs and even allow them to take care of our health and lives, we should also give them the power to issue sick leave certificates. Thank you, President.

**MR ANDREW LEUNG** (in Cantonese): Madam President, the Bills Committee on Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (the Bills Committee) has scrutinized the Bill for nearly a year and finally managed to complete the deliberations before the end of this legislative year. In response to the needs of employees, we in the Liberal Party supports the Bill's amendments to recognize the treatments and body checks performed by registered CMPs and the certification issued by them. We have noticed that, in recent years, there has been a growing number of people who understand Chinese medicine. Furthermore, more and more people opt to consult CMPs for treatment of their illnesses and injuries. It is thus evident that the credibility of CMPs has raised substantially. In the light of employees' demands for Chinese medical treatments, some organizations, employers, and even insurance companies have already accepted the certificates and sick leave certificates issued by registered CMPs. However, there has still been frequent occurrence of indiscriminate issuance of sick leave certificates in the past couple of years. Many employers are concerned about whether more such incidents will occur with the recognition of the sick leave certificates issued by CMPs.

For these reasons, we hope the Chinese Medicine Council of Hong Kong can enforce the "Code of Practice for registered CMPs" more stringently to maintain the professional integrity of CMPs to ensure that all registered CMPs will be truly professionally accountable to their patients by not only refraining from issuing false certification, but also properly keeping records on their patients and prescriptions for the purpose of enhancing the efficacy of their treatments and follow-ups.

Madam President, Chinese medicine is a significant component of Chinese traditional wisdom. To preserve Chinese medicine and enable it to thrive, the Chinese medicine profession must develop towards professionalism. We hope the profession can constantly upgrade the standard of registered CMPs and require the CMPs to pursue continuous learning in keeping abreast of the times.

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

**MISS CHAN YUEN-HAN** (in Cantonese): For CMPs, today is a very important day. However, I look around and find that only officials from the Economic Development and Labour Bureau are present. Yet, not a single official led by Secretary Dr York CHOW is found here. Madam President, I said this because the dispute in question is related to York CHOW, not Stephen IP. I was personally involved in the scrutiny of the Chinese Medicine Ordinance (CMO) in the last term. Members taking part in the deliberations do have some views on the so-called committee set up under the Health, Welfare and Food Bureau.

As the matter now stands, we are in a dilemma today, as pointed out by many colleagues earlier. Wage earners certainly welcome the proposal that CMPs can issue sick leave certificates. We too consider this a significant symbol of equal treatment, and employees will find it helpful, for the sick leave certificates issued by the CMPs or Western MPs they have consulted will be treated as statutory documents. This is very important. However, we will find that a group of CMPs are still not allowed to issue sick leave certificates.

Madam President, in the course of deliberations, we considered it necessary for the Bill to be passed. Yet, another group of medical practitioners is prohibited by legislation from issuing sick leave certificates. This is why I have to criticize the amendment proposed by the Government. Why can CMPs not issue certification for pregnant women? As Members are aware, pregnant female employees have to produce two pieces of proof to avoid being given the sack. At present, only one certification is required to be issued by MPs, though only Western MPs are allowed to issue the certificate. CMPs are still not allowed to issue the certificate. Therefore, we have to continue with our fight for this right.

I have cited the example to reflect the feelings of employees. On the other hand, I would also like to say a few words on the feelings of CMPs. Insofar as employees are concerned, it is certainly a good idea to allow CMPs to issue sick leave certificates. However, why has pregnancy not been dealt with in this context? Members have some views on this. Not only is a group of CMPs involved in this incident, there were some problems with the relevant committee during the deliberations on the CMP qualification. Madam President, I was very frustrated when the Chairman of the committee came to me in the course of deliberations. Regarding the view of the committee on how listed CMPs should be treated, I only wish to treat them with equanimity without stirring up so many issues.

I would like to cite an example. Because of my personal involvement in the scrutiny of the Bill, many CMPs approached us, and we did consider the amendment essential. Some very fine CMPs have received the best training because their fathers or grandfathers are CMPs as well. However, they are grand masters probably because they have merely focused on a certain discipline. For instance, a patient suffering from a headache will look for a CMP specializing in treating head-related illnesses. However, the CMP might not know how to treat other illnesses. Furthermore, he might not be good at taking examinations. He will then end up in a sorry state. Though some CMPs are already among the grand masters, they will still find it terrible if they are to face ABC during the examinations and be examined on dozens of subjects. Actually, they do want to learn and receive training. However, for these relatively elderly CMPs, the idea of training and learning is utterly dreadful.

I would like to tell the Secretary that the Hong Kong Federation of Trade Unions (FTU) today will certainly support the issuance of sick leave certificates by CMPs. We even feel that what has been done is not enough, and the work has to be continued. The problem is, after the passage of the Bill, the listed CMPs mentioned by me earlier will be affected. The number of professionally qualified listed CMPs is not small. They have all along commanded the support of their patients. Furthermore, they are highly reputable in the Chinese medicine profession. I know a group of CMPs like them too. However, the request put forward by them to the Chinese Medicine Council (CMC) has been rejected, and the standard has even been raised by the CMC. This explains why colleagues participating in the deliberations, including the "old fellows" (I am referring not to this term, but the previous one) like Ms LI Fung-ying, Mr LEUNG Yiu-chung, Ms Cyd HO, who is no longer in this Council, and I would get very angry whenever this issue was mentioned.

The idea of taking this opportunity to introduce legislative amendments was originally good. During our past discussions on how the issue of listed CMPs could be handled properly, the Government expressed its concern about the excessive number of substandard cases. After a round of screening, the number was reduced from some 7 000 to some 2 000. I once told the members of the relevant committee and some of my friends in the Chinese medicine profession that we very much hoped that the Department of Health (DH) could be made to carry out the screening of listed CMPs properly by way of this legislative amendment, to screen out CMPs not up to the required standard. However, the issues should not be bundled up together. Actually, this view is

shared by all of the listed CMPs who are present here. They are also prepared to accept the Government's practice. Nevertheless, they find it very difficult to meet the requirements of the existing registration system for CMPs.

Madam President, this should originally be a popular initiative — we are so pleased that CMPs can issue sick leave certificates. However, we are angry that this has given rise to unfairness, though in a different manner. I do not take any issue with the President, for I am dissatisfied with the Government's failure to propose CSAs, thus obliging the Bills Committee to propose CSAs instead. I very much understand the arbitration made by the Chairman of the Bills Committee. However, I have to ask this question: Why do the relevant officials not attend this meeting to listen to our speeches? Why do they dare not sit here, whereas they dared to make a decision to reject our views?

Madam President, I have to ask these questions because we have frequently raised the issue of listed CMPs with officials of the DH over the past years. However, we have often been told that the matter, which is nothing of their concern, is taken charge of by the committee. What can we do for the committee has simply ignored us? We certainly want to properly deal with this matter through legislative amendment. However, it is a great pity that the Government has done nothing to address the disputes over the years.

Today, Madam President, we will support the amendment that seeks to accord CMPs the same status as Western MPs, for this is what we should be pleased with. As for the areas in which adequate efforts have not been made, we will continue to pursue our cause. However, I feel quite strongly about the way in which certain issues are handled and the attitude of the DH as a whole. Although the DH has undertaken that the issue will be brought back to the Panel on Health Services for discussion after six months, I have little faith in this, as this is not the first time I complain about this matter. I once led a group of people to argue with the DH, but we were ignored. I then led the group to somewhere else, but the problem eventually remained unsolved, though we had hopped around. Some people even said this to me, "Miss CHAN, we greatly worry that in the course of dealing with the issue of listed CMPs, the initiative to allow listed CMPs might fall through in the end." Why? We have already made it very clear that CMPs are a traditional profession. Different CMPs might have acquired their medical skills from different masters. Why would something like this happen? Madam President, we will cast a supportive vote today; we will support the amendment. However, we are greatly upset by the

Government's failure to address the issue of listed CMPs which has still remained, and I have to condemn the Government here. Thank you, President..... I should still have time to continue with my speech. I thought I had only seven minutes to speak. I have not finished condemning the Government. Madam President, (*laughter*) I forgot I should have 15 minutes to speak.

This speech should have been delivered by Mr KWONG Chi-kin. However, I asked him not to deliver the speech and let me do it because I was very upset. Although I did not join the Bills Committee, I managed to attend the meetings held at the later stage and gave play to my characteristic of being fierce. Surprisingly, however, the problem could still not be resolved.

Madam President, as I pointed out earlier, the legislative amendments proposed by the Government originally sought to deal with some unfair or unreasonable phenomena. In the course of deliberations, colleagues in the Bills Committee were actually quite co-operative. Today, even the Chairman of the Liberal Party has joined us and stood by our side. The executive authorities should have seen that we from the labour sector and other political parties (including the business sector) share the same aspiration, and the aspiration is quite strong too. I was very upset by the rumour that we did not support the amendment to allow CMPs to issue sick leave certificates. Madam President, I was especially angry on the day when the Chairman of the committee approached me. In any case, we will render our support. Hence, why should we make this gesture today? I would like to tell registered MPs and members of the committee that the problem mentioned by me earlier has existed all along as it has not been dealt with since the passage of the principal law.

Chinese medicine is a traditional profession. Many CMPs have passed down their medical skills from generation to generation. Strictly speaking, they have a great deal of similarities with the "barefoot doctors" on the Mainland. "Barefoot doctors" are not formally trained too. During a certain period in China, "barefoot doctors" in villages treated many patients. Even after China's reform and opening, "barefoot doctors", particularly those who are held in high esteem by others for their medical skills, were still given a chance to formally develop their career. What about our CMPs? I really want to tell those people who have attending meetings of the committee and who are sitting up there in this Chamber that this Council has made numerous attempts to handle the relevant complaints and invite members of the committee to come here for

discussions. However, the discussions all ended on a sour note, or even ended with "bangings on the table". Members taking part in the enactment of legislation can hardly imagine the committee could have acted in such an extreme manner by adopting their own perspective of screening for elites or handled the matter merely with the criteria laid down in their own world.

For instance, one of my friends has been practising as a CMP in Wong Tai Sin for more than a decade. I was infuriated to learn that he was not allowed to register. Fortunately, he later tried every possible means to make up for his own inadequacy, but he had been very unhappy in the whole process. A group of highly qualified CMPs stationing in the Chinese medical clinics set up under the FTU have not been allowed to register too. Madam President, I have cited these examples in the hope that those people who have attended the committee meetings and Secretary Stephen IP can relay the problem to Secretary Dr York CHOW and the officials in his Bureau. In my opinion, the problem must be tackled. The Government should not, for the sake of brushing aside our opinions, simply tell us that the issue will be brought back to the Panel on Health Services for discussion after six months. We will get very upset by then, for we have experienced this many times before. I have therefore had no confidence at all in the Government's commitment. Furthermore, once the issue is dealt with by the panel, the DH will completely ignore us and tell us that this is the panel's business.

I am saying all this because I want to bring our plight to the President's attention. We know that we are doing something which we have chosen to do though we know only too well that we will not succeed. As Members should have known, the CSA proposed by Mr LI Kwok-ying at our request might be at variance with the subject. However, we have still proceeded with our plan because we very much want to take this opportunity to, through the strength of the Legislative Council, force the Government to take some action. Still we respect the President's ruling.

Having participated in the deliberations on the Bill, I have to speak out that no one has dealt with the problems we have raised so far. This is why I said earlier that the attitude of the Health, Welfare and Food Bureau should be condemned. If they are bold enough, they should step forward in an upright manner, instead of letting Secretary Stephen IP to speak instead, though it is perfectly right for the Secretary to do so. The Secretary stated that legislation should be enacted to protect wage earners and there is nothing wrong to allow

CMPs to issue sick leave certificates. However, maternity leave and issues relating to other areas should have been dealt with in this exercise. Now, it should be time for the Health, Welfare and Food Bureau to respond to our question. They have been evading our questions for years, and I am most unhappy about this.

We see that many diverse views have been presented by different CMP organizations now. However, I want to say that, even with the setting up of a training fund (I know that this idea was proposed by an organization), the committee will still not give the approval. This is because we have encouraged a lot of people to receive training but, in the end, they still could not gain approval from the committee. The committee should make a complete change and respect the fact that these CMPs are qualified in Hong Kong, only that some of them have received family or apprentice training, instead of formal training. With such respect, discussions on the issue can be reopened anew.

Madam President, I guess I should stop here. I have talked about a series of frustrating issues because I feel so helpless. I hope Secretary Stephen IP can convey these issues to the relevant Policy Bureaux, particularly the DH officials who took part in the deliberations back then. Not only did they make a lot of commitments, they knew very well that the spirit upheld during the deliberations was that we did not want a certain group of CMPs to be eliminated after the status of this traditional profession was finally given recognition. Of course, it is yet another matter if the eliminated CMPs are truly not up to standard or incompetent (I guess we are not fighting for such people). According to our observation, a regularization of this traditional profession under such circumstances all of a sudden will not work.

Madam President, although I am most unhappy about this, I will still support the amendments today. However, I want to appeal to the Government through this voice of mine to truly do something when the officials appear before this Council after six months and refrain from muddling through, thinking that they can bully those who are susceptible to bullying. Madam President, I so submit.

**MR VINCENT FANG** (in Cantonese): Madam President, my Liberal Party colleagues and I support the passage of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 (the Bill). Since

the establishment of the Bills Committee last year, I have received letters and phone calls from members of my sector, Western medical practitioners (MPs) as well as employers, who hoped that I could oppose the Bill that aims at granting the legal authority to registered CMPs to issue sick leave certificates. Western MPs oppose it because they believe that the professional training of CMPs is not as rigorous as that of Western MPs, and the diagnoses given by CMPs are too indefinite and abstract. For example, people may be diagnosed as suffering from humid heat, intangible hotness, and fatigue and failure of the tendons and the bones, and so on. Employers are concerned that since the symptoms of these illnesses are not obvious, they should not affect the working abilities of the employees. They are worried that once sick leave certificates issued by CMPs are recognized under the labour laws, abuses of sick leave might arise, thus making employers suffer losses.

In spite of that, I tried my best to persuade them to support the Bill, because the Bill is built on the successful implementation of the CMPs registration system in 2002. Although I did not participate in the discussions then, I learnt from my colleagues and members of the sector that the discussions had been very tough and challenging. Under the registration system, CMPs who have been practising Chinese medicine for a continuous period of 15 years can become registered, whereas those who have been practising for less than 15 years will have to take an examination or an undergraduate programme in practising Chinese medicine.

Upon successful registration, they still have to undertake continuous studies and their registration is subject to renewal. Should there be any professional misconduct, the CMP in question will be subject to disciplinary actions similar to that applicable to Western MPs, including reprimand, warning, and even removal of name from the register, that is, to have his practising certificate revoked.

We understand that in the past, CMPs trained up their disciples in a traditional way, and the training was not as systematic and rigorous as the training for Western MPs. However, Chinese medicine is one of our national treasures with a history of several thousands years, and more and more people are placing their trust in Chinese medicine and are receiving treatment by CMPs. Chinese medicine programmes are now introduced into the curricula of tertiary institutions. The Government has implemented a registration system for CMPs and introduced a regulatory supervision system. It has also prepared a set of

reference guidelines governing the issuance of sick leave certificates and the certification of a person's health status by registered CMPs. For example, the guidelines stipulate that the number of days of sick leave granted by a sick leave certificate should be no longer than seven days, and cases of serious illness should still be referred to Western MPs, and so on. This being the case, although we are employers, we have to respect both the law and the medical ethics of the CMPs. Therefore, we support that registered CMPs be given recognition in this regard.

We are well aware that good employees are hard to come by, and we hope that colleagues from the labour sector can refrain from calling us "unscrupulous employers" all the time. A recent employment survey reveals that workers in the retail sector, which I represent, have recorded the highest mobility. When a worker switches to another company, he is often described as aspiring and striving for better prospects; but when an employer makes efforts to retain his staff, he may not get any credit from the people.

When the Bill was being scrutinized, there were some divergent views. Some members were of the view that certifications issued by listed CMPs should be accorded legal status as well. The Liberal Party and I have reservations about this. But I am absolutely not doubtful about the capability of listed CMPs. We take this stance simply because we wish to give our recognition to the Government's CMP registration system as well as the efforts and status of registered CMPs.

As I have said just now, the registration system aims at regularizing a system for the training and practice of CMPs and for defining their scope of authority, such as the authority to prescribe medicine. As such, only registered CMPs are qualified for possessing and dispensing the fairly toxic Chinese herbal medicines as listed in Schedule 1 to the Chinese Medicine Ordinance, and for possessing the status of issuing sick leave certificates and certifying a medical examination conferred on them by the Bill today.

With rights comes obligations. Therefore, under the registration system, registered CMPs are required to undertake continuous studies and to renew their registration every three years of practice. If they commit mistakes, their practising certificates might be revoked. As we all know, listed CMPs are not subject to such control. If listed CMPs are entitled to the same rights of registered CMPs, it would render the registration system unnecessary. As

such, would that be fair to the 5 000-odd registered CMPs who have already acquired the qualification?

We appreciate the concerns of listed CMPs. They are worried that without the authority of issuing sick leave certificates, their business may be affected; and they are also worried that the transitional status of listed CMPs will be phased out by the Government.

In this regard, the Liberal Party had specifically made an appointment with officials of the Department of Health and met with members of the Chinese Medicine Council of Hong Kong to relay the concerns of listed CMPs. We urged the Department and the Council to provide more channels and opportunities to assist listed CMPs to facilitate their expeditious registration as CMPs through examination. As a matter of fact, during the past two years, more than 700 listed CMPs have successfully passed the examination and become registered CMPs.

We understand that CMPs practising in more specialized areas such as bone-setting may be less adept at general theories of medicine. In this regard, could the Examination Committee of the Chinese Medicine Council of Hong Kong make certain adjustments to the licensing examination for CMPs practising in specialized areas and to provide them with some assistance?

I hope the Bureau can make an undertaking today, that, after the Bill is enacted, it will work in conjunction with the Health, Welfare and Food Bureau to assist listed CMPs in registration. In doing so, we can preserve the traditional Chinese culture, respect the law, respect the registered CMPs who have put in their efforts while providing a good opportunity to the listed CMPs.

With these remarks, Madam President, I support the passage of the Bill.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, the Bill tabled by the Government today will, in my opinion, have a far-reaching impact on society as a whole.

First, this will have a bearing on the general "working class", because it will give them one more option in the future: Apart from approaching Western medical practitioners (MPs), they may choose to approach Chinese medical practitioners (CMPs) for the issuance of sick leave certificates. As a matter of

fact, many fellow workers always prefer to consult CMPs. Therefore, it is very good that the Bill gives them this option.

On the other hand, the social status of CMPs will be elevated. In fact, since the implementation of the CMP registration system, the status of CMPs has already been raised significantly. It has changed the past pattern when the people only attached significance to Western MPs. The Bill today further consolidates the status of CMPs, and I hope the development of Chinese medicine can see even brighter prospects. In fact, if the status of CMPs is not consolidated, the development of Chinese medicine may face even more hurdles. Of course, even if the Bill is passed, it does not necessarily mean that the development of Chinese medicine will be smooth sailing all the way. For example, how will the Government allocate more resources for the establishment of Chinese medicine hospitals in future, and how can CMPs practise Chinese medicine with wider acceptance and greater popularity? In fact, there is more work that the Government needs to do.

In addition to this problem, President, a more serious problem will emerge: Once the Bill is passed, it will cause further division in the Chinese medicine sector. In fact, with the implementation of the CMP registration system, division started to emerge in the Chinese medicine sector, and today it has become even more serious. When the registration system was first implemented in 2000, the division between registered CMPs and listed CMPs began to appear. It was not a serious problem at that time, because the subject of sick leave certificates had yet to be put on the agenda, and both registered and listed CMPs could practise Chinese medicine. However, if we give further recognition to only registered CMPs by granting them the authority to issue sick leave certificates today, obviously this is no longer a case of simple division. Instead, it will seriously undermine the status of listed CMPs and their livelihood in future.

As many colleagues put it just now, the situation will become very realistic. If an employee has fallen ill and needs to seek medical treatment, how will he make his choice? Naturally, he hopes that the doctor can cure his illness, and at the same time he also hopes that the doctor can grant him sick leave. A particular listed CMP may be very adept clinically, but if he cannot issue sick leave certificates, how will the patient make his choice? Should he spend another sum of money to consult a registered CMP? As we all know, a "wage earner" is entitled to only four fifths of his wage when he is on sick leave,

which means that his income is slashed, and if he consults yet another doctor, that would mean adding weight to his burden. Therefore, the possibility of him choosing to consult a listed CMP is very slim. As far as listed CMPs are concerned, this will deal a very serious blow to them. How are they supposed to survive?

Given that we hope to establish the CMP registration system, we would aspire to accomplishing two things, that is, to have the status of CMPs recognized, and to enable them to practise formally in society. However, the Bill actually cannot assist their practice. Instead, it is digging a grave and CMPs are being pushed down it. Why does the Government have to do this? Several years ago, the Government said that they wanted these people to be accorded social status, but several years later, they are driving them into the graves. Why does the Government have to do this? What are the causes contributing to such a phenomenon? In other places such as Macao, CMPs have all along been treated as the same without any division right from the very beginning. Why can the SAR Government not do the same?

In fact, as I have said just now, the policy is weird and bizarre. The CMPs who have been practising and are able to continue practising Chinese medicine are labelled as "listed CMPs". Now, these listed CMPs cannot issue sick leave certificates. How can the Government do this? Many listed CMPs have told me that they are practising Chinese medicine legally, and that they are also subject to the law. If they make any mistake, they will also be liable to legal sanction. Given the circumstances, why are they not allowed to issue sick leave certificates?

Mr Vincent FANG said just now that registered CMPs were different, because if they made any mistake, it would result in the removal of their names from the register, and that it does not apply to listed CMPs. President, with regard to this system, the problem actually lies in the first step which was not well taken. The current issue has arisen because of the distinction made between registered CMPs and listed CMPs in the very first place. I believe many listed CMPs present today would not mind having a system under which they are subject to the same conditions like the registered CMPs are: That the Bill may also specify the kind of training listed CMPs have to undergo before they are allowed to issue sick leave certificates, as well as the punishments they will be liable to should they make any mistake. Who would object to a proposition like this? I think we should not put the cart before the horse.

In fact, the problem lies in the way the Government made the first step. If the Government was willing to do some work for these 2 000 to 3 000 listed CMPs, and if it was willing to openly discuss the issue with a view to rationalizing and institutionalizing the arrangements, I believe nobody would oppose that, and there would even be room for further discussion. But the Government did not act in this way. Instead, it worked on creating division among the CMPs and setting up two different systems.

However, sometimes I must say something for the Government. The Government did not do this on purpose. The worst part of it is: They started off with a wrong step. How did the Government start off wrongly? It had taken the wrong step of establishing the Chinese Medicine Council of Hong Kong (CMC) as well as delegating a lot of power to this body. A group of people with vested interests in the CMC keep trying to safeguard people with the vested interests. They try to reject people not endowed with the vested interests, and that gives rise to all these problems.

In fact, there were already great problems when the conditions of registered CMPs and listed CMPs were formulated at that time. As Miss CHAN Yuen-han said just now, when the legislation was being formulated, the Government said that in implementing the legislation, it would exercise generosity with traditional CMPs. However, President, having said so is one thing. The Government was very smart in passing the responsibility of implementing the policy onto the CMC, and the CMC would argue that members of the profession should be made responsible for handling their own affairs. They set down a set of criteria. Only some of the CMPs could meet this set of criteria, while others could not. President, I am not sure if the following figure is correct, but among the 7 000 to 8 000 CMPs, only half of them can meet the criteria under the system. How can the CMC justify this, when only half of the CMPs can meet the criteria? It was ridiculous, was it not?

Therefore, with regard to the Bill tabled today, as a representative of the labour sector, I should find it very welcoming on the surface. But in fact, I resented it very much, because the Bill is heavily tinted with discrimination and division which seeks to protect and safeguard certain people with vested interests. I believe we, Members of this Council, all hope to be fair and impartial, and we want to bring about harmony in society and peace of mind to the people. However, this Bill deals a serious blow to those 2 000 to 3 000

listed CMPs, which is contrary to our aspiration. Anyway, I know the Bill will definitely be passed, so what should we do? Shall we leave these 2 000 to 3 000 listed CMPs in the lurch? I believe we must not do that.

Earlier on, Miss CHAN Yuen-han has repeatedly appealed to the Secretary to relay our remarks to another Secretary. Not that I do not trust Secretary Stephen IP. I have known him for many years, and I know he will definitely convey our views as requested. But what is the point of doing it then? After all, he is not the one who makes the final decision. Therefore, I share Miss CHAN Yuen-han's view, that not only Secretary IP should be present today, but also Secretary Dr York CHOW. Unfortunately, Secretary Dr CHOW is not present today, which I feel most regrettable. Miss CHAN Yuen-han said she had brought along some CMPs with her in meeting with Secretary Dr CHOW and his colleagues on many occasions in the past. In fact, I have done the same too. President, during the past four years, I have kept meeting with them and expressing our opinions, but each time they have responded in a most perfunctory manner.

What is most regrettable is that the CMC I mentioned just now has resolutely declined to meet with us. I do not know if it is because we look disgusting, or if they find us terrifying or if there are other reasons? We invited them to some case meetings of the Legislative Council, but they declined. Even when they did come, they were totally standoffish, which made Ms Margaret NG so angry that she scolded them by pounding on the table. To me, Ms Margaret NG is a Member who has always been very gentle, but then even she had lost her temper. I think Ms Margaret NG was reasonable, but those people had been very unreasonable, thus giving us a hard time.

Therefore, even though there is very little we can do other than just expressing our views, I still want to express them. What is most important is the democratization of the CMC. As a matter of fact, the Medical Council of Hong Kong for Western MPs has been democratized, whose members are all returned through elections. Why can the CMC not do the same? Why should all CMC members be appointed? Why should a piece of legislation made in 2000 be even more backward than those made in the '70s or the '80s? President, this is really inconceivable. In fact, members of the Chinese medicine sector are willing to make concessions. Since the general public will find it hard to contest for seats in such an election, the Government may appoint candidates to fill the seats reserved for the general public. But regarding

practising CMPs, why is there no election? There are registers for registered CMPs and listed CMPs, and it is very easy to carry out voter registration. This being the case, why can these 8 000 people not be allowed to choose their own representatives?

President, why should I talk about this? This is because if there are elections, then we can expect that the CMC will formulate policies in a fairer manner, so that, instead of simply safeguarding or consolidating the interests of some people, the interests of all CMPs of the sector can be taken care of. Therefore, with the help of today's Bill and for the long-term development of CMPs, I hope some further changes can be introduced, that is, some changes should be made to the composition and organization of the CMC; otherwise, the problems will continue to exist.

Meanwhile, more importantly, whatever happens, or even if I am simply fantasizing, the Government does have the responsibility to expeditiously identify some ways of enabling these 2 000 to 3 000 listed CMPs to become registered CMPs, so that we can really bury the title of "listed CMP" into the grave and this title should exist no more, thereby enabling every CMP who can practise Chinese medicine in Hong Kong to become a registered CMP.

Of course, President, you may say that this is already the case, is it not? There is already a system in place, is there not? Yet, as many Honourable colleagues have said just now, the current system is very ridiculous, to the extent of becoming "outrageous". A bone-setter is required to possess the knowledge of medicine and even knowledge of obstetrics, together with knowledge of Western medicine, before he can stand any chance of becoming a registered CMP. But we all know that, as indicated by the current market mechanism, one cannot give treatment to a patient unless he is completely capable of doing so, because there are laws in force to the effect that if a CMP makes any mistake, he will be liable to legal consequences.

Therefore, I believe it really depends on whether the Government appreciates the contribution these listed CMPs have made in Hong Kong for a long time in the past, and whether the Government can identify some better ways of assisting the listed CMPs in expeditiously becoming registered CMPs, so that society will become even more harmonious.

President, I so submit.

**MS AUDREY EU** (in Cantonese): President, both Mr LEUNG Yiu-chung and Miss CHAN Yuen-han have mentioned earlier that the Secretary attending today's meeting is Secretary Stephen IP, and Secretary Dr York CHOW is absent. It is because the Bill under discussion today was introduced with sole emphasis on the labour sector, with the purpose of changing the benefits enjoyed by employees under three Ordinances, namely the Employment Ordinance, the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance. Subsequent to such changes, workers can enjoy the right to choose to seek medical treatment from either CMPs or Western MPs, so that the certification given by CMPs can enjoy the same status as that given by Western MPs. And such certification includes, as many Honourable colleagues have mentioned today, sick leave certificates issued by and physical examinations and medical treatments conducted by CMPs.

Therefore, looking at the issue from this perspective, as many Honourable colleagues have mentioned today, one may say that today is a milestone in the development of Chinese medicine. However, what is most paradoxical or ironical is that — President, you may have seen too, that many CMPs have been sitting out in the Chater Garden off the Legislative Council Building during the past few days, displaying a big white banner with a very large conspicuous message on it: "Mourning". It appears to be telling everyone that Chinese medicine, that has a history of several thousand years, is dead or is regressing.

Why must the Government always do things in such a manner? On the one hand, everyone feels that Chinese medicine is making some progress and that the status of CMPs has been given some measure of recognition. However, on the other hand, we can see that some CMPs are dealt heavy blows, such that they have to stage some sad and angry protests. When the Government proceeds with its business, it often ends up with such results. I feel that such results often demonstrate the kinds of approaches and tactics employed by the Government in doing its work. In fact, this should be some good initiative but, as pointed out by many Honourable colleagues in their speeches, there are some inadequacies in this Bill.

Insofar as the Mainland and Hong Kong are concerned, Chinese medicine has a very long history. Many people in Hong Kong are faithful followers of Chinese medicine. The Baptist University has offered Chinese medicine

programmes for many years. In spite of this, President, the development of Chinese medicine is still far from satisfactory. Why? Ultimately, there are in fact two core problems. The first core problem lies in the mutual distrust between the CMPs and the Western MPs. There have been many incidents of discrimination, contradiction and conflicts. Many CMPs say that, all along Hong Kong has been dominated by Western MPs and all the people in charge of medical affairs are Western MPs. Therefore, CMPs have always been targets of repression. Although the Government has made a lot of undertakings, the long-standing promises of establishing Chinese medicine clinics and out-patient departments have never been materialized.

Another core problem is attributable to the suspicions that exist between the CMPs and the Western MPs. The mutual distrust and divisive forces have contributed to the building up of very strong contradictions between the two schools which Mr LEUNG Yiu-chung has also mentioned in his speech. This problem has already existed since 2002 when the Legislative Council passed the legislation on CMPs at the request of the Government. At that time, the Government told Members that there was no cause for worry because they would address the problem properly, and the issue would be dealt with in a very lenient manner, so that those who have been practising Chinese medicine would be safeguarded and a transition period will be provided. And as usual, Members of this Council — President, most Members believe in that — accepted the Government's story, thinking that the issue related to the development of Chinese medicine had already been properly dealt with. However, unfortunately, as we look at the situation today, instead of having been dealt with during all these years, this problem has been worsening, and there is no sign of it being solved.

This time when the Bill was under scrutiny, many difficulties encountered by CMPs emerged, and issues such as the issuance of sick leave certificates and the conduct of physical examinations, and so on, are only some of the problems. The core problem is, the professional judgement of CMPs is still not widely recognized. Even insurance companies do not accept receipts issued by CMPs as evidence for reimbursement, nor will they impose any reimbursement ceiling for CMPs that is lower than that for Western MPs. Joint consultation by both CMPs and Western MPs is still very much at the conceptual stage, and so far this has not been implemented. Therefore, we can see that many Hong Kong people

have accepted CMPs and once some renowned CMPs visited Hong Kong to operate some consultation sessions, everyone would be very delighted. However, in spite of this, we do not know why the development of Chinese medicine is still far from being satisfactory in Hong Kong.

Our friends in the Liberal Party mentioned in their speeches that many people are doubtful about the sick leave certificates issued by CMPs and wondered if it would give rise to abuse. In fact, when we deliberated on the Bill, we went through the "Reference Guide on issuance of sick leave certificates by registered Chinese medicine practitioners" passed by the Chinese Medicine Council of Hong Kong and its Chinese Medicine Practitioners Board. We found the Reference Guide very detailed with meticulous descriptions of all sorts of illnesses and symptoms in different schedules. The Government also told us that there would be certain standards and uniformity in managing and regulating sick leave certificates issued by CMPs. Therefore, the Bills Committee was very happy about this, and knew that we could feel at ease with this.

However, we have just dealt with one of the two core problems mentioned by me just now, that is, the issue of mutual distrust between the CMPs and the Western MPs. But there is another core problem, that is, the contradiction among CMPs within the Chinese medicine sector. This time, the Bill has in fact further intensified the division, mainly because the Bill has given recognition to registered CMPs in issuing sick leave certificates or certification and examination of patients, but the listed CMPs are not included.

President, of course, I know listed CMP is a transitional arrangement under the existing CMP system. In the long run, Government's policy intends to make all listed CMPs obtain recognized qualifications, go through registration vetting and take the practice examinations and eventually obtain the status of a registered CMP. However, there are many unfair situations in the entire system, as many Honourable colleagues have mentioned earlier on. For example, a specialist CMP is required to take the examination for generalists. Besides, in some cases the disciple had admitted that his master was more knowledgeable than he was, but the disciple could get registered, while the master, who had no problem in treating patients, was not even invited to take the examination due to old age. Given such unfair cases, many practising listed CMPs are very angry.

However, the Government still adopted its usual tactics — at the time of introducing the Bill, it had already closed all the other doors by drafting the long titles and the scope in a very specific manner, specifying that it just applies to registered CMPs. Although we had held repeated discussions in the Bills Committee and requested the Government to change its original position, the Government was unwilling. Therefore, eventually, the President had to make a ruling. Although most members of the Bills Committee, be they from the pro-democracy camp or the FTU, had voted in favour of extending the scope of application to listed CMPs, the President ultimately ruled that this is beyond the scope of the Bill.

President, I would like to stress one point. The stance of the Civic Party is: This is not an issue relevant only to the "rice bowl" of listed CMPs. We are not taking such a simplistic view of the issue. Instead, we feel that this is also relevant to the interests of patients, including such issues as the interests of workers and the labour sector. Since the Government adopts a policy that allows listed CMPs to practise Chinese medicine, that means the standards of the practice of Chinese medicine of listed CMPs are considered acceptable. If they do not meet the standards recognized by the Government, they will in fact also be subject to sanctions, and disqualified from practice. Therefore, the scenarios of listed CMPs abusing the authority of issuing sick leave certificates or being subject to no regulatory control, and so on, will not arise at all.

Just now I have mentioned that this is not an issue only with relevance to the "rice bowl" of listed CMPs. Instead, the critical point is, since the patients have put their health into the hands of these listed CMPs, and the patients are willing to seek treatment from them, why can they not issue sick leave certificates? Many Honourable colleagues have already mentioned this point. Another point is, medicine alone cannot cure patients. They also need to have time to take enough rest in order to recuperate. Since we allow listed CMPs to diagnose and treat patients, why do we not allow them to issue sick leave certificates, thus giving the workers reasonable time for recuperation and taking rest? Regarding all these questions, members from both the pro-democracy camp and the FTU had already raised them repeatedly when the Bill was being deliberated. But the Government had never offered a logical explanation. In other words, what they had said was totally illogical. They kept reiterating that it was the policy, and that they would address the issue later on.

President, many Honourable colleagues have pointed out that this is not a new issue, but one that has been discussed for many years. However, the Government still cannot tell Members of this Council in concrete terms what kinds of solutions they have in stock to address those prevailing situations which are obviously unfair or illogical. When the Bill was being scrutinized by the Bills Committee, the Government undertook that, when the Second Reading was resumed later on, Secretary Stephen IP would propose that the Panel on Health Services should hold a discussion six months later on how suitable assistance can be provided to those listed CMPs who aspire to becoming registered CMPs.

President, you must also find this undertaking very abstract. What is meant by "suitable assistance"? This is the usual tactics of the Government, that is, they want the Legislative Council to pass the motion first, and then some other issues can be raised some time later. For example, they may say that they would handle the problems raised by Members in a suitable manner, and so on, but anyway, they would still insist on having the motion passed first. Why should Legislative Council Members once again believe in the words of the Government? Are we so easily be wooed and cheated? On the one hand, some Members may think that the Government is always right. Therefore, they will believe in whatever the Government says and support whatever the Government proposes.

However, President, on the other hand, some people, like people in the Civic Party, are not so easily wooed and cheated by the Government. The Government is not always right. But what can we do about it? It is because when the Government tabled this Bill to the Legislative Council, it said that the Bill was intended to allow registered CMPs to issue sick leave certificates, which would mean more choices for workers, and more choices for employers as well. If the Civic Party says, "I oppose it, President. I find that part of the work has not been done adequately. Only half of it has been done.", then it will mean that even the first half cannot be implemented. Therefore, something like this happens all the time. This includes, for instance, issues like the Budget or the reduction of funding to universities, and so on. They happens in very similar patterns. Very often, when the Government tables papers to the Legislative Council, we already know that they are cheating us. Although they claim that they will do it, but in fact they will not or the issue will not be addressed even after a very long time.

However, if we oppose it, then even that small step forward cannot be taken. Under such circumstances, as Legislative Council Members, on the one hand, we feel delighted for having taken a step forward today, a step which is so significant to the development of Chinese medicine. However, the Civic Party feels that we have taken this step slower than we should — there is no reason why CMPs had not been able to issue sick leave certificates until the enactment of the Bill today. On the other hand, I must point out a fact very strongly and hope that our friends in the Chinese medicine sector and the Government can listen to this. Very often, Legislative Council Members are in fact rather helpless because we have no alternatives. If we oppose it, subsequently we cannot take even one single step. Therefore, regardless of whether it is Second Reading or Third Reading, we still have to support the Bill.

I sincerely hope that the Government can act with logic, rationale and fairness. President, I cannot say that all the viewpoints expressed by listed CMPs are definitely true, but most of their aspirations are really most reasonable. I also hope that, after listening to Members' speeches, the Government will really put forward some concrete proposals of assistance within six months, instead of invariably forgetting every promise they made when wooing us to pass the Bill.

Thank you, President.

**MRS SELINA CHOW** (in Cantonese): President, as a member of the Bills Committee that passed the legislation on establishing the registration system for CMPs in Hong Kong, I am naturally very interested in the subject under discussion. However, I also share the view held by certain Honourable colleagues, that it is a pity that Secretary Dr York CHOW is not present today to listen to the opinions presented because many issues discussed today should be answered by or have the attention of Secretary Dr York CHOW. To Secretary Stephen IP, he is really taking up the task with some reluctance because he is only responsible for the part of the businesses related to the issuance of sick leave certificates. Yet as we listen to the debate, many problems have arisen in the course of handling the sick leave certificates. Another more in-depth issue is, some problems have developed from the entire registration system for registered CMPs.

In fact, it is always easy for us to play "nice guys". This is especially so as several listed CMPs are now in the Public Gallery listening to our debate. I believe they had already attended the meetings when we were deliberating on the Bill in the Bills Committee. I believe that, regardless of whether Members support the proposal of extending the authority of issuing sick leave certificates to listed CMPs, they will understand that we do care about them as well as the development of Chinese medicine. However, I feel that we should go back to the basics. After discussing the issue for nearly two decades, we eventually passed a forward-looking Bill to establish the registration system for CMPs. We all know that Chinese medicine is completely different from Western medicine in their standards, mechanisms or structures. Besides, Chinese medicine has only established its academic system during the past few decades. In the past, the learning of Chinese medicine was only handed down from the masters to their disciples. So, these two aspects have made the implementation of certain standards relatively difficult.

I am not disagreeing with what other Honourable colleagues have said. We may feel somehow dissatisfied with the registration mechanism, and some unfairness may even exist in the mechanism, such as the absence of an appeal mechanism. We may find it inappropriate for not having an appeal mechanism. In the course of taking an examination, even when someone thinks that an examiner has been unfair, he cannot request a higher authority to make a judgement in respect of the incident. This is an issue that warrants consideration.

Besides, as some Honourable colleagues have said just now, if a CMP has practised for several decades, it may be absolutely unnecessary to require him to take the examination on subjects like hospital administration and management, and this is not appropriate either. In some cases, the master fails in the examination, but his disciple passes it. I believe Honourable Members must have heard of many such stories. Therefore, should the Administration not review the present registration system and see if there is any room for improvement? The Liberal Party is 100% supportive of this.

However, no matter which perspective one may adopt, the major principle we must safeguard is, when Hong Kong people seek treatment from CMPs, a professional standard that is both recognized and acceptable has already been established, and such a standard should be truly convincing to everyone. Once

a CMP has attained this standard, he can become a registered CMP right away; if not, he cannot be registered. However, as we do not agree to adopting an "across-the-board" approach, so for those CMPs who have all along been practising, even if they have not attained this standard, we still hope that we can give them the opportunity of further education to enable them to attain the required standard, and eventually become registered CMPs.

Likewise, Western MPs also have to take an examination if their qualifications are not acquired under our system or if they have graduated from overseas universities. If such a Western MP cannot pass the examination, apart from not being able to issue sick leave certificates, actually he cannot practise as a MP in Hong Kong. However, our listed CMPs are still allowed to practise Chinese medicine in Hong Kong.

When we discuss the subject of issuing sick leave certificates today, what kind of yardstick do we adopt? The yardstick is, what registered Western MPs are allowed to do, registered CMPs can do as well. This is very fair. But according to the listed MPs, some unfairness or unsatisfactory situations do arise in the process of conducting the qualifying examinations for registered CMPs.

As the pioneer of this system, Hong Kong should be more advanced than many other places. I have a relative who is a famous MP in Australia. On the other hand, he has also pursued studies in Chinese medicine. He has even made a fact-finding visit to Hong Kong to study our registration system. In launching this new system, we would definitely encounter some problems which call for rectification and improvement. However, according to what I have heard and what had been proposed in our initial discussions, the present restrictions on listed CMPs are actually more relaxed than those put forward in our initial discussions. Initially, we planned to give listed CMPs eight years for passing the examination. Those who fail to pass the examination within this period will not be allowed to continue practising Chinese medicine. But it seems this is not the case now, and this restriction has been relaxed, and the "across-the-board" policy is no longer in place. But is this enough? People may still find this insufficient. For example, has any assistance been provided to listed CMPs who take the examination? Or, has everything in the entire system, such as the appeal system and other aspects, been perfectly arranged? I think some fundamental problems must be solved. However, such problems should not be solved now and here. Instead, they should be solved in the relevant panel.

We in the Liberal Party will definitely pledge — I shall give my personal pledge too because I am also a member of that panel — to do our best to help rectifying the unfairness in the mechanism. But this does not mean that we should relax the present legislation with immediate effect. Relaxation does not necessarily mean fairness. Why? As a matter of fact, we do have a mechanism in place, and we must strike a proper balance among all aspects in this mechanism. Therefore, the Government's policy at the present stage is reflected in the Bill we hope to pass now, and it has also reflected that the same treatments have been accorded to all registered MPs, regardless of whether they practise Chinese or Western medicine. Therefore, this is a fair approach. In the meantime, regarding the problems reflected in our discussions, we, in our capacity as Members of the Legislative Council, are duty-bound to follow them up.

Therefore, I hope we do not engage ourselves entirely in talks about handling the issue with flexibility, saying that it is unfair that no flexibility is exercised at all. We as legislators should make use of our political influence to reverse the trend of the whole issue. On the other hand, we legislators should uphold one point, that is, we must insist on our professional judgement. In the face of unfairness, we must do our best to ensure fairness. But at the same time, we must first require the CMPs to attain a certain standard before they can become registered CMPs. Therefore, we must uphold this principle. As for other issues, if Members think there are cases in which injustice or unfairness is involved, we would deal with them separately. However, the standard and degree of professionalism must afford no compromises, and we must insist on sustainability. Only in this way can we safeguard the interests of the public as a whole. Thank you, President.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, this morning when I returned to the Legislative Council Building, it was raining heavily with lightning. I saw that many people were chanting slogans in the Chater Garden. It made me think of similar scenes in the movies — a group of people yelling and shouting loudly amidst heavy downpours and gusts of wind. I thought they must have felt that their voices had not been heard, so they kept on shouting so loudly.

The subject under discussion today is actually very simple. No matter how many times the subject has been debated, it actually involves a group of

CMPs who have all along been practising Chinese medicine. However, they cannot issue sick leave certificates, while registered CMPs can issue sick leave certificates. It is just as simple as that. To be able to issue sick leave certificates has nothing to do with whether a CMP is good. But it has a major impact on whether patients will seek treatment from them. If everyone is like those senior government officials, no one will need to apply for sick leave after having fallen sick. When such senior officials consult CMPs, be they registered CMPs or listed CMPs, they do not care too much about it. Anyway, it would be fine as long as the CMP concerned can cure their illnesses and the issue they care most would be the amounts of fee charged by the CMPs. Therefore, after so much has been spoken on this issue, I do not understand why Members still do not understand the issue at stake after all — that the issue has nothing to do with improving the quality of CMPs, unless you do not let them practise Chinese medicine at all.

Therefore, when we enabled the CMPs to acquire the legal status, we had split them up into two categories right at the beginning. Now the registered CMPs are benefited as they are the people with vested interests, so they do not wish to see others take away a share of the business from them. This is a very simple issue. This happens to the Western MPs too. As long as professional trades are concerned, something like this is bound to happen. I can recall that someone had once fought for the cause of waiving examinations for those who were educated in Commonwealth countries. The situation was very similar to our present one. So something like this does happen. Some speakers seem to have forgotten what they did in the past.

I feel that most of those listed CMPs whom I have contacted are practising Chinese medicine. They could be qualified CMPs in the Mainland. I recall a case that involves a young lady. She showed me all the certificates she had. So her abilities are recognized in the Mainland, but she cannot practise Chinese medicine in Hong Kong all because that "Council" has created some rules which say that she has not met the requirements.

You may well ask, "Long Hair", why must you speak for the listed CMPs? Have you accepted any benefits from them? Or do you adopt the opposition stance simply for the sake of opposing the Government? None of these accusations is true. If we say that there is a very strong demand for CMPs, and if we do not let listed CMPs issue sick leave certificates, many

people will be forced to give up seeking treatment from listed CMPs or they may prefer to spend more money on seeking treatment because they will first consult a very good listed CMP and then see a very lousy registered CMP — I am comparing their knowledge and skills in Chinese medicine, not their professional ethnic. What kind of system is it? How strange it would be if this happens to Western MPs? That is, we may seek treatment from a certain Western MP whom we know for sure is a good doctor. However, since this doctor does not have a practising certificate, so we have to see another doctor afterwards for the issuance of sick leave certificates. This would be a very bizarre system.

Therefore, when I witnessed the scene of people shouting in the rain, the poem "The Song of a Pipa Player" (琵琶行) written by BAI Juyi sprang up in my mind immediately. In the poem, a lady pipa player is portrayed as keeping on playing the musical instrument. She possesses really good skills in playing pipa. Unfortunately, she has not met the person who can really appreciate her expert skills. Therefore, no matter how hard she plays, her fate remains unchanged, and eventually she is degraded into some kind of singsong girl. This is exactly the situation faced by these listed CMPs. They have been practising for a very long time and are very good at it. I recall that when I talked to them, I could see that they were shouting. Or when they asked me to put my signature in that funeral setting — the funeral pronouncing "the death of CMPs", many of them made their speeches. Some became very emotional, some were very silent, while some suppressed their emotions but appeared to be short of confidence. I remember in that poem composed by BAI Juyi, there are two lines which read, "The note on note she struck with pathos deep and strong, it seemed to say she'd missed her dreams all her life long."<sup>1</sup> That was exactly how they looked like. They are CMPs, but they had to come to the entrance of the Legislative Council Building to seek redress of their grievances. How poor they have become. Who is responsible for that?

Therefore, I now call on all Honourable colleagues to reconsider this issue. What kind of disadvantages can there be if listed CMPs are also allowed to issue sick leave certificates? Will it lead to a deterioration of the standards of Chinese medicine? Will it lead to booming business in their clinics so that they will not have enough time to give patients proper diagnoses and treatments? No

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<sup>1</sup> Quoted from "300 Tang Poems — A New Translation"  
By XU Yuanhong, LIU Peixian and WU Juntao

explanation has ever been given. It was all because the arrangement was meant to be only a temporary measure when CMPs were given legal status in 2000. It was because they could not accommodate so many people all at the same time, so a classification has to be carried out to make some of them registered CMPs, and some listed CMPs. By following certain procedures, listed CMPs should be able to become registered CMPs in future. However, the listed CMPs at that time had never expected that something like this can take place all of a sudden; that is, though they are allowed to practise as CMPs, they are not allowed to issue sick leave certificates. That was the critical point of the problem.

Let us imagine this: A doctor can treat his patients but he cannot grant them one or two days of sick leave. Does he still have any dignity? If he does not have any business, what else can he do? If he does not have any business, how can he earn his own living? If he cannot lead a decent life, how can he take an examination that he has already taken or an examination that he should never take at a time when he is becoming old (or old already)? I have once told Secretary Prof Arthur LI that even he might fail in certain examinations if he was asked to take them again now. This happens to everyone. This happens to every Legislative Council Member: If we are asked to take some examinations again, our performance may not be as good as that of the young people now.

Therefore, on this issue, if we claim that we can act with flexibility or that we do care about the difficulties of the people, then first, do not do anything to entrench the unnecessary classification of listed CMPs and registered CMPs. This is the first point. Secondly, review the entire system in the light of the situation of the listed CMPs. Should the Council (I must clarify that I am referring to the Chinese Medicine Council of Hong Kong, not the State Council) be made more democratic? I do not know how the committee members of the Hong Kong Bar Association are elected? I also have no knowledge of how the committee members of other professional bodies are elected. I believe most of them must have adopted the mode of "one person, one vote", am I correct? Why can they do that, but not the Chinese Medicine Council? Only through such an electoral process can we ensure full reflection of opinions of the sector, or at least it can exercise some sort of checks and balances.

If we do not reform this system, other than just making the remark that the system is in need of some changes, who should introduce the changes? The

same happens to our constitutional system. We need to introduce some changes to the constitutional system, but the same group of people are entrusted with the task of making the changes, then how can the changes be made? No changes can be made at all. Therefore, if we really act with the health of Hong Kong people in our mind, so as to ensure that they can get the most appropriate treatment in Chinese medicine, then when we introduce such a reform, we should first remove some unnecessary difference such as the authority to issue sick leave certificates, and then we should make use of some other methods to facilitate the conversion of the existing listed CMPs into registered CMPs as soon as possible; or alternatively, let them know expeditiously that they do not possess the quality to become registered CMPs, so that they can switch to other jobs — maybe it is even better for them to work as a peanut hawker. If we do not do that, then we are saying that: That's it, sorry. Registered CMPs are registered CMPs and listed CMPs are listed CMPs. We have finished tackling this issue in 2000, there is nothing else we can do now. If that is the case, why should there be the Legislative Council? Why should there be the Government?

Therefore, from my own point of view, this issue has thrown light on a lot of incidents that are taking place in Hong Kong now. I am referring to the issue of whether qualified mainland compatriots can work in Hong Kong after the reunification. This is the ultimate issue in question. If we go on leaving this issue unresolved, many similar situations will definitely arise in future.

I worked as a textile printing worker when I started my first job in my life. At that time, I had two colleagues who came from the Mainland. One was a road and bridge construction expert, and the other is a veterinary surgeon. I do not know whether they acquired the qualifications afterwards in order to enable them to work in Hong Kong. They worked with me in the textile printing factory. I learned my Putonghua from them. I felt that their talent had been wasted. When I worked in the Mass Transit Railway as a surveying staff, I came across a colleague who worked in the Mainland as an engineer. As he was not qualified to work in Hong Kong as an engineer, he worked with me as some odd-job assistants. It was really a great waste of talent. However, I recall that, some time afterwards, he successfully acquired the qualifications of an engineer. In a subsequent encounter, I learned that he enjoyed a very good life in Hong Kong. This is a case of great success. However, if we still do not respect professionals with similar qualifications in the Mainland after the reunification, then we have not really made China and Hong Kong united together.

Right on this point, our first test case — registered CMPs and listed CMPs — has demonstrated a very bad example. We have not taken care of their interests. In particular, the case involves one of our national arts which cannot be found in other countries. Or on the contrary, they can receive even better treatment in places outside Hong Kong. I do not know why a certain Member has said that Chinese medicine in Hong Kong is creative by nature. However, it takes seven years for one to pursue a Chinese medicine course in Korea, and seven years are required if one intends to complete a course in acupuncture in the Netherlands. So how can you underestimate the significance of Chinese medicine? In fact, with regard to other countries, more standardized requirements are in place for Chinese medicine studies. For people really interested in learning Chinese medicine, the more stringent requirements will really enable them to acquire the knowledge of Chinese medicine which they can practise. However, in these countries, certificates issued by China are recognized. Therefore, to a certain extent, some doctors may curse me. But ultimately, this is an issue of protectionism, instead of being an issue with emphasis on the comprehensive planning of medical talents or medical development in Hong Kong. The classification of CMPs into registered CMPs and listed CMPs is the result of a makeshift policy adopted by the Government at that time. This Chinese Medicine Council of Hong Kong is still exercising complete control on the formulation of criteria for classifying the CMPs. Frankly speaking, I think it was a downright political reward.

From 2000 onwards, Mr TUNG had started to work on preparations for his re-election campaign. If we regard such things as political rewards, there are people sharing the pie. It is very much similar to Mr TSANG's theory of according different treatments to camps with differing degree of closeness of relationship. He does deserve some credit for the creative use of such wordings. However, when he mentions "according different treatments to camps with differing degree of closeness of relationship", I think, according to my own interpretation, it means that he will consider people holding the same viewpoints as his comrades, and for those with different viewpoints, he will launch attacks on them. "According different treatments to camps with differing degree of closeness of relationship" may not be true. It is because the idea of "different treatments" sounds simple enough. Different treatments will not lead to any fatal consequences.

Therefore, regarding the issue I am discussing, there is a very important lesson that we must learn. That is, in any reforms involving professionals with

some very far-reaching impact on society, we must not allow them to become a kind of political reward, nor should they be manipulated by a handful of people. Therefore, I hope Honourable colleagues can extend your support to listed CMPs. That is all.

**MR ALBERT CHAN** (in Cantonese): President, today, many Members have conveyed their opinions to the Secretary on this issue. I wonder if they are speaking to the wrong audience like a musician playing music to a cow. The focus of our discussion today is, as many Members have mentioned, the issue of professionalism of listed CMPs, but this Bill is within the portfolio of the Secretary for Economic Development and Labour. This Bill may only be about sick leave certificates, but whether sick leave should be granted is a matter of professional judgement. Secretary Stephen IP, I know nothing about music, and my singing skills are poor. Therefore, it does not matter even if I am playing music to a cow.

President, this Bill is in fact discriminatory. So we should have voted against it in the debate on whether we should resume the Second Reading of the Bill. It is all very simple, for the issue before us is about two categories of people in a profession. I had not taken part in the deliberations on the last Bill, nor had I taken part in the deliberations on this Bill. However, after examining the relevant information as well as the opinions and problems presented by listed CMPs, I clearly see the phenomenon and the fact of discrimination; that is, the Bill allows the splitting up of practising CMPs into two categories, one has the authority to issue sick leave certificates, while the other does not.

It is ridiculous in logic that listed CMPs have the right to examine patients, give them treatment and prescribe medicines for them — meaning that they possess the professional knowledge to determine whether the patients are really suffering from illnesses, how serious their conditions are and how to prescribe medicines for them — but they do not have the statutory authority to allow patients to take sick leave after judging that they are sick and prescribing medicine for them. I can say that this is ludicrous as far as logic goes. This Bill will bring about the result of pronouncing the death of listed CMPs. In other words, this is an announcement telling the general public in Hong Kong that listed CMPs are, in fact, unable to cure diseases that involve the issuance of sick leave certificates, and the Legislative Council accepts this logical deduction.

In other words, for sicknesses that do not involve the issuance of sick leave certificates, listed CMPs are able to give treatment and prescribe medicine. But insofar as sick leave certificates are concerned, they have no authority at all because they have no such power to issue sick leave certificates.

In my opinion, if we follow this logic, then the enactment of the relevant Ordinance that deprived listed CMPs of the statutory right to cure diseases was itself a mistake. Yet the Legislative Council does not admit this mistake now. If we do not admit this mistake, we should have voted down this Bill in the debate on the resumption of Second Reading. I think this Bill is absolutely unfair to the several thousands listed CMPs. It is also unfair to the legislators who were involved in scrutinizing the previous Bill, for now you attack these legislators from time to time, saying that they were totally wrong in their deliberations, that they should not have allowed the existence of listed CMPs whom you consider as incapable of giving treatment and curing patients in cases where sick leave certificates have to be issued.

As this Bill is so ridiculous, the Government should withdraw it; otherwise the Bill will become a ridiculous joke once it is passed. Secretary Stephen IP is good at telling jokes. Let us see how he turns a solemn issue into a joke, or how he turns a ridiculous joke into a solemn issue.

President, I do not know whether there was a tradition of adopting the policy of "divide and rule" in the past colonial era, and such a tradition might have made the Government try to divide the people in all kinds of issues. "Long Hair" has just mentioned that the Chief Executive's theory of friend-or-foe dichotomy is also a means of division. Similarly, this divisive policy is also applied to this profession, which is totally unrelated to politics, thus leading to the emergence of two categories of CMPs — listed CMPs and registered CMPs. The issuance of sick leave certificates was at the beginning simply a professional issue which unfortunately resulted in the division of the profession. I am afraid that as a result of the division tactics and such a ridiculous decision, the number of people taking part in the 1 July mass walk will increase by several thousands, for once this Bill is passed, the listed CMPs will become extremely dissatisfied. I would like to call on all listed CMPs and their families and friends, as well as those who have been treated by listed CMPs but without being issued sick leave certificates, to join the march on 1 July, because you should show your discontent by taking some actions. Is it not true that Mrs

Anson CHAN said she would also join the march? Now Mrs CHAN, Mrs WONG, Mrs CHU and Mrs Whoever should also take to the streets.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, your discussion is now on listed CMPs, but we are actually discussing this Bill. And I had said that the issue of listed CMPs was outside the scope of this Bill. I have listened to your speech for more than five minutes, can you come back to the Bill?

**MR ALBERT CHAN** (in Cantonese): President, I am discussing the spirit of the Bill. When I started speaking, I stated that the Bill is related to the division tactics and is discriminatory in nature, and for this reason, I shall vote against the resumption of the Second Reading, because I think this Bill is discriminatory, ridiculous and ludicrous in logic. Therefore I talked about the 1 July march. Of course, this seems a bit far-fetched, but I hope you can put up with me because it is 28 June today, and it is only a few days away from 1 July. President, I will not urge people to join the rally and you need not worry. I respect your neutral position, and that is why I mentioned Mrs CHU, Mrs CHAN, but not Mrs FAN.

President, allow me to come back to the subject matter of today, I understand that the Government does have the responsibility to exercise its management functions, but please do not follow the practice of the Communist Party in the past. Even the Communist Party today has stopped acting this way. In the past, especially in the '60s or '70s, whenever the Communist Party tightened its control, everything would stop working, but when the Party relaxed its control, everything would run into great disorder. Am I correct? Now the form of control stipulated in the Bill is neither fish nor fowl, is it not so? Under such circumstances, together with the inconsistent logic contained therein, I hope the Secretary can answer my question: While listed CMPs can give treatment to patients and prescribe medicines, why is this Bill so discriminatory that they are denied the authority to issue sick leave certificates?

I do not wish to occupy too much of Members' time, and several Members have also cited a lot of justifications just now. I just wish to put this on record: That I cannot accept the discriminatory nature of this Bill, and that in the voting on whether the Second Reading of the Bill should be resumed, I shall vote against it.

**MR ANDREW CHENG** (in Cantonese): Madam President, I had been listening to the speeches of various Honourable colleagues on this issue while I was in the Chamber or in other rooms. This Bill, the Second Reading of which resumes today, is in fact related to the status of Chinese medicine practitioners (CMPs). The SAR Government has explored this issue a great deal. I have heard every Honourable colleague talk about listed CMPs. I hope the President will allow me to elaborate on this. As other Honourable colleagues have said — Secretary Dr York CHOW is not present today — although sick leave certificates are related to the rights of employees, during scrutiny, from time to time, we also touched on the underlying issue, that is, the attitude of the SAR Government towards the status of CMPs.

Madam President, according to our observations, for the Chinese, the older one gets, the greater one's trust in CMPs. The problem of an ageing population is getting increasingly serious in Hong Kong. Babies born after the Second World War are now in their fifties or sixties and they have a strong demand for and great trust in CMPs. They have been taking Western medicine in the past 50 or 60 years and they have become so habituated to it that it has lost its potency, as old folks say, and a lot of side effects are felt. However, they now find that the treatment provided by CMPs is very desirable. As a result, as the population in Hong Kong ages, the status of CMPs in society is on the ascent and the demand of the public for CMPs will only increase. However, it is unfortunate that although our SAR Government has been raising the status of CMPs gradually in response to the problems relating to registered CMPs, just now, Honourable colleagues have still referred to the word "discrimination" repeatedly, so we cannot help but think that within the Government — the Secretary is a Western medicine practitioners (MP) and all the senior officials in the Department of Health are also Western MPs — the phenomenon of doctors siding with one another, which we have often talked about, has occurred, that is, Western MPs are giving one another protection, furthermore, the University of Hong Kong (HKU) wants to protect the graduates from its medical school and The Chinese University of Hong Kong (CUHK) is discriminated against by the HKU and all parties have a lot of conflicts of interests with one another. Such conflicts exist among Western MPs and Western MPs also have deep-rooted discrimination against CMPs. As long as this problem remains unresolved, I cannot see how the status of CMPs can be raised.

Today, we are talking about medical checkup or the issuance of sick leave certificates. During the scrutiny by the Bills Committee and in the debate

among Members just now, one concept can still be perceived, that is, if CMPs are allowed to issue sick leave certificates, they will be prone to abuse it. I think such claims are inconceivable. If we read the newspaper, we can also read from time to time reports of abuse in the issuance of sick leave certificates by registered Western MPs, so why are CMPs singled out when talking about this problem? The same phenomenon can be found among Western MPs. This has to do with the weakness in human nature and is a common occurrence that doctors have to face. It is possible for all doctors in the world to issue sick leave certificates indiscriminately, including Western MPs and in the future, CMPs, so this is not a problem unique to CMPs. Therefore, this kind of remark is starkly discriminatory. We should not direct such serious allegations and be so discriminatory against the culture of Chinese medicine, with its history of several thousand years, and against CMPs.

Madam President, it is unfortunate that nowadays, Western MPs who graduated from the HKU will perhaps discriminate against those from CUHK, yet the greatest problem is that registered CMPs discriminate against listed CMPs, so discrimination is perpetuated in this way. We Chinese have the saying that goes like this: The one who retreats fifty paces laughs at someone who retreats a hundred, but nowadays, what I can see is "the one who retreats fifty paces discriminates against someone who retreats a hundred" because registered CMPs say that listed CMPs should not be allowed to issue sick leave certificates, the reason being that registered CMPs have passed a formal examination but listed CMPs have failed to become registered ones. The authorities have to make transitional arrangements and provide a different channel to enable listed CMPs to pass the examination and become registered ones.

Madam President, we said frequently back then that the Government should either prohibit listed CMPs from giving consultations or require listed CMPs to be accompanied by registered CMPs when giving consultations, just as trainee solicitors go to Court with lawyers. However, the Government did not choose to do so, instead it allowed listed CMPs to give consultations. Since it allows listed CMPs to determine if patients are sick, diagnose their illnesses and prescribe medicines for them, why should they not be allowed to issue sick leave certificates to certify what sort of illness a patient is suffering from? This is most strange. If this is not discrimination, then what is it? Therefore, in this whole issue, I hope the Government will understand that although the emphasis today is not on listed CMPs, I have to make the following appeal here: firstly, Western MPs should not discriminate against CMPs and secondly, registered

CMPs should not discriminate against listed CMPs. The well-being of the two is closely intertwined and listed CMPs may one day become registered ones.

Just now, I heard some Honourable colleagues express very strong dissatisfactions because in the past, the Government undertook to give listed CMPs, whose status is transitional in nature, registered status. These 3 000 people have been waiting and a great deal of social resources is being wasted. While I am speaking, Secretary Stephen IP keeps nodding. In fact, when I spoke in the past, he would seldom nod. Of course, he is not in a position to stand up and say that he agrees with all the comments made by Members, but I hope he can relay them to Secretary Dr York CHOW.

On this issue, although the President has ruled that we are not allowed to propose our amendments, we do not want to just set this matter aside and pay no more attention to it because it has to do with how a group of highly experienced and well-qualified CMPs can be turned into a kind of resources, so that when the elderly and the general public living in an ageing society seek treatment from CMPs, there can be an outstanding group of CMPs to help us solve the numerous health care problems facing Hong Kong.

Madam President, I so submit.

**MR FREDERICK FUNG** (in Cantonese): President, today's debate appears to involve a lot of issues pertaining to CMPs and Western MPs, as well as listed CMPs and registered CMPs. Despite the many opinions put forward by my colleagues, I would like to say a few words on my own views.

I would like to focus my discussion on several major points. First, the status of CMPs and Western MPs. In Chinese society, particularly in our Chinese tradition, CMPs appeared earlier than Western MPs. For thousands of years, Chinese people have been seeking medical consultation and treatment from CMPs. Therefore, I cannot see any difference between CMPs and Western MPs; nor do I think there should be any. Perhaps let me put it in this way — there should not be any difference.

It is only that CMPs differ from Western MPs in terms of their training process. While Western MPs learn in a very scientific manner, CMPs appear to learn in a way similar to the passing down of knowledge from fathers to sons,

or from masters to apprentices. Since the enactment of legislation a couple of years ago, we have actually required CMPs to progressively follow a westernized learning process and procedure. Obviously, the registration of CMPs in Hong Kong in the future should follow the same procedure. Therefore, I cannot see any difference between the future practising CMPs and Western MPs in terms of their competence in treating patients.

Today's Bill tells us that we should allow registered CMPs to have the authority to issue sick leave certificates, the very authority that has all along been exercised by Western MPs. I cannot see why registered CMPs should not be given the same. From the opposite angle, if registered CMPs do not have the authority to issue sick leave certificates, a gap will appear between CMPs and Western MPs. Furthermore, the thinking that CMPs are incapable of issuing sick leave certificates or they have yet to attain the level of knowledge enabling them to issue sick leave certificates may also affect our faith in them. If we judge from the angle that CMPs and Western MPs, albeit their different approaches, share the same objective of treating patients and gauging the conditions of the patients to help them decide whether sick leave certificates should be issued and the duration of sick leave, we can simply not object to the conferment of authority on registered CMPs to issue sick leave certificates. From this angle, I think CMPs and Western MPs should be equally competent, and given the same authority, in issuing sick leave certificates.

After this problem is resolved, we should move on to another involving registered CMPs and listed CMPs. I gather from the previous statement that the Government has its own way of thinking. Of course, those who object to the idea of giving only registered CMPs this authority and think that listed CMPs should be given the same also have their own way of argument. I would attempt to interpret these two different ways of argument and explore the crux of the issue with my own way of thinking.

When legislation was enacted in preparation for the legalization of CMPs and giving CMPs a status comparable to that of Western MPs, the Government already had a defined way of doing it — CMPs are required to go through certain procedure or examination before they are allowed to register as CMPs. Some practising CMPs who have not yet registered will still be allowed by the Government to continue practising, though they are called listed CMPs instead. However, they are required to register as CMPs expeditiously through the procedure provided for by law. In a certain sense, listed CMPs are transitional.

Theoretically, they will disappear upon registration as CMPs. In other words, there will no longer be such a name or profession as listed CMPs. By then, only Western MPs or registered CMPs can give medical treatment, and their status will be the same.

From this angle, we are given the impression that, after the transitional period, listed CMPs will become registered CMPs. In this sense, can we say that "listed CMPs" are, should be, or might be different from "registered CMPs"? Of course, from the angle of the Government as the proponent of this policy, the Government certainly feels that they are not the same. The Government has merely proposed that registered CMPs can issue sick leave certificates, and it has not proposed that listed CMPs can do the same. It can thus be seen that there is at least one difference from the Government's perspective.

However, it has been pointed out in a lot of complaints we have received, help-seeking cases and by people approaching us that there is not any difference under the existing law between listed CMPs and registered CMPs in terms of their practice, treatments or prescriptions. Both listed CMPs and registered CMPs may make prescriptions, or even operate their own herbal medicine shops to provide medicine, and levy charges. There is absolutely no difference between listed CMPs and registered CMPs. However, the Government's present approach has made a difference, as registered CMPs may issue sick leave certificates while listed CMPs cannot do the same.

Where is the point of contention or contradiction? Despite its saying that listed CMPs are merely transitional, the Government has failed to let us see how all of the CMPs can go through the transition to become registered CMPs by, for instance, devising a roadmap to let us know what procedure listed CMPs will have to follow to become registered CMPs. Despite the existence of such a roadmap, additional information is still required. There is no information on how the 3 000-odd listed CMPs can all disappear from the list. Listed CMPs wishing to become registered CMPs may do so through examination or studies, as long as they meet the requirements for registration as CMPs. However, how long will it take before all the 3 000-odd listed CMPs become registered CMPs, or is there a date after which listed CMPs can no longer register as CMPs? Or will the Government set a date before which those who are qualified may register as CMPs and those who are not qualified (some might have passed away) will not be given another chance to register as CMPs? As the case now stands, the

waiting period appears to be indefinite. If the Government cannot provide a final destination for the roadmap, problems will arise.

The point of contention is that the Government's original statement might be logical and well-planned. However, as the case now stands, because of the lack of a roadmap that can reduce the number of listed CMPs to zero one day, listed CMPs can only continue with such practices as feeling the patients' pulse, prescribing herbal medicine, giving medical treatment, but not issuing sick leave certificates. This is the crux of the problem. While listed CMPs are exactly the same as registered CMPs in terms of scope of work, listed CMPs are still listed CMPs. The only difference between listed CMPs and registered CMPs is that the former cannot issue sick leave certificates. Should the Government fail to address the problem, the dispute will simply continue day after day. Even the last listed CMP will go on arguing with the Government.

The most serious conflict in the entire issue is that the Government continues to allow listed CMPs to treat patients. The significance of treating patients includes informing the patients of their illnesses, the medicine to be prescribed, and the medicine required to treat the illnesses, and so on. In my opinion, this is far more important than issuing sick leave certificates stating how many days of sick leave a patient needs. This is because medical treatment and prescriptions can make a patient "better" or "worse" — the conditions of the patient can even deteriorate, or the patient may even die. While listed CMPs are allowed by the Government to do all this, they are not allowed to issue sick leave certificates to allow their patients to rest a couple of days. From the angle of importance, the Government has chosen to give them the important responsibility, but not the minor one. The difference thus created between the "listed" CMPs and "registered" CMPs is not convincing at all.

Things will be different if the Government can provide sufficient justification or declare publicly that listed CMPs cannot compare to registered CMPs in terms of medical skills. However, Secretary Dr York CHOW, who is a MP himself, is not present, and no one dare say something like that. In terms of medical skills, no one can tell the difference. As we are not practitioners of this profession, we simply assume that they are the same — as both of them are CMPs, they can prescribe medicine after diagnosis. Why would there be any gap or difference? Then, we are told by the Government that "listed" CMPs are merely transitional. However, where and when will the transitional period end?

Judging from this angle, the Government's logic is seriously flawed, and so is its inference. On the contrary, listed CMPs or people in support of the idea of allowing listed CMPs to issue sick leave certificates have the strongest justification on their side.

In my opinion, the purpose of tabling the Bill today is to give CMPs the same status as Western MPs. I cannot see any reasons to object to the issuance of sick leave certificates by registered CMPs. However, it is contradictory that, owing to the Government's failure to properly deal with the issue of listed CMPs and table the relevant proposal to this Council, CMPs who are legally practising are now divided into two separate categories, namely registered CMPs and listed CMPs, and they are even graded differently, by the authority to issue sick leave certificates. Suspicion that medical skills can be differently graded might thus be aroused, thereby leading to an unreasonable situation.

The question discussed today actually falls under the scope of health care and medicine, besides involving certain economic or labour problems. Secretary Stephen IP is present at the moment. Actually, I hope Secretary Dr York CHOW can be here too. I have delivered my speech and expressed some of my views on listed CMPs. I hope the Government will not put aside this issue simply because of the passage or otherwise of the Bill today. I have to tell Members that, so long as the last listed CMP is still alive, he will not let the Government go.

I hope to state my view that I will support the Bill because it will bring the status of CMPs on par with that of Western MPs. As a member of the Chinese community in Hong Kong, I consult CMPs more than Western MPs, and I support this approach and sense of value. However, regarding the Government's failure to address the situation of listed CMPs, I hope to request the Government through the President to expeditiously tackle this issue.

Thank you.

**MS EMILY LAU** (in Cantonese): President, I did not join the Bills Committee on this Bill, but I also want to speak because some CMPs had visited my office to meet me and later on, they also came to the Legislative Council to meet Members of the pan-democratic camp. A number of Members have already related their concerns and worries. President, you have sat here listening to the speeches for a long time and you can gather that most of the Members who have

spoken in fact have great sympathy for them and think that this problem should be addressed.

Therefore, President, perhaps you will also understand why these CMPs are left scratching their heads, not understanding why, despite the support from the political parties of the Members who have spoken, their issue has still not been addressed. One of the reasons maybe that the authorities are not going to pay any heed no matter what. There are precedents when it comes to the authorities not paying any heed to the Legislative Council. Another reason is perhaps that those Members who have not spoken in fact do not have much sympathy for them. However, no matter what, President, I think that as long as we set out the arguments on this matter, Secretary Stephen IP or the authorities that he represents should be able to hear them, furthermore, he should refer this matter for further action.

Today, this issue, which has been discussed for so many years, is raised again in the Legislative Council as a result of this Bill. Just now, some Honourable colleagues have also expressed their incomprehension on why this Bill has to be debated for such a long time. In fact, I think this sort of debate is very meaningful. I do not mean other debates are meaningless but that this sort of debate is particularly meaningful because it involves a Bill, President. In contrast, in other types of debate, Members can say whatever they can and after speaking, everything is in the end negated or the debates are wound up hastily. In contrast, this is a Bill, which is a very important matter. Moreover, a lot of time was spent on scrutinizing it, however, even though the Bill has come before us, we still cannot handle it.

I myself also agree with the comments of the CMPs. In fact, I am gravely concerned about one thing and I believe it is within the Secretary's ambit to give a reply on it. These 3 000-odd people are concerned that the passage of this Bill will lead to problems, that is, livelihood problems. As regards registered CMPs, they number at 5 000 to 6 000. Will it so turn out that after the passage of the Bill, some Members of the public will no longer consult them? Not that the public have no confidence in them, however, members of the public would think that if they cannot get a sick leave certificate after consultation, are they supposed to consult one CMP after another? If things really turn out this way, their business will drop and they will even encounter livelihood problems. In that event, should they simply apply for Comprehensive Social Security Assistance, as the authorities have suggested? Do they really have to do so?

This is a solemn matter involving issues of employment, so the Secretary is in a position to reply.

What the Secretary may not be able to reply to is how those long-standing problems can be addressed. I believe the Secretary will also agree that the answer is to help them make the transition and improve their situation. Today, can the Secretary say on behalf of the authorities how long it will still take before they can be assisted? Is there a timetable? Is there a roadmap? Even if it is not possible to deal with this problem today or it is beyond one's ambit, there ought to be a position. Otherwise, on the one hand, it is possible their livelihood will become increasingly difficult, and on the other, they do not know how they can help the Government salvage the whole situation. As the authorities — and I do not care which bureau — they also have a responsibility in this matter. Therefore, I very much hope that Secretary Stephen IP can tell us whatever he can and a lot of people — not just these several thousand practitioners but also their family members, relatives and friends — are waiting for your response. The Secretary is speaking for the authorities. He is representing not just himself or Secretary Dr York CHOW, but the authorities in the SAR. At present, particularly at a time when Chairman JIA Qinglin has said that the development at present is excellent, surely he does not want to see a lot of people making a scene. However, if anyone has any discontent and wants to join the rally on 1 July, of course he is welcome.

In addition, I also agree very much with what Mr Andrew CHENG said just now, that is, our entire health care policy has been monopolized by Western medicine practitioners (MPs). President, you will also remember that several years ago, we discussed the issues relating to chiropractors and the debates were very heated. At that time, Western MPs proposed something that was quite outrageous. They said that chiropractors could not be addressed as doctors. At the most, they could only be referred to as chiropractors and the title "doctor" could only refer to Western MPs. I think that that was really a bit over board. However, for many years, the authorities have shown particular favour to them. If Members hark back to some years ago, a seat would always be reserved for doctors in the Executive Council, the Legislative Council, and the like, and this is still the case now. President, I do not have any particular view about doctors, however, I believe they should not monopolize. In fact, medical services have to be provided by people from many disciplines. However, the situation that I can see is that the health care policy of the authorities is often monopolized by "Western doctors" and in many committees or on many occasions, only Western

doctors express a lot of views, whereas other people who are not Western MPs will not speak or the influence they can exercise is very limited. Therefore, I hope the Secretary can relay this situation back in his office, so that when formulating the policy on health care, other professionals and even other people can be given the opportunity to play a role, instead of allowing a certain group of people to stake out their territory and squeeze other people out.

In addition, Honourable colleagues have also mentioned the Chinese Medicine Council of Hong Kong (CMC). President, the CMPs who came to meet me told me that the CMC had been unwilling to meet them. I have now written to the CMC on their behalf to request it to meet these CMPs and I have also written to the authorities. I think that even if it is really unwilling to make any undertaking to these people, at least, at the very least, it has to meet these people to give an explanation face to face. If these CMPs say that they cannot even have a meeting and even such a request is not granted, can we say that this is how strong governance is like? Is this what working for the benefit of the people is about? If so, then we should tell Chairman JIA Qinglin that in Hong Kong, there exists not just a happy side that he found yesterday in Tin Shui Wai. I have said that outside the Legislative Council, each day — and I mean each day, from Monday, through Tuesday, Wednesday, Thursday, Friday to Saturday — there are innumerable protests and I hope the authorities can do some soul-searching, instead of thinking that since they command such high public support, there is no problem in Hong Kong. Such occurrences are not the making of the pan-democratic camp. The people who come here to stage protests every day are not paid by the pan-democratic camp.....

**PRESIDENT** (in Cantonese): Ms Emily LAU, please speak on the contents of the Bill. It seems you have strayed too far.

**MS EMILY LAU** (in Cantonese): All right, thank you, President.

Therefore, I have said what I wanted to. I hope that the subject which Members have raised today can be addressed. I myself will support this Bill, which I believe is worthy of support. However, I do not wish to find that, after six months, someone has again lied or made false promises. I think some people have waited for a long time and they ought to — and I stress ought to — have the respect and attention of the SAR Government. Therefore, I hope that

when Secretary Stephen IP speaks later, he can say clearly on behalf of the authorities how soon this matter, over which there has been so much wrangling, will receive attention. I so submit.

**MR CHIM PUI-CHUNG** (in Cantonese): President, I am almost the last Member to speak since many Honourable colleagues have already spoken. First, I want to express my support for the Second Reading of the Bill. What I want to talk about next is why I support it. Therefore, do not impose any restriction on me because I am speaking in favour of it. *(Laughter)*

Hong Kong came under British rule as a result of the Opium War. On 19 December 1984, China and Britain agreed that Hong Kong was to be returned to China. It is true that we have been through a transition for as long as nine years. In these circumstances, the laws in force under British colonial rule have been used during all this time. Therefore, according to Article 8 of the Basic Law, what was followed in the past has to be followed now. Today, CMPs have been authorized to issue sick leave certificates and just like Western MPs, their status has been recognized — President, do not feel alarmed, everyone is just talking about whatever their will dictates.

In the last debate, I said that Western MPs were discriminating against CMPs, all the more so because in the present setting in Hong Kong, Western MPs have vested interests and there is no reason for them to take the vested interests out from their pockets and share them with CMPs. This will make us realize whether Hong Kong has really achieved reunification even though it took place nine years ago. At present, the situation is that it is just another kind of colony and such a spirit still prevails in Hong Kong. Therefore, the Central Government has to look clearly and listen clearly. I also hope that the people concerned who are petitioning outside the Legislative Council today will go to the Shangri-la Hotel later at 6.30 pm to petition there. I do not know what can be done over there, but it is better than petitioning Members or expressing one's stance outside the Legislative Council, since I have heard Members' speeches and found that although all Members have expressed support unanimously, still, they are powerless. Why? This is in fact the present characteristic of the political scene in Hong Kong.

President, CMPs are now given the same authority to issue sick leave certificates. In fact, CMPs are not inferior to Western MPs. As we all know,

there was a celebrity in Macao and there is this another celebrity in Hong Kong. Twenty years ago, they were both suspected to be suffering from tumours. The celebrity in Macao went to the United States to seek treatment but he died soon afterwards, whereas the celebrity in Hong Kong sought treatment from a CMP instead. Now, he has become an important political figure of our country. I believe Members all know who they are but there is no reason for me to disclose their names here.

Talking about CMPs, I have a good friend who is now 95 years old. In the past, he was mobility-handicapped, however, after receiving a well-known type of Chinese treatment known as moxibustion, now he can even stand up and walk. This is a fact. A patriot also wanted to seek treatment by him, however, I did not refer him to the practitioner because I think the political stance of this person changes all the time. Of course, this is only my personal view. In giving these reasons, I hope the Government will, in addition to recognizing the sick leave certificates issued by registered CMPs, also review the representativeness of listed CMPs in the next six months after the passage of this Bill and recognize their status definitely.

We can see that the present global trend is that CMPs have gained wider recognition worldwide than before. In view of this, since Hong Kong has been reunited with the country, in particular, since various parties are working together, why are the views of Members of the Legislative Council not agreed to? Although this Bill today is related to labour affairs, many Members have already said that the medical element is in fact more important than the labour element. In respect of labour affairs, this Bill recognizes the sick leave certificates issued by CMPs, however, we hope that by virtue of this Bill, the Government can be amenable to public opinion and review its health care policy.

I further hope that CMPs, in particular listed CMPs, can improve some of their practices, for example, registered CMPs and listed CMPs should meet the minimum requirements set by the Government and keep patients' medical records systematically. They must not be disorganized in handling such records with a view to evading taxes. They should constantly strive to improve themselves and take the first step forward by keeping patients' medical records systematically in order to win people's recognition. At the same time, we understand that as CMPs, they should be kind as parents to their patients and should not keep special medical skills to themselves and refrain from sharing

them with other CMPs. Otherwise, how can the public or the Government possibly give their approval to CMPs? They cannot say, "I have nothing whatsoever and only know how to provide treatment." This will not be convincing enough. I hope that CMPs can listen to this small piece of advice from me and enhance themselves, so as to win approval from various sectors in society.

Meanwhile, I also hope that the Government will set rules for everyone to follow in respect of the licensing system. Of course, we have to understand that the world is always in progress and after the reunification, China, with its 1.3 billion people, is a huge market. At the same time, I hope CMPs can show solidarity and fight for what they believe to be right and improve on what they find inadequate. This is better than to defend their interests regardless. Just like local Chinese stockbrokers, both have to win public approval. If the Government accepts the sick leave certificates issued by CMPs, we must not doubt if CMPs will be partial to patients since there are also black sheep among Western MPs.

President, I do not wish to say too much. The conclusion is that I hope these practitioners will constantly improve themselves and Honourable colleagues in the Legislative Council will definitely support them. In the future, I hope the Government will listen to the voices of various sectors as long as they are reasonable. Thank you.

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

**DR YEUNG SUM** (in Cantonese): President, I rise to speak in support of the resumption of Second Reading of the Bill. And, I also wish to express support for the Bill on behalf of the Democratic Party.

Thanks to the efforts of various sides and the support of the public over all these years, the Chinese medicine profession has finally been put under appropriate regulation and given proper recognition after the reunification. The medical faculties of universities have also started to provide professional Chinese medicine training. The Hospital Authority has promised that a Chinese medicine clinic will be set up in the hospitals under its ambit in all the 18 districts. But it has not honoured its promise fully.

Since the academic and professional standards of Chinese medicine have been given recognition, it is only natural and absolutely necessary for us to permit CMPs to issue sick leave certificates in the context of labour policy. Unfortunately, however, since the Bill today deals mainly with recognized and registered CMPs, listed CMPs have to be left out. Many listed CMPs possess rich professional experience and they can command a certain degree of public recognition, but for procedural and system reasons, they are left out in the Bill today.

In this connection, President, I wish to convey through you to the Secretary that they may ban listed CMPs from practising altogether. But if they do not do so, they must note that since the Government still permits listed CMPs to carry on their practice, it has in effect recognized their curative standards. I therefore hope that the Government can implement the measure concerned in phases. We hope that after we have passed the Government's Bill today, giving recognized and registered CMPs the authority to issue sick leave certificates, the Government can, in the near future, put forward another Bill on allowing listed CMPs to play the role, exercise the right and discharge the duty related to them in the context of labour policy. I hope that when giving his reply later on, the Secretary can make an undertaking in this regard, so that there can be a common goal for all.

With these remarks, I support the Bill.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon the Secretary for Economic Development and Labour to reply.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam President, I know that many Members consult CMPs, and I would like to say that I also consult CMPs. But it is not the case that one would consult CMPs only when one grows old, as Mr Andrew CHENG said earlier. I

already started to consult CMPs when I was young. I think Chinese medicine has earlier on earned recognition from Members. The fact that Members would choose to consult CMPs is proof of the value of Chinese medicine.

I also wish to make another point. Miss CHAN Yuen-han (who is not in the Chamber now) said earlier that CMPs cannot certify pregnancy of a female employee, and this is not true. Under this Bill, CMPs can certify pregnancy of a female employee. Yes, they can do it. Mr Albert CHAN is also not in the Chamber. He said earlier that talking to me about the problems with medical and health care services is like "playing music to a cow". I wonder if he can play piano or not, but he would be just playing it, and I am not a cow either. So, his remarks about playing music to a cow are largely incorrect.

Today, I wish to thank first of all, Mr LI Kwok-ying and the Bills Committee here for their detailed scrutiny of the Bill and for their valuable input, which enabled the Second Reading debate of the Bill to resume today. Before tabling the Bill to the Legislative Council, the Government had considered carefully that the Chinese Medicine Ordinance already provides a comprehensive regulatory framework for the registration of CMPs and licensing of Chinese medicine traders. It is now increasingly common for employees to receive Chinese medicine treatment, and registered CMPs are also capable of performing the medical functions stipulated under labour legislation. For this reason, it is proposed that registered CMPs should be recognized for performing the medical functions stipulated under labour legislation.

As a number of Members said earlier, since listed CMPs are allowed to provide treatment to patients, the Bill should, apart from giving recognition to registered CMPs, allow listed CMPs to perform the medical functions stipulated in the three labour laws. Why does the Government not make this provision in the Bill? It is mainly because of the following reasons.

The Chinese Medicine Ordinance enacted in the Legislative Council in 1999 has put in place a registration system for CMPs. This system has clearly defined the professional status of CMPs and laid the foundation for the long-term development of Chinese medicine. Transitional arrangements are set out in the Chinese Medicine Ordinance, whereby CMPs who were practising Chinese medicine in January 2000 are put on a list and allowed to continue practising Chinese medicine as listed CMPs until a date specified by the Secretary for

Health, Welfare and Food. Since the implementation of the registration system of CMPs, two thirds of listed CMPs have become registered CMPs through the various channels set out in the Chinese Medicine Ordinance.

The professional requirements of listed CMPs are, comparatively speaking, lower than those of registered CMPs, and their statutory status and professional qualifications are also different. Therefore, their medical functions are subject to certain restrictions under the Chinese Medicine Ordinance. Such being the case, it is not at all appropriate to give listed CMPs medical functions other than those stipulated in the Chinese Medicine Ordinance.

Under the existing labour legislation, recognized practitioners of other medical professions must be registered under the respective registration ordinances. This is a very important principle, because the types of medical professionals being recognized under the labour laws will create implications beyond the relations between medical practitioners and patients. The medical functions under the three labour laws will impose certain legal liabilities on employers, insurers underwriting employees' compensation insurance policies, and even the Pneumoconiosis Compensation Fund Board (the Board). In this connection, the legislation must strike a suitable balance among the interests of employers, insurers and the Board. To this end, those who shall perform statutory medical functions under labour legislation must be professionally assessed to have attained a certain professional standard. This is to ensure that they are up to a certain standard, so that all parties will have adequate confidence in the relevant legislation. It is based on the same principle that the Bill proposes to give recognition to registered CMPs.

Recognition of Chinese medicine under labour laws is an important milestone in Chinese medicine development and at the same time a new development in the labour scene in Hong Kong. The Administration must be prudent and pragmatic in adopting the long-accepted principle of recognizing only those professionally assessed medical professionals duly registered by the relevant statutory regime.

Earlier on some Members pointed out the concern of listed CMPs that the Bill, which gives recognition only to registered CMPs, would cause their attendances to fall. We appreciate their concern but there is indeed a need for the Government to maintain the integrity of the registration system of CMPs, and

we should not deviate from the established principles adopted in labour legislation.

Certainly, it is the Government's long-term objective that all practising CMPs in Hong Kong will become registered CMPs in future. The list system is only a transitional arrangement, and as some Members said earlier, there are, in fact, more positive ways to assist listed CMPs aspiring to be registered to become registered CMPs. On behalf of the Department of Health (DH), I wish to point out that the DH has held training courses on examination skills for listed CMPs annually since 2003 to brief candidates on matters to which they should pay attention in the CMP Licensing Examination, such as the scope, mode and procedures of the examination, in order to equip listed CMPs for the examination. Since the commencement of the registration of CMPs, local Chinese medicine organizations have also organized courses for listed CMPs to help them obtain the qualifications for registration. So far, over 500 listed CMPs have become registered CMPs through the CMP Licensing Examination. The Bills Committee has also written to the Secretary for Health, Welfare and Food, requesting an undertaking from the Government that studies would be conducted on the provision of assistance to listed CMPs to become registered CMPs. I understand that the Secretary for Health, Welfare and Food has undertaken to report on this issue to the Panel on Health Services and take follow-up actions within six months after consultation with the Chinese Medicine Council of Hong Kong (CMC).

Earlier on, Mr WONG Kwok-hing gave me a paper to express the concern of listed CMPs in respect of, for instance, specialties, development of specialties, or the setting up of a training fund. It also mentioned the question of whether or not practitioners in specialties are required to sit in the examination for all subjects. In fact, many Members have expressed their views on these issues earlier. I remember that all parties and groupings considered it necessary for the Government to assist listed CMPs as far as possible and to look into ways to solve their problems and shorten the transitional period, so that they would not have to wait for too long in order to change from listed CMPs to registered CMPs if they meet the eligibility requirement. I have listened to all the opinions expressed by Members, and I understand that colleagues from the Health, Welfare and Food Bureau have been here listening to the views of Members. I certainly undertake that I will relay to Secretary Dr York CHOW the views expressed by Members earlier, including the composition and role of

the CMC, as well as how, in a medical context, assistance can be provided to listed CMPs for them to become registered CMPs more expeditiously. I believe the Health, Welfare and Food Bureau will certainly consider carefully the opinions expressed by Members earlier.

During the scrutiny of the Bill by the Bills Committee, some Members expressed concern about the criteria adopted by registered CMPs in issuing sick leave certificates to employees. I wish to point out that with the assistance of the DH, the Chinese Medicine Practitioners Board of the CMC has drawn up the "Reference guide on issuance of sick leave certificates by registered CMPs" with the objective of providing a suitable guideline to the Chinese medicine sector for the issuance of sick leave certificates. It also aims at enhancing the acceptance of the community, including insurers, employers' associations and the public at large, of sick leave certificates issued by registered CMPs. The guideline has been distributed to all registered CMPs, major employers' associations and insurers underwriting medical and employees' compensation insurance since February 2004. The Guide has been widely accepted by the Chinese medicine profession, and I believe it will provide effective assistance to registered CMPs in the issuance of sick leave certificates after the enactment of this Bill.

The Bill proposes that registered CMPs can issue certificates on an employee's permanent unfitness for his current work and on a pregnant employee's unfitness to handle heavy, hazardous or harmful work under the Employment Ordinance. Under the existing legislation, an employer may require an employee who has produced such medical certificate to attend a medical examination for obtaining a second opinion. The Bill also proposes that the employer may choose to arrange for such examination to be conducted by either a registered medical practitioner or a registered CMP regardless of whether the medical certificate was issued by a registered medical practitioner or a registered CMP.

In fact, the proposed provisions merely allow the employer to obtain a second opinion from the broadest pool of medical professionals. The registered medical practitioner or registered CMP being consulted for a second opinion would only give an opinion on the fitness of the employee, rather than reviewing the judgement made by the registered medical practitioner or registered CMP who issued the relevant certificate. The Bill does not place particular emphasis on any discipline of the medical profession. Where there is disagreement

between the two medical opinions, the employer may turn to the Commissioner for Labour for a determination in accordance with the mechanism provided under the Employment Ordinance.

During the deliberations of the Bills Committee, Members put forward many valuable opinions. At the suggestion of the Bills Committee, I will move the relevant amendments at the Committee stage later.

Madam President, the Bill has the support of various sectors of the community because a registration system for CMPs has been put in place and the public has confidence in it. I urge Members to support the Government's policy intent in proposing the Bill.

Under the Bill, employees with illness or work injuries and persons suffering from pneumoconiosis will have the right to choose between registered medical practitioners and registered CMPs for medical consultation in the light of their illness or injuries, while enjoying the relevant benefits under the three labour laws. I urge Members to pass the Bill.

**MISS CHAN YUEN-HAN** (in Cantonese): President, I would like to seek an elucidation from the Secretary. The Secretary has said just now that CMPs may issue sick leave certificates to pregnant women. But actually I did not say that. What I was referring to was the certification of the date of pregnancy, which has been mentioned by us as "the dismissal-proof award". When the Bill was being deliberated, they said it was not possible. I then said: Why do we not do it all in one go? I am referring to the certification of the date of pregnancy. It is still not yet possible now. Thank you, President.

**PRESIDENT** (in Cantonese): Miss CHAN Yuen-han, you are requesting to "interrupt". According to our Rules of Procedure, if a Member wishes to ask a certain Member or a certain official to elucidate what he has just said in his speech, he must stand up immediately and ask the Member or the official concerned to elucidate when the latter is delivering his speech. It is not in line with the provisions of the Rules of Procedure if the request for elucidation is made after the speaker has finished his speech. Therefore, I am unable to allow you to seek elucidation from the Secretary now.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005.

Council went into Committee.

### **Committee Stage**

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

### **CERTIFICATION FOR EMPLOYEE BENEFITS (CHINESE MEDICINE) (MISCELLANEOUS AMENDMENTS) BILL 2005**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005.

**CLERK** (in Cantonese): Clauses 1 to 6, 8 to 11, 21 and 28 to 32.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Clauses 7, 12 to 20 and 22 to 27.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam Chairman, I move that clauses 7, 12 to 20 and 22 to 27 be amended as set out in the paper circularized to Members.

Clause 7(6) of the Bill seeks to amend section 33(6)(b)(i) of the Employment Ordinance (EO) by defining "appropriate medical certificate" found in section 33(5)(a) of the EO. In response to the view of the Bills Committee on the amended Chinese version of section 33(6)(b)(i), we will amend both the Chinese and English versions of the section to make the meaning of the section clearer.

Clause 15 of the Bill adds section 10AB to the Employees' Compensation Ordinance (ECO) to lay down explicit regulations on the cost of medicine incurred in respect of medical treatment for injury at work that an employee may claim reimbursement. If the employee is prescribed proprietary Chinese medicine, the proprietary Chinese medicine in question must be registered under the relevant legislation or compounded by Chinese medical practitioners (CMPs) under section 158(6) of the Chinese Medicines Ordinance (CMO) for the purpose of administering or supplying to a patient under his direct care. To ensure that an employee injured at work will be reimbursed all the costs of such proprietary Chinese medicine lawfully administered and supplied to him, we propose to

amend clause 15 of the Bill to add an additional type of proprietary Chinese medicine compounded by manufacturers which are administered and supplied to a patient under the direct care of a CMP. Such type of proprietary Chinese medicine is permitted under regulation 37 of the Chinese Medicines Regulation (Cap. 549 sub. leg. F).

For the same reason, we also propose to amend clause 24 of the Bill to provide that, under the Pneumoconiosis (Compensation) Ordinance, employees suffering from pneumoconiosis will be given the right to be paid medical expenses for proprietary Chinese medicine used in medical treatment.

When deliberating on clause 23(4) of the Bill, Members requested the authorities to consider amending the Bill to allow the Pneumoconiosis Compensation Fund Board (PCFB) to pay for expenses for reasonable and necessary medical treatment given by registered medical practitioners and registered CMPs outside Hong Kong to a pneumoconiotic person. Having considered Members' views and taking into account the chronic nature of pneumoconiosis, the likely older age of compensation recipients under the PCO and the higher possibilities for these recipients to move to the Mainland, the Administration has proposed to amend clause 23 of the Bill to provide that if the medical treatment given by the registered medical practitioner or registered CMP is medical treatment that may have been lawfully given in the course of his practice in Hong Kong, and that the treatment is also given lawfully under the law of the place where the treatment is given, expenses for such medical treatment will be recoverable under the PCO. The reimbursement of such expenses is still subject to other provisions of the PCO.

Consequential to this amendment, we have also proposed to amend clause 25(3) of the Bill to give additional power to the PCFB for ascertaining the validity of medical claims originating from places outside Hong Kong. We propose that in order to safeguard the interest of the PCFB, the PCFB should be empowered to seek advice from the attending registered medical practitioner or registered CMP, and advice from any person competent for the purpose.

Having considered the views of the Bills Committee, the requirement in clause 26 of the Bill that the registered medical practitioner or registered CMP who gives an opinion on medical examination under section 23A(3)(a) of the PCO has to be attending that person in Hong Kong will be removed.

The Administration will introduce amendments to replace the reference to "medical practitioner" with "registered medical practitioner" in the ECO and the PCO for the purpose of consistency and easy understanding by the public. Such amendment will be made where reference is made to "medical practitioner" in clauses 12 to 20 and 22 to 27 of the Bill.

The above amendments have gained the support of the Bills Committee and I hope the Committee will support their passage.

*Proposed amendments*

**Clause 7 (see Annex)**

**Clause 12 (see Annex)**

**Clause 13 (see Annex)**

**Clause 14 (see Annex)**

**Clause 15 (see Annex)**

**Clause 16 (see Annex)**

**Clause 17 (see Annex)**

**Clause 18 (see Annex)**

**Clause 19 (see Annex)**

**Clause 20 (see Annex)**

**Clause 22 (see Annex)**

**Clause 23 (see Annex)**

**Clause 24 (see Annex)**

**Clause 25 (see Annex)**

**Clause 26 (see Annex)**

**Clause 27 (see Annex)**

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Clauses 7, 12 to 20 and 22 to 27 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): New clause 18A Medical examination before employment

New clause 25A Appointment of Pneumoconiosis Medical Board.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam Chairman, I move that the new clauses, read out just now and as set out in the paper circularized to Members, be read the Second time.

In the amendments which I have just moved, one of them amends the term "medical practitioner" in the ECO and the PCO as "registered medical practitioner". Consequential to this amendment, amendments should be made to the two Ordinances on all references to "medical practitioner". The new clauses 18A and 25A will amend references to "medical practitioner" in section 33(1) of the ECO and section 22(a) of the PCO which are not covered by the Bill and replace them as "registered medical practitioner". The new provisions have been agreed by the Bills Committee. I hope the Committee will support their passage.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the new clauses 18A and 25A be read the Second time.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): New clauses 18A and 25A.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam Chairman, I move that the new clauses 18A and 25A be added to the Bill.

*Proposed additions*

**New clause 18A (see Annex)**

**New clause 25A (see Annex)**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the new clauses 18A and 25A be added to the Bill.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Long Title.

**SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR** (in Cantonese): Madam Chairman, I move that the long title be amended as set out in the paper circularized to Members.

The object of the amendment is to effect a consequential amendment of a technical nature to the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 to encompass the various amendments which have been passed earlier. I implore Members to support the passage of the amendment.

*Proposed amendment*

**Long Title (see Annex)**

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

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

(Members raised their hands)

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

(No hands raised)

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

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

Council then resumed.

**Third Reading of Bills**

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

**CERTIFICATION FOR EMPLOYEE BENEFITS (CHINESE MEDICINE)  
(MISCELLANEOUS AMENDMENTS) BILL 2005**

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

Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

**CLERK** (in Cantonese): Certification of Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005.

## **MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions.

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

First motion: Policy on care for the elderly.

## **POLICY ON CARE FOR THE ELDERLY**

**DR JOSEPH LEE** (in Cantonese): Madam President, I move that the motion as printed on the Agenda be passed. What was so special about 11 June? In case Members have forgotten it, I can tell them that it was the International Day of Concern for the Elderly. Are Members aware of how the elderly persons around them are living? According to the statistics recently released by the Census and Statistics Department, the proportion of elderly persons aged 65 or above in our total population is now about 11%. By 2018, the rate will rise to 16%. And, by 2033, the percentage will be roughly 27%. There is obviously a continuous increase in the elderly population of Hong Kong.

Have Honourable colleagues present, or members of the public in the public gallery, ever asked themselves how they would like to spend their old age? The Chinese University of Hong Kong has recently interviewed a number of elderly persons aged 60 to 86, asking them of their views on their old age. According to the findings, in regard to physical health, the elderly respondents all thought that good health was a blessing. They hoped that their bodily functions could remain in the best possible shape, and that they could look after themselves without becoming a burden for their children. Psychologically, they were happy to live just an average life. They considered it most important for one to be positive in outlook and content with one's own lot. They thought that in order to build up a self-image of being useful and capable despite their old age, they must make their own efforts and contribution. As for family relationship, they thought that they must not abuse the authority of old age but must respect their children's autonomy and show mutual understanding, so as to maintain a good relationship with them. Regarding social life, they considered

that the most important thing was to have some sort of occupation which could enable them to keep in touch with the outside world and maintain a harmonious network of connections with other people.

The views of the elderly respondents mentioned above are quite similar to the findings of many overseas studies and works on "healthy ageing". These views cover four different aspects:

First, senior citizens must maintain a high degree of physical strength and cognitive ability to prevent diseases and various disorders. The aim is to enable them to look after their own health, reduce the pace of degeneration and adapt to the inconveniences and effects on normal life brought about by physical degeneration.

Second, senior citizens should build up a positive outlook and self-image. They should not think that they are worthless after retirement, nor should they be affected by any suicidal tendency.

Third, senior citizens should participate in social life and remain productive. Normal social life should and must be maintained, and they should try to rebuild their self-confidence by helping others. There should also be a harmonious relationship between them and their family members. Senior citizens want to share household chores, so that young people can go out to work and increase the productivity of society.

Fourth, senior citizens should be able to cater for their basic needs of living. They want to have the financial ability to meet basic needs instead of depending too heavily on others. This will help them build up dignity and give them contentment.

It can hence be seen that the senior citizens nowadays are very much unlike their counterparts in the past, who often portrayed an image of being poor, miserable and worthless.

Obviously, the expeditious implementation of a policy on care for the elderly which is geared to "healthy ageing" will not only lighten our health care burden but also improve our economy, promote family harmony and help foster social integration, thus adding to the vitality and cohesion of society as a whole.

However, just how many of our senior citizens can really live such a life in their old age? Can our senior citizens really live healthily? It has been 33 years since the Government published its first report on the elderly in 1973. And, in 1997, three policy objectives, namely, "security, sense of belonging and health and worthiness", were set down in respect of care for the elderly. However, can the Government's existing policy on care for the elderly really promote "healthy ageing" among the senior citizens of Hong Kong?

Ageing is a normal physiological process instead of a disease. Only that many senior citizens cannot adapt to their physiological changes, so they think that they have developed more health problems. In addition, senior citizens' health care demand, especially their demand for out-patient and in-patient services, is also rather sizeable. For this reason, the Government should establish a health care safety net for senior citizens and provide them with medical fee concessions, so as to lighten their burden. The Government's existing health care policy is founded on the concept of "no disease means good health". The emphasis is therefore placed on curative treatment, so ageing has come to be regarded negatively as a process of failing health, diseases and medical treatment. In other words, it is assumed that as a person grows old, he will naturally contract various diseases; his health will necessarily fail; and, he will inevitably lose his productivity. As a result, he will take up huge health care resources, thus becoming a social burden. All these views are negative and most undesirable. Such a policy concept completely ignores the positive side of ageing. The degeneration of bodily functions is not quite the same as failing health. Quite the contrary, an ageing person may still live a colourful life. Therefore, the Government should invest more resources in publicizing the positive side of ageing. It should step up its primary health care and preventive efforts in terms of health education, disease prevention and health promotion.

Although physical check-ups and health assessments are provided by the elderly centres under the Department of Health, the number of places is far too small. The waiting time is extremely long, and the median waiting period is often as long as 37.5 months. Thus not many people can benefit from such services, so it is hoped that the Government can increase the number of places. Besides, it is also necessary to make stronger efforts to promote primary health education, because this will not only foster a healthy lifestyle but also teach senior citizens how to look after themselves and their elderly friends. In this

way, senior citizens will understand their physiological changes in the course of ageing and when they fall ill, they will not feel worried and helpless. Most importantly, once senior citizens can understand that the degeneration of bodily functions is just a normal phenomenon which will not prevent them from living healthily, once they understand that they do not need to rely unnecessarily on medical services, and once they have the correct notion that in order not to add to the long lines of waiting patients, they should not go to the hospital for consultation whenever they have any minor ailments, both senior citizens themselves and Hong Kong's health care system will thus benefit in some measure. For all these reasons, I propose that community health assessment services for the elderly should be stepped up to provide them with comprehensive health assessments and recommendations. This will reduce the incidence of accidents and diseases among senior citizens, thus lowering the number of in-patients. In addition, the Government should implement an elderly health scheme modelled on the Student Health Service and provide senior citizens with comprehensive assessment and recommendations relating to the ophthalmology and oral and dental surgery services for senior citizens, so as to reduce the incidence of diseases among them. In this way, we will be able to maintain senior citizens' physiological functions in the best shape and promote their mental health.

Madam President, according to the statistics of the Health, Welfare and Food Bureau, in 2002, about 4 500 elderly patients suffering from melancholia sought consultation in public hospitals. In 2005, there were roughly 5 500 such patients, showing that there has been a rising trend, which is worrying. At the community level, those senior citizens having high risks of developing melancholia are mostly living alone, and there are as many as 100 000 single elderly people in Hong Kong. Therefore, this is also another issue that warrants our concern.

According to the statistics of the Central Information System on Elder Abuse Cases maintained by the Social Welfare Department, in 2004-05, there was a steady increase in the number of senior citizens subjected to mental, physical and financial abuse. Such cases of abuse will seriously affect mental health, so we must not allow their occurrence. However, owing to the acute shortage of outreaching assistance services for the elderly, many senior citizens are simply left out in the cold. For this reason, many senior citizens are unable to extricate themselves from the environment of abuse and must continue to

endure the unreasonable treatment by their neighbours, family members and workers in elderly homes. The Government must therefore amend the law to impose heavier penalties on abusers, with a view to protecting senior citizens. In this connection, it will be necessary to step up the service of Community Geriatric Assessment Teams to evaluate the psychological state of the elderly, so that all senior citizens encountering problems can receive early treatment, enjoy good mental health and continue to live a positive and happy life.

Madam President, housing is also a problem, an integral part of one's life. A safe living environment is also extremely important, for the life of senior citizens will be directly affected. However, we often hear that senior citizens living in care and attention homes face various threats, such as cross infection, unhygienic living conditions, the physical and mental abuses inflicted by substandard workers and even the distribution of wrong drugs. How can senior citizens enjoy any security in such unsafe places? The Government should therefore squarely address the problem of varying standards among elderly homes. It should amend the existing legislation to enhance the monitoring of elderly homes, so as to make sure that the care received by senior citizens can meet the required standards and incidents relating to the threats mentioned above will not occur again. This, together with the service of geriatric health teams, may lower the hospitalization rate of senior citizens.

Currently, many old housing estates or tenement buildings are not equipped with any elevators. Senior citizens can only use staircases when going out or returning home. They find this very tiring and exhausting, and not only this, they also stand a greater chance of falling and hurting themselves. Besides, the facilities of such buildings do not facilitate the movements of elderly residents who are wheelchair-bound or crutch-bound. This affects their life greatly in terms of maintaining contact with the outside world and leading a normal social life.

Despite the Government's claim that the public housing allocation policy will accord special attention to the needs of households with elderly members, mismatches are nonetheless very common. At present, in more than 10 old housing estates with no elevators, there are still roughly 4 000 elderly residents. This issue was mentioned in the 2006-07 Budget which did not propose any ways to assist the senior citizens concerned in improving their living conditions though. Nothing was said on the financial inability of some senior citizens in

the districts, and no assistance measures for elderly residents of tenement buildings were put forward either. In June this year, the Government already completed the consultation exercise on amending the requirements governing the provision of facilities inside building premises for people with disabilities and senior citizens, but when will the scheme be implemented? When will our senior citizens have the chance to live in a barrier-free environment, improve their living conditions and settle down in safe homes?

Madam President, if we are to encourage senior citizens to participate more in community activities and build up connections with the outside world, the importance of transportation facilities must not be ignored. It is true that senior citizens aged 65 or above are now offered fare concessions by public transport operators, that bus companies have introduced low-floor buses, and that MTR stations are fitted with elevators, but most MTR stations are not yet directly connected to the ground level by escalators, much to the inconvenience of senior citizens. What is more, the signage system of MTR stations is far too complicated. Senior citizens may well be confused and they will not regard the MTR system as a user-friendly means of transport. In that case, what is the point of providing all the fare concessions?

Another point is that many footbridges are not yet fitted with any escalators. Consequently, many senior citizens find road-crossing a very taxing task. This is a problem that poses danger and requires rectification. Although Rehabus and Easy-Access Bus are available, it is still necessary to improve their pick-up and transfer services. In regard to the non-emergency ambulance service, advance booking is required and in addition, users must stay on board for a very long time before they can return home. It is therefore not a user-friendly means of transport either. Under such a situation, how can senior citizens find any efficient means of transport to help them integrate into society? We therefore propose that the Government should consider the idea of introducing a systematic and district-based network of shuttle bus service, so that senior citizens can arrange their social activities and integrate into society more easily.

Madam President, in its policy objectives for 2001 on caring for the elderly, the SAR Government claimed that Hong Kong had put in place the three pillars of old age retirement protection recommended by the World Bank, namely, a compulsory occupational pension plan for individuals, voluntary

contributions and the provision of basic livelihood protection by the government. But just how many seniors can participate in the Mandatory Provident Fund schemes implemented in 2001? And, the voluntary contribution scheme proposed by the Government is still very much a castle in the air. What is more, owing to the stigma attached to Comprehensive Social Security Assistance (CSSA) recipients, many senior citizens are reluctant to apply for CSSA. Some 200 000 senior citizens living under the poverty line must live on their meagre savings and the small sum of Old Age Allowance, so how can they live with dignity? Some senior citizens may want to apply for CSSA, but in 1999, the Government already abolished the right of senior citizens living with their families to apply individually for CSSA. As a result, senior citizens are forced to live in abject poverty. How can the Government claim that it has put in place the old age retirement protection facilities recommended by the World Bank?

Actually, early this month, at a meeting of the Panel on Welfare Services, I already moved a motion urging the Government to implement a universal old age pension scheme, and the motion was passed. We hope that the Government can conduct a review and formulate an effective retirement protection scheme as soon as possible, so that all social strata can conduct thorough discussions and come up with a wider consensus on eradicating elderly poverty and catering for the basic needs of living of senior citizens.

Madam President, at present, elderly affairs in Hong Kong are under the central co-ordination of the Elderly Commission, but the Chairman and members of the Commission are all appointed on a part-time basis. I am afraid that they may be unable to concentrate adequately on monitoring policies relating to senior citizens. We propose that the Government should appoint a commissioner for elderly affairs to co-ordinate the Government's efforts of elderly care, so as to implement the policy of "healthy ageing". We further propose that the Government should adopt a funding mode marked by "portability", giving the subsidy to senior citizens direct, so that as consumers, they can manage and utilize the money, picking the services they need in the market.

Besides, as the elderly population increases, the goods required by senior citizens also increase in number. The market potentials in this regard are huge. We propose that the Government should foster the development of the "silver hair market" by encouraging the participation of both public-sector and private-sector organizations. The surplus capitals can then be ploughed back to elderly care. We believe that policies on care for the elderly with such clear-cut

directions and objectives are the only means to achieve old age security in Hong Kong.

Madam President, I so submit.

**Dr Joseph LEE moved the following motion: (Translation)**

"That, in view of the ageing of Hong Kong's population, this Council urges the Government to expeditiously implement a policy on care for the elderly which is geared to "healthy ageing", to help them enjoy their old age peacefully and comfortably."

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

**PRESIDENT** (in Cantonese): Two Members will move amendments to this motion. The motion and the two amendments will now be debated together in a joint debate.

I will call upon Mr LI Kwok-ying to speak first, to be followed by Dr Fernando CHEUNG; but no amendments are to be moved at this stage.

**MR LI KWOK-YING** (in Cantonese): Madam President, Dr Joseph LEE has moved a motion on care for the elderly, advocating the notion of "healthy ageing". In the hope that the Government can pay greater attention to the problem of population ageing in Hong Kong, I am going to move an amendment which makes special mention of many issues closely related to senior citizens. Dr Fernando CHEUNG's amendment, on the other hand, puts forward quite a number of specific improvement proposals. The DAB holds that all these proposals can help us deal with the inadequacies of the existing policy on care for the elderly. The most noteworthy example is the proposal on extending the ambit of the Domestic Violence Ordinance to parents as a means of tackling elderly abuse. We will therefore support his amendment.

As Members are aware, the population of Hong Kong has been ageing continuously. Roughly 30 years later, the elderly population of Hong Kong will

account for 20% of the total population. The speed of population ageing is indeed very fast, so the Government must formulate a sound policy on care for the elderly. And, it is also high time we conducted a review and tackled the inadequacies of the existing policy, so as to prepare well for the future.

Although Hong Kong is a developed society, we still often see many elderly scavengers and single elderly persons living in miserable and helpless conditions. These senior citizens did their utmost for the Government in their youth, but having toiled for a good part of their life, they now have to live a very difficult life. Society does indeed have an obligation to help them. We should all give them assistance, so that they can enjoy security in their old age.

The greatest problem faced by many senior citizens is their enormous demand for health care services. The Government is, however, unable to satisfy their demand in many cases. Besides, it also takes a very long time for many senior citizens to adapt to the capricious policies.

One example is the system of advance chips distribution implemented for general out-patient consultation since October last year. Under this system, a patient must line up for a chip the day before consultation. Although chips may still be distributed on a same-day basis, it depends on whether there are still any chips left following the distribution of chips the day before. Since public-sector general out-patient services are in great demand, basically, there will not be any chips left. Telephone booking is possible under the new system, but this is altogether strange to many senior citizens. In other words, a senior citizen will have to visit a clinic twice for one single consultation under this new arrangement. Since senior citizens frequently have to travel long distances in order to seek medical consultation, their condition may easily worsen. For this reason, the authorities should expeditiously deal with the various problems brought about by the new arrangement and re-examine the feasibility of the new arrangement for chips distribution.

Another point is that following the implementation of the Standard Drug Formulary, patients must purchase the required drugs at their own expense. Since many senior citizens are chronic patients, their financial burdens have increased greatly as a result of their monthly expenses on drugs. Also, owing to the uneven geographical distribution of registered pharmacies, some senior citizens must travel here and there in order to purchase the drugs they need. This has exerted considerable additional pressure on their living.

Madam President, all these health care problems are just the tip of the iceberg. There are still many others. Over the years, for example, they have been asking for the establishment of more Chinese medicine out-patient clinics and the provision of more health care services, such as dental and ophthalmic services as well as various kinds of inoculations. Senior citizens are in great need of such services, but our Government has failed to perfect their provision so far.

The living conditions of senior citizens also need improvement in many ways. Many senior citizens, for example, are still living in tenement buildings constructed almost half a century ago. Since many of them have managed to amass, say, \$80,000 or \$100,000, after working hard for the whole life, they are not qualified to apply for CSSA and must live on the meagre "funeral expenses" they have. In that case, how can they have any extra money for moving to new homes? For this reason, the Government should allocate more resources for the provision of assistance to these senior citizens. For instance, the Social Welfare Department (SWD) may make recommendations under the compassionate rehousing scheme, so that, as a transitional arrangement, senior citizens can move into the housing units for senior citizens owned by the Housing Authority or the Hong Kong Housing Society. Besides, the Rent Allowance Scheme for senior citizens should continue to be implemented, so that elderly applicants for public housing may choose to rent private housing in districts of their choice. When it comes to the design of public housing estates and the layout of public housing units, care must be taken to ensure that they can cater for the needs of senior citizens. A "barrier-free" environment must be created for the convenience of senior citizens, as a preparation for the expanding elderly population in our society in the future.

To protect those senior citizens requiring long-term and institutional care, there is an even greater need for the authorities to improve the supervisory mechanism. Currently, around 56 000 senior citizens in Hong Kong are living in residential care homes for the elderly. But there are frequent news reports on the wrongdoings of residential care homes — physical abuse, mental abuse, deception related to fees and deposits and even theft of senior citizens' savings. Recently, the dispensing of wrong drugs has occurred repeatedly in residential care homes, endangering the lives of some 20 senior citizens. The Consumer Council received as many as 32 complaints against residential care homes for the elderly last year. Contrary to what their names suggest, the institutions concerned have failed to provide the elderly with genuine secure care.

At present, the SWD already requires all residential care homes, whether privately-run or subvented, to meet the requirements under the Residential Care Homes (Elderly Persons) Ordinance. A regulatory mechanism for residential care homes is also in place. At the same time, residential care homes are required to follow a detailed code of practice that covers manpower, food, inmates' daily-life needs and even feeding techniques. As for supervision, there is a dedicated team under the SWD to conduct roughly six surprise inspections a year, and there is also a complaint mechanism. There are already an ordinance, a code of practice and various regulatory mechanisms, but why have so many problems still occurred with the operation and integrity of residential care homes?

The main reason is a long-standing lack of resources, manpower and supervision. For this reason, if we want residential care homes to fulfil the requirements of the ordinance and provide senior citizens with genuine residential care, we must, most importantly, start from the basics. The Government should allocate more resources to residential care homes for the purposes of improving their facilities, enhancing the quality of carer training and inducing people with a sense of mission to join the occupation. This is the only ultimate solution.

Madam President, we can often see many senior citizens idling away their time in parks. Honestly, I think that they can still learn new things despite their old age. The authorities should provide facilities for elderly activities in all public sitting-out venues, increase the number of elderly centres and explore the possibility of converting vacant school premises into activity venues for the elderly. All this should be implemented especially in old districts with larger numbers of senior citizens. Besides, various institutions and organizations should be encouraged to organize courses for senior citizens, so as to help them realize their worthiness and engage in lifelong learning. On the part of the Government, it should conduct active publicity and promotion on elderly activities, with a view to increasing their participation in community activities.

Finally, I wish to mention a news story I happened to read last week. In a bid to offer assistance to poor children in the Mainland, more than 2 000 elderly persons fasted for eight hours and raised \$1.8 million. One of the participants, Auntie WONG, aged 97, remarked to this effect, "Children are the future masters of society. It is certainly worthwhile even if I have to go without

any food." Honourable Members, even a centenarian-to-be is so selfless in her concern about young people. But we have all along ignored them, and sometimes, we are even so mean to them. I hope that the Government and the general public can promptly do some reflection. I hope that a happy and healthy old age marked by "security and a sense of belonging" can be built up as soon as possible "for them now and for ourselves in the future".

Madam President, I so submit.

**DR FERNANDO CHEUNG** (in Cantonese): President, I wish to thank Dr Joseph LEE for moving this motion on a health-oriented policy of caring for the elderly.

Our society upholds respect for the elderly. According to traditional Chinese culture, "having an elderly person at home is like having a gem". However, there is another side to our society. Those of us who work in Central can notice that the people who collect cardboard or sweep the streets are mostly senior citizens. If we look round different places in Hong Kong — housing estates, restaurants, the bottoms of staircases or kitchens, we will observe that those who have to perform the most tiring tasks are mostly senior citizens again.

An organization specializing in helping cleaning workers has recently told us that 40% of the cleaning workers are senior citizens. There is indeed a contradiction here. On the one hand, we claim that we must care for our senior citizens. The former Chief Executive TUNG Chee-hwa at least advocated a policy of "security, sense of belonging and worthiness" for the elderly and even established the Elderly Commission. Mr TAM Yiu-chung, one of the Legislative Council Members, has been the Chairman of this Commission for many years. Mr TUNG's administration at least kept on repeating its determination to look after senior citizens and also established a commission dedicated to the cause.

But it seems that the incumbent Chief Executive Donald TSANG has not been talking much about this issue. Of all his remarks about senior citizens, the most unforgettable one, the one about senior citizens lining up in the small hours for out-patient consultation chips, was made in a Chief Executive's Question and Answer Session. He commented that senior citizens wanted to do so because

they could enjoy tea together afterwards. What I can remember is only this kind of remarks of his. I find this a shame. Hong Kong is a metropolis in Asia, an advanced city. Why must senior citizens line up for medical consultation in the small hours? Why does our Chief Executive fail to understand the situation and think that they just want to have tea together? Admittedly, he was quick in making amends, visiting many senior citizens and taking many photographs with them afterwards. But can the taking of photographs be taken to mean the presence of a sound policy on care for the elderly? Can one thus claim that there is a health-oriented policy on care for the elderly as advocated by Dr Joseph LEE? What is our present policy on care for the elderly? Is there such a policy anyway?

The ageing of our population is already a very clear trend, as evidenced by statistics. Are the existing services adequate to senior citizens? If the trend of population ageing continues like this, will the situation turn more serious? In what areas do we need to increase our services? Manpower training and the provision of additional facilities all require planning. I simply fail to see any clear policy on care for the elderly, nor can I see any long-term care policy.

President, if we want to formulate a sound and health-oriented policy on care for the elderly, one which can rid them of any worries, we should examine what the present situation is like. In case the elder members of our families are hospitalized either because they fall and hurt themselves or suffer from diseases such as a stroke, will there be any follow-up arrangements for them after they have been cured and discharged by this very advanced health care system of ours? Since the Hospital Authority is under immense pressure, it is necessary to request senior citizens to go home as quickly as possible. This means that even when a senior citizen is discharged, he may not have fully recovered and may still need some sort of care. If a family has to look after an elder member discharged from hospital, what must it be able to do? The elder member may still need feeding, may still have to receive physiotherapy and may still require professional nursing care. But are these services available? Yes they are, but the waiting queue is very long.

What shall be done if there is inadequate community support? Should the senior citizen be sent to an institution to receive care? If he is to wait for a place in subvented institutions — we are talking about years and months of waiting here. President, at present, people applying for a place in subvented institutions

will have to wait 32 months on average. This is the figure supplied by the Government. And, the waiting periods in the case of care and attention homes and nursing homes are 34 months and 39 months respectively.

In the coming 10 years, the elderly population aged 85 and above will increase drastically. What is the demand in the future? According to the research findings in other countries, the average waiting period will be about three years if we are talking about services of a standard comparable to care and attention homes and nursing homes. This means that senior citizens in general are unable to receive such services because they will have passed away before their turns come. The situation will only worsen in the future, but do we have any plans to construct more institutions? I fail to see any.

There is an acute shortage of nursing staff. As for other health care personnel, such as physiotherapists, occupational therapists and speech therapists, they are also in great demand. What is the situation now? Is it possible to improve the implementation of discharge planning? When a senior citizen faces such a problem, can any appropriate arrangements be made for him? At present, medical social workers are simply unable to cope with their workload. It is totally impossible for them to draw up an appropriate discharge plan for every discharged senior citizen. Currently, there is an excessive demand for all services, including hospitalization, community support and other day-care services. Private homes for the aged are the only exception. There is an excessive supply in their case. The occupancy rate is just about 60% to 70%.

President, I think you must also understand why there is an excessive supply of such services while most other important services of this kind are marked by excessive demand. The reason is obviously a huge difference in service quality. How can members of the public make their choices? Suppose they want to consider private homes for the aged — I am not saying that private homes for the aged are no good; some of them are even of very high standards — they must have sufficient information to help them make their choices. If any private homes for the aged were summonsed in the past, or if any of them has received a warning letter for any mistakes or problems, the Government must at least disclose the relevant information, so that members of the public can know what problems were found in which institutions. They must have access to such information. But the Government has along been employing a stalling tactic. Following the recent spates of dispensing wrong medicines, the Government still

refused to disclose the names of the private homes for the aged. Who was the Government trying to protect? I cannot understand why the Government should be so hidebound about enhancing the transparency of information to help people make their choices.

Besides, we know that the Hong Kong Association of Gerontology has drawn up an accreditation system for residential care services. This system is similar to the rating system for hotels, which is based on the award of stars. While the accreditation system may provide some sort of reference to the public, it is in fact entirely useless because participation is just voluntary. Only 20 to 30 private residential care homes have participated. Those institutions that are relatively well-established will of course be willing to accept accreditation. If the rating is high, the institution concerned will be awarded a "Q Mark". This is fine. But we are talking about some 400 private residential care homes for the elderly. People simply do not know how to make their choices.

Our Government is not even willing to increase the transparency of information. It is universally recognized that there is an excessive demand for all services. Owing to the Government's incessant funding reduction and the lump sum grant system, there is a very tight manpower situation in many subvented institutions, thus doing immense harm on both inmates and staff. With a soaring number of overuse injuries and occupational injuries among institution staff, service quality will surely be affected. How are we going to deal with such situations?

As for community support, we may look at integrated home care services as an example. At present, the waiting period for household cleaning service alone is already 14 months on average. Even if one just wants to apply for meal delivery service to satisfy one's basic physical need, one must still wait four months on average. In other words, it is actually extremely difficult for discharged senior citizens to receive any community support. But it is impossible for them to not to take meals for four months.

In regard to medical services, the demand for both general and specialist out-patient services cannot be satisfied either. Speaking of lining up for medical consultation in the small hours again, I must point out that the telephone booking service is not yet extended to the whole of Hong Kong. The waiting periods for other specialist out-patient service or specialist service are also very long, up to 16 weeks on average. If one does not belong to the priority

category, one will even have to wait for 34 months to 35 months on average. In conclusion, therefore, all services are far from being adequate, and the most important problem is that there is no planning. If we do not draw up clear plans and policies, I am afraid it will be difficult to implement any health-oriented policy on care for the elderly.

With these remarks, President, I support the original motion and Mr LI Kwok-ying's amendment.

**DR YEUNG SUM** (in Cantonese): Madam President, the population of Hong Kong is ageing continuously. At present, one out of 10 persons is aged over 65. By 2033, one out of four persons will be aged over 65. But in the meantime, our birth rate is on a continuous decline. Therefore, I believe that in the future, one middle-aged person may have to support several generations of senior citizens.

Under such a situation, the Secretary really faces a formidable task. But we in the Democratic Party have always maintained that the Secretary's burden is much too heavy, for he is in charge of matters relating to food, health and welfare. If the Chief Executive is re-elected, he should really reorganize the Secretary's portfolio carefully. The reason is that welfare services alone already impose a very heavy burden on him. But at the same time, he must handle matters relating to food and health, so even if the Secretary is a "superman", he will inevitably be exhausted, and he may sometimes fail to cope. It is indeed not quite so appropriate to lay all the blame on the Secretary personally. However, I hope that the Secretary can examine this problem thoroughly in conjunction with the Government.

I think the existing policy on home care service is all very fine and should command our support. Although Hong Kong is highly westernized, traditional Chinese culture is still deeply rooted in Hong Kong. All of us agree that we must be self-reliant and look after the elderly. Basically, 80% of Hong Kong's elderly persons are supported by their own families, so it is indeed necessary to further promote the policy on home care service. But there is still a great difficulty in this regard, mainly because families are under considerable pressure. Women's employment is one of the causes. More than half of the women in Hong Kong have taken up jobs in the labour market, so in general, they cannot spend as much time at home as before. Unfortunately, women must

still perform most of the household chores. Actually, men should also bear some responsibility.

Another problem is the ageing of our population. According to many studies, most elderly persons in Hong Kong are suffering from chronic diseases. And chronic diseases, senile dementia and paraplegia all have a high rate of incidence. Consequently, we do face a great problem of how we can assist the families concerned in providing appropriate care to their elderly members suffering these diseases.

Since the families concerned face all kinds of pressure, I hope that the Government can give them adequate policy support. One example is community service and support. At present, there is an excessive demand for day-care centres, day-care services and residential care homes for the elderly. For residential care homes and day-care services in general, the waiting period is basically longer than 30 months. The waiting period is very long and the demand is also very big. Also, there is a great public demand for homes for the aged.

The second thing is the provision of health care services. Madam President, as far as I can observe, nurses play a very significant role in the provision of day-care service and community nursing service. But the shortage of nurses has led to the inadequate provision of these two services. For this reason, can the Government join hands with the nursing sector to conduct in-depth studies on enhancing the training of nurses, so that more nurses can be deployed to provide community nursing service and look after senior citizens at their homes? I believe that given effective community support, senior citizens' demand for institutional care will decrease.

I have discovered from various studies that in many cases, there is actually no need to send an elderly person to a day-care centre or home for the aged at too early a time. Besides, if an elderly person is sent to an institution at too earlier a time, his or her psychological health will sustain heavy negative impacts. Actually, many elderly people hope that they can receive the care of their family members at home. Therefore, if medical services can be brought to the community to enable nursing personnel to provide stronger support for home care services, I believe that while elderly persons can thus receive care at home, their demand for institutional care will also decline. I hope that the Secretary can make more efforts in this regard. The first thing is nurse training.

Community nursing service must be stepped up. The other thing is community support, that is, the provision of day-care service, day-care centres, residential care homes for the elderly and homes for the aged. Such community support services are very important.

People of my generation have started to enter old age. In general, the academic qualifications of this generation of people are much higher than those of their parents. For this reason, we should examine how we can make use of the professional expertise possessed by those born after World War II and train them up as voluntary workers in the community to look after elderly persons. I believe that they will form an immense reinforcement. Given suitable training and education, I believe this group of people born after the War will provide enormous help in community support.

I hope that, besides enhancing home care, medical and community support services, the Government can reconsider the establishment of a retirement protection system. The establishment of a contributory retirement protection system in Hong Kong will not only reduce the Government's expenditure on the Old Age Allowance and CSSA but also provide elderly persons with greater livelihood protection. According to many studies, elderly abuse is very often caused by financial difficulties. I believe that if elderly people can enjoy retirement protection, their relationship with their families will be improved greatly.

One more thing is that the problem of health care financing is not yet tackled. I hope that the Secretary can redouble his efforts in this respect. I believe that with sound health care financing, we will be able to maintain the high quality of our medical services, tackle the problem of financial sustainability and offer appropriate medical care protection to our older generations.

Of course, when it comes to the retirement age, the Government may also consider ..... *(the buzzer sounded)*

**PRESIDENT** (in Cantonese): Time is up.

**DR YEUNG SUM** (in Cantonese): Thank you, Madam President.

**MR WONG KWOK-HING** (in Cantonese): Madam President, people nowadays no longer talk about "respecting the elders of other families the way one respects the elders at home". The more advanced society becomes, the lower the status of old people drops. In society, in their own families, and also financially, many senior citizens have all along been caught in a vulnerable position.

We can often see elderly persons scavenging cardboard and aluminum cans in streets. Bent with age as they are, they must still push wooden carts loaded with cardboard along. Apart from elderly persons scavenging cardboard, we can also see many old persons doing cleaning work in parks and streets under the scorching sun or even in heavy rain. Hong Kong is such an affluent city, so why must its senior citizens still labour so hard in order to earn a living? There was this elderly person in Tin Shui Wai who had to work as an unlicensed hawker in order to earn more income for his family. Just a couple of days ago, he jumped into a river and was drowned when trying to avoid arrest by officers from the Food and Environmental Hygiene Department. Is this not an indictment of the policy on care for the elderly?

Such elderly persons can be found not only in streets but also in housing estates. These elderly persons go from door to door, trying to collect old numbers of newspapers and magazines. There are some 30 storeys in a housing block, but elderly persons are still so persevering, going from floor to floor to see if they can collect any old newspapers and magazines and sell them for some money. Elderly people's physical conditions are not so good. Running up and down staircases and collecting newspapers from door to door will do a lot of damage to their bodies. But if they do not do so, how can they eke out a living?

How is the Government going to respond to the cases cited by me? I believe that it will emphasize the availability of the CSSA system. But do Members know that the application for CSSA is not as easy as imagined by government officials? An elderly person wishing to apply for CSSA must first submit to the Social Welfare Department a statement by his children, testifying that they will no longer support him. However, for various reasons, the children of elderly persons are often reluctant to make such a statement. For example, they do not want to forego their dependent parent allowance, or they do not want to lose face, or they simply do not bother about their parents because of bad relationship. As a result, the elderly parents of these people will not get any assistance even if they want to apply for CSSA.

If an elderly person lives with his children, it will be even more difficult for him to apply for CSSA because he and his family must file an application as a whole. If his children earn their own incomes but do not give him any money, or if his children earn very little income and must spend all of it on their own children, then the elderly person will face severe financial hardship, because he is not permitted to apply for CSSA in his individual capacity. If his children are still able to give him food and shelter, if the whole family is willing to endure all the hardship together, the elderly person may feel somewhat better. If his children are not good to him, if they throw his daily necessities into the streets several times a day, as shown in a recent anti-elderly abuse commercial on television, or if his family members simply discard him, then he will be very sorrowful.

Madam President, the existing Mandatory Provident Fund Schemes Ordinance is totally unable to provide them with any financial assistance, because the effects of the Mandatory Provident Fund (MPF) System can only be felt at least 20 to 30 years later. The Hong Kong Federation of Trade Unions is of the view that in order to offer immediate financial protection to old people, a separate "social insurance scheme" should be established to supplement the MPF System. This should be a pay-as-you-go scheme financed by contributions from the Government, employers and employees. Such a scheme is the only way to ensure that the poor elderly can enjoy immediate basic financial protection.

Madam President, apart from financial difficulties, some senior citizens also face various abuses by their family members. The Government has put forward a proposal on amending the Domestic Violence Ordinance, bringing spouses and cohabitants under its ambit and introducing provisions on the protection of children against physical and mental injuries. But there is no legislation on protecting senior citizens against abuses.

The Government refuses to bring senior citizens under the ambit of the Domestic Violence Ordinance because it claims that cases of elderly abuse are fewer than those related to spouse and child abuse. Is this a sound justification? As long as there are cases of elderly abuse, there must be laws to regulate the problem. What is more, senior citizens' bargaining power is even lower than that of children. When they are subject to abuse, they will only remain silent and do not want to report on their children. This may be one of the reasons for the small number of complaints. But the Government has resorted to this as a

justification for refusal. It has simply turned a blind eye to the facts. I hope that the Government can squarely address this problem and work out a strategy to tackle it.

Madam President, there is now even a law to deal with animal abuse. Recently, the Government has increased the fine for beating animals to \$100,000 and the maximum imprisonment term has also been raised to 12 months. Besides, the provision of unclean drinking water to animals and the keeping of them in undersized cages will also lead to a fine, which has been raised to \$25,000. Madam President, there are even penalties for animal abuse. Why are there no penalties under the law to penalize those who abuse their parents or family members? Madam President, there is this line from a Canto-pop song: "Be a cat. Be a Dog. Never be a lover." This line is quoted from a song of Leo KU. But to elderly victims of abuse, the line should be: "Be a cat. Be a dog. Never be a senior citizen."

Madam President, we call upon the Government to improve the existing policy, to do something more for poor and abused senior citizens, and to let them live a life of dignity.

With these remarks, I support the original motion and all the amendments. Thank you, Madam President.

**MR JAMES TIEN** (in Cantonese): Madam President, the problem of the ageing of the Hong Kong population is getting more and more acute. In 2033, one out of every four persons in Hong Kong will be an elderly person aged 65 or more. This is more than double the existing elderly population. The Liberal Party thinks that the Government should make good use of this period of some 20 years or so to plan well ahead and work out a policy on care for the elderly so that the elderly can enjoy their old age in peace and comfort.

The original motion proposes to implement a policy on care for the elderly which is geared to "healthy ageing". I think the meaning of health is not limited to physical health but mental health as well.

With respect to mental health, of course, what the elderly people want most is that their children will spend more time with them. It does not matter what they do, it would be fine if they can be with them. On the other hand,

what the community is more concerned about is the problem of elderly abuse and this is something we must do our best to prevent. We must promote the concept of "a feeling of personal worth" among the elderly so that those who are capable can be volunteers and continue to contribute to society with what they have learned in the first half of their life and with what they are good at. Or these old folks can be encouraged to engage in lifelong learning and develop a second career and make them live a colourful old age.

In terms of physical health of the elderly persons, we would of course need to look into a suitable mechanism to prevent the recurrence of incidents like giving the wrong drugs to inmates of the homes for the aged and to ensure that the old people will not be denied health care for lack of means.

Madam President, earlier on the Liberal Party has set up a poverty assistance fund and one of our primary target groups is the poor and lonely elderly persons. For example, some time ago we helped a 74-year-old Mr LAU who had hearing problems. His hearing aid set was not functioning but he could not afford the expenses of a replacement. He came to apply for our fund when he learnt that the Liberal Party had set up such a fund. Finally, his application was approved and he could purchase a digital hearing aid. Now he can talk and mix well with people and enjoy social life again. He can listen to the radio and watch television and know what is going on in society. Since then there has been a great change in his life for the better.

Madam President, as we all know, resources in society are limited and so they must be used well. If an egalitarian approach is adopted regardless of whether the potential recipients are financially capable or not, then we think this would be a kind of waste in resources. This is not only unnecessary but also unfair. This is also the position I made clear in a recent meeting of the Legislative Council Panel on Welfare Services on the issue of helping elderly non-recipients of CSSA.

On that day some elderly folks who came to attend the meeting under the leadership of some unionists were unhappy about my objection to the proposal of requesting the Government to implement a universal retirement protection scheme immediately. They booed at me. I think they did not understand the issue and the arguments put forward by me. They failed to tell whether the proposed scheme was in fact sugar-coated poison or a lasting — I stress, lasting — panacea that could solve the problem of retirement for the old folks.

According to what these people have in mind, of the 850 000 elderly people we have now, if only they are aged 65 or above, they will get an old age pension of \$2,500 a month regardless of whether they are rich or poor and whether they really need it or not. There is no need to go through any means test. If this is the case, our expenditure on this old age pension will be \$2.1 billion a month or \$25.5 billion a year.

The problem then is: Where does this large sum of money come from? As suggested in the proposal, a contributor of mandatory provident fund (MPF) will have half of this contribution put to this use. In other words, half of the MPF contributions made by the younger generation will be gone in no time. Will this be fair to them? On top of this, if they are compelled to support the old people who are no relations of theirs financially, should they not at least be consulted beforehand? The middle class people are those who pay the most tax and make most contributions to MPF schemes. This year they can expect no cuts in salaries tax and now their MPF benefits are being robbed. Who will care for them and listen to what they have to say on this?

With the constant ageing of the population, pressure is mounting on the young people as they have to support the elderly financially. Most of us here are parents, some of us have even been upgraded as grandmas-in-law or grandpas. As seniors, do we care to see the burden on the shoulders of our younger generation get heavier and heavier? It follows that we must study closely this egalitarian approach to addressing the problem of population ageing. The Liberal Party holds that this egalitarian approach is not feasible in coping with the problem.

On the other hand, we should first study and devise some policies or mechanisms and try to find out how many among the 690 000 elderly people who are not on CSSA are really living in poverty and need more assistance from us. The Liberal Party thinks that the Government should study into the related policies to determine whether there are 100 000 or 200 000 old people among the 690 000 old people who do not get any CSSA are leading a poor life. It does not matter if there are 100 000 or 200 000 people, if only they are genuinely living in poverty, the Liberal Party will buy the idea that more help should be given to them, even to the extent that an amount of more than the proposed \$2,500 a month be given to them. But if these hundreds of thousand people do not have such a need, and if after a means test, it is found out that they have the

means to look after themselves, then we would think that the Government should not hand out money to them regardless of whether they are rich or poor.

Madam President, I so submit.

**MR ALBERT HO** (in Cantonese): President, we must now start to address the problem of caring for the old people upon retirement in the future. This must be done without any delay. We cannot afford to procrastinate. We cannot refuse to look into the issue in-depth and in a concrete manner, or do not make any decision. For otherwise, we will only be cornered in future by more pressing socio-economic problems associated with population ageing, to such a magnitude that is simply beyond our capacity to cope.

The Democratic Party suggests that the problem of population ageing can be tackled from three aspects. Our policies should be formulated from the three aspects of economy, housing and community care. First, with respect to the payment of CSSA to the elderly, we suggest that current restrictions should be relaxed. It is now stipulated that if the old people are living with their family, as a general rule, they cannot get any CSSA. The result of such a requirement is that there are still some old people who are denied CSSA even though they live in abject poverty and are not cared for by their family members. Under the current requirement, if a poor elderly applies for CSSA, family members living with that old person, including his or her children, must sign a statement to declare that they do not have the means or they are unable to or they do not want to support their parents financially. This document is commonly called the "bad son statement". If the old folks are required to tell their children to admit that they are bad and sign such a statement, it will be very hard request for the old folks to make.

Actually, many of these children of old folks do not like to sign such a document before officials of the Social Welfare Department. This will not only create embarrassment between family members but possibly also great tension. Therefore, many old folks would rather suffer in silence than to apply for CSSA. We think the Government should conduct a review of this policy to allow the old folks to live with their family and get care and attention from them while also receiving CSSA. Even if they are not paid the whole sum of CSSA, we should see if they can be offered some other kinds of support while receiving a partial

payment of CSSA or a CSSA payment of a lower amount. In other words, apart from taking into account the minimal attention to their housing needs as they live with their family members, these old folks can still get some kind of assistance to meet their basic living expenses. I therefore think that there is a need to review this policy.

Mr James TIEN has just mentioned the universal retirement protection scheme. I am aware of the worries of the Liberal Party, but I wish to stress one point and that is, even if people contributing to MPF schemes are to put half of their contributions into the so-called universal retirement protection scheme and if the sum is used together with the CSSA with the result that every old person can get \$2,500 a month as old age pension at once, there are still many advantages to this. I hope Honourable colleagues from the Liberal Party can consider this point and that is, if people take out half of their MPF contributions, in exchange for the instant benefit of having they themselves and all their family members including their wife though she may not be working, plus all their old folks in the family, get \$2,500 a month. This is what is called universal retirement protection. So this is absolutely a worthwhile thing to do. The sum of money that is taken out is not like what the Liberal Party has put it, being robbed or taken away by someone and hence will bring in no return and benefit. This is not true. Not in the least. I hope Members can look into the scheme and think carefully about its advantages. I hope the Government can also pledge to take immediate action to deal with this scheme proposed after much effort made by the welfare sector and one which has been examined by many people and backed up by data compiled by many experts and actuarians. I hope the Government will not take on a resistant stand before studying the proposal carefully.

In addition, with respect to housing and accommodation, our opinion is that presently there is not enough monitoring of the residential homes for the elderly. The Government should introduce a sound monitoring system and one example is a grading system so that patrons of such services may make an informed choice. Another feasible option is to adopt the approach of paying money to the old people direct so that they can choose for themselves some residential homes that are better run.

It follows that those residential homes that are offering substandard services should be sanctioned or even penalized and ultimately have their

licences revoked. We often read from newspapers that old people living in residential homes are injured or even abused for want of proper care and attention. Incidents like these are greatly disturbing to us. We cannot tolerate the frequent occurrence of such incidents. So it is a very important social policy that the monitoring system for residential care services should be improved and this is also something which the Government must put into practice.

The third point is community care. We know that many of the physically disabled, the chronically ill and the singletons are lacking in social support networks and they have nowhere to turn to if they meet any difficulties. We therefore hope that these vulnerable elderly persons can get help from social workers so that they can be offered some referral services. Services being provided to those on the waiting list are simply unable to meet their needs. With respect to comprehensive home care service, now there are 2 000 cases requiring this service and more than 70% will require household cleaning and such like services. What we try to do is to implement some of these so-called district social welfare schemes to promote community care and attention services and utilize the manpower of the Social Welfare Department and resources of the subvented organizations (*the buzzer sounded*).....

**PRESIDENT** (in Cantonese): Speaking time is up.

**MR ALBERT HO** (in Cantonese): to improve services for the elderly.

**MR ALAN LEONG** (in Cantonese): Madam President, ageing is a global issue and it is a predicament shared by the international community. In April 2002, the United Nations Second World Assembly on Ageing was held and many countries signed an action plan to pledge the development of services for the elderly. One thing worth mentioning is that the World Health Organization (WHO) has put forward a concept called "active ageing". Being active and ageing seems to be totally unrelated as old age is usually regarded as the sunset times of life. But the WHO tells us that old age can be an active part of life which is teeming with vitality.

A fruitful old age is not limited to having a healthy body and reasonable protection for living so that the elderly can live in dignity, it should also be able to achieve the goal of "a feeling of personal worth". This will enable the elderly persons to enrich their life and contribute to society with their own talents.

Madam President, can present-day Hong Kong realize this value held in such high regard in Confucian thinking? Let us look at the following figures. We have about 350 000 elderly persons with a monthly income of less than HK\$2,000. This is a figure of 2001. According to estimates made by non-government organizations, the poverty rate among the elderly is as high as 32.6%. That is to say, one in every three elderly persons is living in a state of poverty. In recent years, the number of cases of old age CSSA has soared tremendously. In 2004-05, there were more than 180 000 such cases. Elderly persons not eligible for CSSA are actually not much better off than those who are eligible. Currently, applications for CSSA have to be made on a household basis. For those elderly persons from low-income families and are living with their children, those elderly singletons and those elderly persons whose children for various reasons have not signed a statement as mentioned by Mr Albert HO earlier not to support them financially, they do not meet the requirements for CSSA and so what they can do is only to lead a frugal life with the \$625 or \$705 old age allowance they get each month.

Madam President, at this time when the goal of imbuing in the elderly a sense of security is not yet achieved, it would a bit out of touch with the reality to talk about imbuing in the elderly a feeling of personal worth. However, I wish to point out that this feeling of personal worth or "active ageing" as advocated by the WHO should not be seen as an ideal but a constituent of a policy on care for the elderly. One such policy on care for the elderly which is geared to "healthy ageing" should not just emphasize the basic protection of life but also the mental health of the elderly. Currently, such a policy stems mainly from an approach of care for the elderly and the emphasis is placed on the physical and material needs of the elderly. Though these needs are important, we should not forget that of equal importance to leading a fruitful old age is to enable the elderly persons to integrate into their community and take part in it. This should also be seen as a right which the elderly should enjoy.

Madam President, that I have just made the argument about "a feeling of personal worth" does not mean that I do not attach great importance to various

measures to care for and protect the elderly. But to achieve the aim of imbuing in the elderly a feeling of personal worth, it should be accompanied by matching policies such as a reasonable system of retirement protection and a quality housing environment. These will enable the elderly persons to lead a life with dignity, thereby affirming their self-esteem. Good medical and health care services will enable the elderly persons to have a healthy body, thus enabling them to make use of their talents and serve the community. At the community level, the various services provided by the community service centres can also offer various kinds of support to the elderly. Therefore, the most straightforward way to promote the achievement of the goal of giving a sense of personal worth to the old people is to put in enough resources to complement the development of services for the elderly.

A policy on care for the elderly geared towards this goal of giving a sense of personal worth to the elderly may actually broaden the scope of the entire policy on care for the elderly, thus allowing a long-term and macroscopic approach to addressing this phenomenon of ageing in society. Under such a concept, the aim of ensuring protection be given to the elderly in such basic needs as clothing, food, housing and transport would become the premises of policies. This is because it is only when the elderly people cease to worry about the needs of life that they would have the drive to pursue further studies and contribute to society with the rich experience they have gained from life.

The Government should make positive efforts to promote this goal of a feeling of personal worth among the old people. As the current age cap for eligibility to apply for the Continuing Education Fund is 60, it is not compatible with the goal of lifelong learning. I therefore suggest relaxing this restriction. Apart from this, the Government should increase resources so that welfare organizations can organize more courses that are geared towards development of the elderly and change this common notion that old age means senility. When various policies work in concert, the elderly care policy of giving the old people a feeling of personal worth will truly materialize.

Madam President, a sense of security is only the minimal requirement for a policy on care for the elderly. For a just and caring society, the ultimate policy objective should be this sense of personal worth.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): President, phrases like a sense of reliance, a sense of security, a feeling of personal worth and a feeling of being wanted, and so on, in the elderly are, in my opinion, very familiar to each Honourable colleague sitting here, including the President. What is the main reason for this? In the past when Mr TUNG was the Chief Executive of the Hong Kong SAR, from the outset he stated that there was a need to embrace the Confucian tradition of filial piety. So he would strive to do a good job in this area.

President, it is no exaggeration that time flies. It is now almost 10 years after the reunification. To what extent have these remarks been realized? We really need to search our souls for an answer. Now that another person has become the Chief Executive. I believe these policies still exist and hence they should still be in force. But it is sad to see that not many elderly persons have gained any benefits from these policies. I hope that the SAR Government can ponder over this and see if these remarks are nothing but empty talks, that they are meant to pretend that the issue has been dealt with or they are really intended to enable the elderly to benefit in their old age. This is what we should think carefully.

I feel sorry to note that the Hong Kong SAR Government has not adhered to these policies and looked into how they can be enforced. On the contrary, a lot of policies have been devised with the result that the elderly cannot achieve these goals when they reach old age, and their hardship and burden of life are also increased. They are unable to lead a peaceful life, while encountering many obstacles on their way.

President, as an example, of late many old folks have been telling us that they are leading a terribly miserable life. Why? It is because many of the banks in their neighbourhood have closed down and they do not know where to draw out the CSSA payment from their bank accounts. They do not know how to use the ATM and if they ask any person on the street for help, they may stand a risk of leaking the password to a stranger. They would be in great trouble if they have incurred any losses. There are lots of such problems. As a matter of fact, such problems exist all the time. Apart from the obstacles they encounter when doing a simple task like drawing out money from a bank account, there are also problems in buying medicines. After consulting a doctor, they have to buy medicines themselves. This is a problem for them.

And they would have to face many more problems if they want to get some help from the Government by applying for CSSA. Why? We all know that things now are different from the past if people want to apply for CSSA. The present policy is to consider each application on the basis of a household rather than on the individual elderly person alone. Hence, family relationship which used to be amicable may deteriorate. This is not promoting harmony but destroying it.

President, why have these policies led to such outcomes? Our impression is that our top officials are sitting in freezing air-conditioned rooms and the policies they draw up are likewise marked by frigidity. There is no trace of warmth and humanity in these policies. As a result, our elderly persons suffer so much, lacking in care and attention.

Many Honourable colleagues have mentioned that the population of Hong Kong is constantly ageing. Actually, many friends and Members and colleagues here are quite advanced in years. I would think that we are largely in the same boat. Why can we not look at this problem with our heart? Why do we still cling onto these frigid policies to address problems that should otherwise be tackled with kindness and warmth? Why can we not do it?

President, it does not matter whether we are talking about a policy on care for the elderly or other things, for all these are hardware. In terms of hardware matters, Dr Fernando CHEUNG has compiled an exhaustive list. I think this is not bad but for hardware to work, there must be matching software. Then what is the software? President, I think we all know it and that is, it is the heart. If the heart is not there, what is the point of talking about hardware? It is useless. I hope the Secretary will not just sit here and close his eyes and rest. I hope he is really listening with his heart to speeches made by Members and he will use his heart to devise policies on this. This will not only give this policy on care for the elderly a body, but also a soul. For if not, what we say today and what the Government will do tomorrow will only invite criticisms and attract condemnations.

President, let me cite one more example. There is a trade union for health care workers affiliated with our organization and this trade union is formed by personal care workers working in care and attention homes and homes for the aged. They always say to us that due to population ageing there is an increasing demand for such services and so they want to join this trade and look after the elderly persons. Putting aside the private homes for the aged, even in

those homes for the aged with government bought places, the working hours of the staff are as long as 12 hours and they can only get a salary of around \$6,000 to \$6,500. Just imagine people working 12 hours a day in a workplace with insufficient manpower and getting such a meagre pay, what kind of service quality can we expect? I have urged the Secretary in this Council to at least start doing something to improve the working conditions of the staff, and hence the service quality in those homes for the aged with government bought places. But the Government has done nothing. What then is the point of debating a policy on care for the elderly today? If we do not think about the problem with our heart and do things with our heart, we are bound to see only disappointing results.

President, the reason for me rising to speak today is not to make some disappointing remarks or to vent my feelings of discontent. I just want to encourage colleagues in this Council and colleagues in the Bureau to handle this policy on care for the elderly with their heart and not to cause so much hardship to our elderly.

President, I so submit.

**MISS CHAN YUEN-HAN** (in Cantonese): In the face of this continuing trend of the ageing of our population, I believe everyone would agree that the problem of the elderly is most pressing. But frankly, we can see delays and procrastinations by the Government on issues like the old retirees, care for the elderly and old age pension, and so on. Hence a lot of problems are created.

Madam President, regardless of how rich a person is or how much contribution he has made to society, when he is old, he would only have a simple wish and that is, he can enjoy his old age peacefully and comfortably and lead a dignified, healthy and happy life. Unfortunately, it is hard for the old people to fulfil such a simple wish. Of course, someone would say, people should plan well ahead for the future. For these elderly people, some of them might have wanted very much to plan for the future, that is, for the old age which has set in. They were the young people when the war was over. But would conditions at that time permit them to do something to enable them to become physically healthy now, have someone caring for them and have some money in the bank? It was very difficult for them to make preparation for these considering the situation in those days.

For these elderly people, there are only a very limited number of options open to them. One is that their children would be kind to them and care for them. If their children are not kind to them, the other option for them is to apply for CSSA. These are the two options open to these elderly persons without financial means. This is what they can do. We know that especially after the economic depression after 1997, many young people are not so well-off and find it difficult to care for the elderly persons in their family. Often when we work in the districts, we would come across lots of such problems. What should we do? We would advise them to apply for CSSA. However, as pointed out by Mr WONG Kwok-hing and a number of Members, after the policy change in 2002, it is now very difficult for these elderly persons to apply for CSSA. How difficult has it become? The children are required to prove that they have no means to support their parents financially and the children are required to provide documentary proof in the form of the so-called "bad son statement" — actually this is not the kind of term I would like to use. Honestly, this requirement will touch on things like how the old people would view themselves and how the young people would talk to their boss about it. I have handled countless cases like this. I find out that the old folks are unwilling to apply for CSSA and some of them refrain from applying for CSSA because they will have to undergo the same kind of formalities again.

There is a figure which I think the Secretary should ponder over. About 20 days ago, our Financial Secretary and the Government Economist KWOK Kwok-chuen came to the Legislative Council to talk about the future trend of Hong Kong. The Government Economist pointed out when talking on the economic structure and employment situation that among the people earning a wage of less than \$4,000, 66% were old people. That was what he said in this Council. KWOK Kwok-chuen said emphatically then that he was of the opinion that those earning a wage of less than \$4,000 were mostly old people. As I was then concentrated on discussing the problems faced by those in employment and those who had employment needs, I did not attempt to make a rebuttal. However, like what I had said recently in this Council, the Government should feel ashamed of this because this income of less than \$4,000 has to be earned. No one will give them \$4,000. And of these people earning this wage, 66% are the old people. The situation is just like what Mr WONG Kwok-hing has said: Just go to any dirty place at night and you will see the place full of old people. Or it is like what we often see on the television. Those people who ride on a garbage collection truck to clean up the hills are mostly old people.

When people are in their sixties or seventies, what they want is to live comfortably, right? Of course, we cannot deny the fact that some of these old folks love to work and get a sense of satisfaction and fulfillment out of it. But these people are only a minority. If we just ask the people around us, we will find that there are many more old people who want to lead a peaceful life when they are old and spend the time doing things like playing with their grandchildren. But why are things now not like that? Why has society as a whole not pondered over the fact that 66% of the jobs created by the Government which are paid less than \$4,000 a month are taken up by the elderly? This is precisely where the problem is and this policy on CSSA also makes the elderly unable to get any CSSA.

Madam President, since the 1980s, we have been urging the Government to set up a universal retirement protection system. Then the Government introduced the MPF which is currently in place. We said that OPS could be introduced as well. It was what "Fatty PANG", that is, Chris PATTEN said, that it merited study. But afterwards nothing was done. However, it is not too late yet to do something about OPS. If we do not start to do something today, in future society will have to pay more on services for the elderly. I do not wish to dwell on this in detail.

I would also like to make an important point and that is, apart from addressing the financial needs of the elderly, providing care to them is also necessary and it is also a pressing task. The Legislative Council has recently brought up the topic many times. According to current government policy, the approach is mostly one of community care and home care. Of course, some kind of piecemeal services have been offered by the Government in this regard, but these services are just like a drop in the ocean. Why am I saying this? I think the Secretary knows it very well because the Legislative Council Panel on Welfare Services has discussed various issues under this topic recently. For example, it is said in the panel meetings there are some frail elderly people who have no children and who live alone. They need the help of other people in cleaning up the place they live, cook meals, boil water, and so on. Now there are 60 personal care teams but their number is unable to cope with the needs of all the elderly who have to wait a few months before such services can be delivered to them. The Government has said that, if necessary, emergency services are available. But some other requirements are imposed for emergency services.

These elderly singletons who can at least look after themselves only hope that they can be given help, but the waiting time for such services is extremely long. Another example is the problem of residential places. The number of residential places offered by the Government now is 29 000 while 21 000 people are waiting for their turn. How long do they have to wait? In general, it is three to four years. Then the Government asks, "Why do these people not go to the private homes for the aged?" I think Members must have read from newspapers and magazines about the many incidents of abuse of the elderly in these homes for the aged. Old folks are bullied or fed the wrong drugs. There are many problems. So many people, especially the younger generation, do not want to send the old people to a private home for the aged unless the Government can assure them that there are quality services in these institutions. There are also reports that many complaints have been lodged against some private homes for the aged for fetching on the street those elderly persons who are eligible for CSSA and then these homes for the aged would apply for CSSA on their behalf. There are all sorts of such like tricks. I do not have the time to go into the details here. The Government is well aware of all these things.

Therefore, with respect to the elderly in financial hardship and in caring for the elderly, if I am given the time, I can go on talking about all this for a very long time and I can cite many more examples. I hope the Government can devise a sound policy on care for the elderly. The Legislative Council Panel on Welfare Services once planned to set up a subcommittee on this, but the plan fell through because Members were too busy. I wish to discuss with the Government on every detail and I hope it will stop talking about the so-called "rogue patients" who overstay and refuse to be discharged from a hospital. Who would want to do such a thing if he can help it? *(The buzzer sounded)* I do not deny that there are such "rogue patients", but.....

**PRESIDENT** (in Cantonese): Miss CHAN, speaking time is up.

**MISS CHAN YUEN-HAN** (in Cantonese): Thank you, Madam President.

**DR KWOK KA-KI** (in Cantonese): Madam President, it is worthwhile to discuss the topic of "healthy ageing" today. The Panel on Health Services has recently held two discussions on the topic because of two incidents that happened

in a row. The first was about the so-called "scoundrel patients", that is, people who overstay in hospitals which some Members have talked about earlier, and the other was about incidents of dispensing the wrong drugs to inmates in a home for the aged.

As a medical doctor, I know about the needs of the elderly and they take up a significant proportion in the entire range of health care services. Currently more than 46% of the people hospitalized are elderly persons. According to various consultation documents published by the Government over the years, in 2023 or 2033, the elderly will account for 20% to 25% of the whole population. In other words, one in every four citizens of Hong Kong will be an elderly. We are certain that the elderly will pose a lasting and far-reaching impact on the entire health care system. Medical doctors who are tasked with policy formulation and those in the front line are both very concerned about this state of affairs.

From a macro perspective, we should of course look for a long-term method of health care financing that will ease the heavy burden and meet the huge demand on primary health care and hospitalization service in the next few decades to come. On a microscopic front, a few cases that happened recently have made us feel puzzled and unhappy. One of these is the problem of "rogue patients". We spent quite a long time discussing in the Panel on Health Services why such "rogue patients" had appeared. Various organizations including those representing the elderly and the social workers raised an important point and that was, many elderly persons in fact did not want to overstay in the hospitals. One of the reasons why they were forced to become a "rogue patient" and overstay in a hospital was once they had left the hospital and returned to their respective community, there would not be any good care and attention for them, be it immediate or long-term institutional care or community care service. Thus the elderly people and their family members are unable to put their minds at ease in allowing these elderly people to be discharged from the hospital.

Colleagues from the Government and the Social Welfare Department have cited many examples to show that some services can help solve the problem. These services include the emergency hospitalization service and the home care service which is also offered to the elderly. I wish to cite an example about home care service for the elderly. Over the past three years, there were 26 000

cases for this kind of service and there has not been any growth in real terms during this three-year period. Now there are 60 family care teams. However, among these teams, only about 65% have to deliver additional services. Currently, the kind of services provided by most of these voluntary organizations are those essential services, such as delivering meals and doing the kinds of household chores that must be done. As for other kinds of care or services for the elderly like bathing service, home cleaning, and so on, the elderly persons must wait a long time, that is, about nine months to one year, before they are offered such services. The number of cases on the waiting list is as many as 2 000. Of course, this year the Government has allocated an extra \$20 million to the NGOs to offer such services. However, as the elderly population is so huge, will such kinds of trivial benefits help at all? It is really doubtful that they can.

Another thing is the private homes for the aged which are fraught with problems. In May, a pharmacists association released the findings of a study. Actually, the study in question had been shelved for quite some time but then the association lost its patience and brought the matter up for discussion. They found out that 23 elderly persons had to be hospitalized because they had taken the wrong drugs. Of these elderly people, nine lived in the private homes for the aged. A study had been conducted and it was found out that 70% of the health care workers in the homes for the aged had reduced the dosage of drugs dispensed to the inmates or changed the drugs without ever notifying a doctor. Sixty per cent did not keep records of drugs dispensed and 40% stored drugs together with food in the refrigerator. When elderly care and attention services are reduced to such a deplorable standard, how can the elderly live in these homes for the aged peacefully and comfortably? How can their families feel assured to let the elderly stay there? Now there is an extremely unfair thing and that is, those elderly persons living in the government-funded homes for the aged are of course the lucky ones because they can get support services which are double or more than those in the private homes for the aged when it comes to fees charged or in other aspects.

Therefore, Members will understand why the elderly persons or their families want very much that these elderly persons can live in these subsidized homes for the aged or those with government bought places, no matter how long they have to wait. However, ever since the Government has stopped increasing funding for this and sent almost all the elderly persons to the private homes for the aged, there are not many choices left for the elderly persons. For many

years in the past, regardless of how hard we have appealed, there seems to be little motivation in SWD to monitor these private homes for the aged effectively. The Government has adopted the system of voluntary service and voluntary grading, which is also known as a promotion system, to enhance the service quality of the private homes for the aged. But I wish to tell the Secretary that these measures are not effective because, since the implementation of this voluntary labelling system, the number of complaints and incidents related to private homes for the aged has always been on the rise.

It has been eight years since the reunification and although the former Chief Executive stated at the beginning of his term that there would be a sense of security, a sense of belonging and a feeling of personal worth in the elderly and an Elderly Commission was set up, apart from these piecemeal window-dressing efforts, I do not know how measures related to the elderly have increased in any real terms over these eight years or how long the elderly people have to wait before they can enjoy a healthy old age. If these elderly people want to get better health care at the district level, they should know that the waiting time for the elderly health centres is 39 months. So even if the elderly people want to lead a healthy life, under the current mode of resource allocation by the Government, they will be disappointed.

I therefore hope that the Government will really go about doing some good things that it should do as it tells the Legislative Council today or states in the policy papers later and it will look for a lasting and effective policy for the elderly in Hong Kong.

I will support the original motion and all the amendments. Thank you, Madam President.

**MR ALBERT CHAN** (in Cantonese): President, on this issue of the policy on care for the elderly, mention must be made of the policy address delivered by TUNG Chee-hwa in 1997. Perhaps the Secretary may explain this when he makes a response later as to whether or not he is following TUNG's practice of things not mentioned are deemed as non-existent. What has now become of the pledge made by the Government of the Hong Kong SAR in 1997?

At that time Chief Executive TUNG Chee-hwa put forward the aim of cultivating in the elderly "a sense of security, a sense of belonging and a feeling

of personal worth" and as things have developed to date, there is no sense of security, no sense of belonging and no feeling of personal worth among the elderly. What is more, the elderly people have no financial means for a funeral. These four "no's" have appeared because the Government of the Hong Kong SAR is paying no attention to the serious nature of the problem of the elderly. The gravity of the problem is evident in the surge in suicide cases among the elderly. The fact that old people commit suicide is a most tragic accusation of the injustices they suffer and the figure of suicide cases is the sadest and most serious reflection of the grim reality.

Data expressed in 10-year intervals show that in the 10-year period starting from 1984, the average annual successful suicides of old people aged 65 or above was 66 cases. In 1994, the number was 125 cases. In 2004, the number was 162 cases. It can be seen from the figures that, compared with the figure in 1984, the number of suicide cases has grown by leaps and bounds. If the elderly population is expressed as a percentage of every 100 000 persons, in 1983, men over 65 years of age took up 37.5%. In 1993 the percentage was 44.3%. The percentage in 2003 was 51.3%. It can be seen that both in terms of actual numbers and percentages to every 100 000 people, the suicide rate among the elderly in Hong Kong has surged greatly.

The fact that such a situation has emerged shows clearly that with respect to elderly care services provided by the Government, even if they are not total blunders or total failures, they are seriously flawed. The result is many elderly people in Hong Kong have chosen to take their own lives as they can see no reason to live.

I have been working in Tin Shui Wai for many years and I have come across many cases of old people who killed themselves because of illness or hardship. This kind of remarks about giving the elderly "a sense of security, a sense of belonging and a feeling of personal worth" is nothing but empty talk. Despite the setting up of committees, organizations or what not by the Government in this respect, what the elderly can actually get at the district level is still seriously inadequate. Of course, I cannot rule out the possibility that in certain individual cases, some organizations indeed offered some assistance, but most old people, especially those who live on CSSA or those who live on old age allowance because they are not on CSSA, the kind of hardship they face is excruciating to the extreme.

Many friends in this Council have cited the example of homes for the aged. I have visited many such homes. I found that the elderly persons living in a home for the aged have to bear extremely bad conditions. In terms of care they get, they are most lacking in care which is comprehensive and professional. Cases of wrong dispensing of drugs have occurred again and again. Of course, I understand the problem faced by the Government, that it is not possible to launch a sweeping reform in these homes. Despite the fact that some 60 000 to 70 000 old people are living in these homes for the aged, the Government says it cannot or it refuses to offer substantial financial or professional support to these homes. If all of a sudden the Government launches a full-scale reform in these homes for the aged and require them to meet very strict yardsticks and high standards, these homes for the aged will only be forced to close down. Also, the Government is unable to take over these homes within a short time and it has no resources to enable the old people there to move to some homes run in a humane manner.

Therefore, with respect to the development of elderly care services as a whole, I hope the Secretary can have compassion for the plight of the elderly people and refrain from passing all the responsibility to the community. Although in the past few years the Government often stressed the concept of community care, for community care to be successful, there must be a community which is mature and sensitive to the needs of the elderly. The people in the community concerned should be mobilized for this purpose and there must be enough input of resources. Community care is no empty talk and it cannot be called such if just a few fun fairs are held, or a few groups are organized, a few visits held and some performances of Cantonese opera staged. Community care is possible when there are sufficient resources and manpower to offer care and attention to the elderly in their daily life. This means care and attention when they are sick or providing them with home care services when they have problems at home.

All these are closely linked with finance and we must never just talk about community care and do nothing. Government input of resources to this end is extremely scanty and differences from one district to another can be vast. If there are organizations providing services to the elderly at the district level, this would mean better care and attention for the elderly nearby. But in some communities remote from these service providers, the elderly may not get the concern which they should get even if they need it.

It is my hope that the debate today can compel the Government to awake to the needs of the elderly and do everything it can to prevent the suicide figures and percentages of the elderly from rising all the time. When such percentages surge, it is only further proof that the Government is either unkind, inept or even heartless. I do not think the Secretary is one such person. I hope he can urge the Government to increase resources for such work. Since there is an additional \$14 billion in government reserves, there should be a substantial increase in funding. This will prevent the elderly people of Hong Kong from resorting to taking their own lives. Thank you, President.

**MS AUDREY EU** (in Cantonese): President, in their speeches today, many colleagues happened to mention former Chief Executive TUNG Chee-hwa, for he had proposed some very popular slogans relating to the elderly. That is why we would all think of Mr TUNG whenever the elderly policy is mentioned. But we can see at the same time that many years after the reunification, despite vigorous effort made by Mr TUNG to advocate a policy on care of the elderly or a caring society, it seems that we have yet seen any evident results.

Today, some colleagues mentioned several groups of figures in their speeches, and I think these figures can already reveal where the problem lies. The first group of figures was mentioned by Alan LEONG when he spoke earlier. He said that according to a survey, one in every three elderly people lives in poverty. Besides, Miss CHAN Yuen-han also mentioned in her speech that among those people with a monthly income of below \$4,000, about 66% are elderly people. Moreover, a number of colleagues also mentioned that population ageing is very serious and that by 2033, the elderly will account for 27% of the population. If we look at these three groups of figures, we will know that the elderly care policy is an issue which warrants concern of the Legislative Council. Furthermore, we often read in newspapers cases of elderly being dispensed with wrong medicine or domestic violence involving the elderly, such as elderly abuse. These cases abound.

President, in their speeches today some colleagues, especially LEUNG Yiu-chung, criticized the Secretary. He said that the Secretary is hard-hearted, that his office is cold as ice, and that difficulties would be solved so long as the Secretary can deal with the issue with a sincere heart. President, I will not criticize the Secretary in such a way, and I do not think that the problem is as simple as just having a sincere heart or not. After all, it is a question of

resources. The original motion or amendments today have actually put forward many policies but in the final analysis, we can see that with regard to the proposals made by colleagues, whether they are about places in elderly homes, shortening of the waiting time, extension of services, provision of information and support or shortage of manpower, the crux of the problem invariably lies in resources.

President, speaking of the injection of resources, I would like to mention in particular that to Hong Kong people, education is an investment. They think that providing quality education to children is a long-term investment. But when it comes to the elderly, sorry, this is a welfare issue. Whose responsibility is it if the elderly did not save up money when they were young? Whose responsibility is it if their children refuse to support them? So, that is a problem of the elderly people themselves, and there is no question of society being duty-bound to support them financially. When it comes to the elderly, some slogans chanted in the community are very pleasing to the ear. They call on the public to show respect to the elderly, to ensure that the elderly will live a secure old age, to build a caring society and to care for the disadvantaged groups. So many things have been said and with much sincerity too, but these are all words but no action. When money is involved, even though we are reluctant to admit it, we actually think that helping the elderly is, after all, a welfare issue.

So, President, the first point that I wish to say is: "Put your money where your mouth is". We should really reflect on ourselves because we will grow old too. If, when we are old, we still have to worry about a lot of things, that would be most pitiable indeed. So, the community's attitude in this respect actually has to be changed. When it comes to the injection of resources, we must have adequate resources before the problems mentioned by colleagues in their amendments can be addressed step by step.

Secondly, I would like to say from a macroscopic angle that, President, we must actually try our best not to deal with this issue from a welfare angle. This leads to the second point that I wish to make and that is, the Universal Retirement Protection Scheme. Mr James TIEN of the Liberal Party said earlier that the Liberal Party was criticized for opposing the Universal Retirement Protection Scheme and that their critics had actually misunderstood them. President, I certainly understand this, and the Civic Party is also aware that many friends in the business sector are very concerned about taxation. They said that if it has to

do with welfare, it will cause taxes to increase, and they are very much opposed to this.

However, Hong Kong is precisely facing a very big social problem. From the three groups of figures mentioned by me just now, we can see that the elderly problem has become more and more serious. If we do not look at this issue and think about it from the perspective of universal retirement protection, the welfare angle will still apply anyway. In fact, we cannot conclude in one go or in one step that a certain scheme can be put into effect as long as everybody agrees to it. We certainly need to consider universal retirement protection seriously. We cannot solve the problem simply by putting up opposition or scolding the Government, because we must sit down solemnly to think about this issue practically, seriously and carefully, so as to identify ways to address the elderly care policy or the problem of population ageing as far as possible.

President, the third point that I would like to make is that when we talk about healthy ageing, it does not only mean physical well-being, but also mental and psychological well-being. In this connection, it is very important to enable the elderly to lead a meaningful life with dignity and confidence. On this point, President, I believe many colleagues in the Legislative Council will not take exception to it. Nor will friends from the Liberal Party disagree with it, as they have also set up many funds for application by the public. So, I really very much hope that insofar as this issue is concerned, the Government can assume the role of a co-ordinator or a role which shows no partiality to any particular side, and co-operate with various parties and groupings and Members. In fact, many caring members of the community have been organizing various schemes. For example, the Hong Kong Society for the Aged is helping elderly people to take part in voluntary work or engaging in the development of human resources in respect of the elderly. I hope that the Government can do more with us together.

Thank you, President.

**MR FREDERICK FUNG** (in Cantonese): President, population ageing is a world trend. In many countries, a comprehensive and consolidated policy is already formulated to care for the elderly, under which initiatives are drawn up in various aspects of the living of the elderly, including medical and health care services, long-term care service, social security, as well as transport, housing,

and so on, with a view to ensuring that the elderly can enjoy their old age peacefully and comfortably while enabling them to give play to their talents and continue to participate in and contribute to society actively.

Over the past few decades, the Hong Kong economy has developed rapidly and become a world financial centre. This is fully attributed to the hard work done by workers over the years. But in the past, Hong Kong did not provide retirement protection to "wage earners" and many elderly people are, therefore, not rewarded for their toil. Coupled with their meager wages back then, their savings, if any, could not in the least catch up with inflation. According to the information of the Census and Statistics Department, one in every three elderly people is living in poverty now. Today, we are duty-bound to ensure that our senior citizens can live a dignified life and enjoy their old age peacefully and comfortably.

According to the projection of the Census and Statistics Department, the number of elderly people above 65 years of age will increase from 840 000 at present to 2.24 million in 2033, with its share in population increasing from 12.1% to 26.8%. The average age of the population will then increase from 38 to 49. The life expectancy of men is 79 years, whereas that of women is 84 years, which means that after their retirement at the age of 60, most people will still need sufficient resources to maintain their post-retirement life for 20 years. To most elderly people and "wage earners" among the grassroots, this is far beyond their means.

The ageing of the population is not a social problem in itself. But if we just look on with sheer indifference and do not formulate a sound retirement protection system and hence cause many elderly people to become vulnerable and unsupported, that would be a serious policy blunder which is against the Chief Executive's policy objective of caring for the elderly.

At present, 180 000 elderly people are recipients of Comprehensive Social Security Assistance (CSSA). According to the projection of the Hong Kong Council of Social Service, the number will increase to half a million 30 years later with its share in population increasing from the present 17% to 23%. Therefore, we must expeditiously implement a comprehensive policy on care of the elderly to cope with the impact of an ageing population. One such policy can be universal retirement protection. In fact, this topic was already debated in this Chamber two months ago but regrettably, under a distorted voting system,

the motion was negated despite support from a majority of Members. Yet, it still shows that the great majority of directly-elected Members support the implementation of universal retirement protection to make up for the inadequacies of the Mandatory Provident Fund. It can also avoid the negative labelling effect of CSSA and truly give recognition to the contribution of the elderly to society. Besides, it will benefit the elderly people and also low-income "wage earners", part-time workers and housewives.

Apart from universal retirement protection, it is also necessary for the Government to review the existing CSSA system. I think the CSSA eligibility requirement for the elderly should be relaxed by, for instance, reinstating the policy in 1999, whereby elderly people living with their children can still apply for CSSA independently when they have financial difficulties, and increasing the asset threshold for the elderly in their CSSA application so as to disregard the hard saved "coffin money" of the elderly, thereby truly achieving the policy objectives of fostering among the elderly a sense of security and a sense of belonging.

The Hong Kong Association for Democracy and People's Livelihood (ADPL) has all along been concerned about the situation of the elderly. As early as in 1998, concerted efforts were made for the establishment of the Elderly Power. Efforts have since been made to mobilize participation of the elderly in social activities, so as to foster self-confidence in the elderly and encourage them to pay attention to the community and current affairs and also to actively express their views. In fact, in drawing up the elderly care policy, the Government should listen to the needs and opinions of the elderly and enable the elderly to continuously participate in and contribute to society having regard to their needs, opinions and ability.

However, I think not only has the Government often ignored the needs of the elderly. Even major enterprises in Hong Kong have failed to fulfill their social responsibility of supporting the integration of the elderly in society. President, how many people know that the MTR Corporation Limited (MTRCL) ceased its holiday fare concession to the elderly just this Sunday, that is, 25 June? Last Wednesday, the ADPL and members of the Elderly Power petitioned the MTRCL at its headquarters, calling on the MTRCL to normalize this concession scheme, so that the elderly can truly enjoy this concession and reduce their socializing expenses in, say, taking part in social activities with other elderly people. In fact, public bodies will offer concessions only

intermittently. Sometimes, the elderly are really puzzled by these concessions and the concessions are even terminated by the organizations secretly. As a result, the elderly people are made to pay more without knowing it. In fact, the MTRCL absolutely has the means to provide fare concessions to the elderly to enable the elderly to take part in more social activities. This is not going to put too heavy a burden on the MTRCL. Furthermore, given improvement in the economy and as the MTRCL has been making huge profits, it is unnecessary to wait until the merging of the two railway corporations before the holiday fare concession can be restored for the elderly. It is disappointing to the elderly that the MTRCL is unwilling to normalize this scheme.

Finally, the ADPL proposes that a policy on care of the elderly should be drawn up in four directions: (1) speeding up the improvement of the elderly care service system; (2) addressing the difficulties faced by the elderly in their living and legislating on the implementation of universal retirement protection; (3) enhancing organization work for grass-roots elderly and encouraging the elderly to contribute to the development of the economy, especially local community economy; and (4) developing activities which will enrich the spiritual and cultural life of the elderly.

With these remarks, President, I support the original motion and the amendments.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Dr Joseph LEE, you may now speak on the two amendments. You have up to five minutes.

**DR JOSEPH LEE** (in Cantonese): I thank Mr LI Kwok-ying and Dr Fernando CHEUNG for proposing their amendments. As we can see, my original motion actually provides a policy concept and framework for the Government to implement a policy on care for the elderly which is geared to "healthy ageing". The amendments proposed by the two colleagues have also specifically outlined some policy objectives. Some 10 Members have spoken earlier and their

speeches have reflected the community's aspiration for caring for the elderly and specifically pointed out the policy objectives that should be adopted by the Government. I hope that the Secretary can later on respond to all our aspirations positively, unequivocally and healthily, and will not just put old wine in a new bottle and drag its feet anymore. This is all I wish to say.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

**SECRETARY FOR HEALTH, WELFARE AND FOOD** (in Cantonese): Deputy President, I am very grateful to Dr Joseph LEE for moving this motion on a policy on care for the elderly. I must also thank Mr LI Kwok-ying and Dr Fernando CHEUNG for proposing their amendments.

First of all, I wish to share with Members the Government's views on the policy on care for the elderly. Some of these views or policy details have already been mentioned on many different occasions, especially the relevant panels, Question Time and motion debates of the Legislative Council.

"Having an elder member at home is like having a gem" embodies a fine traditional Chinese value. There is also the emphasis on filial piety and support for parents. It is also widely recognized in society that elderly people should depend on their children. With the rapid advances in medicine and technology over the past few decades and the rising living standard in Hong Kong, the average life expectancy of men in Hong Kong has already reached 78.8 years, which is the longest in the world. The average life expectancy of women is now 84.4 years, second only to Japan. But nowadays, most of the people aged 60 to 70 or even 80 to 90 are still strong, healthy and clear-headed. They can look after themselves, and not only this, they can also look after their family members or other people in need through participation in voluntary work or community service. Actually, the characteristics and needs of the present generation of senior citizens are very different from those of the elderly in past.

When considering the mode of elderly services in the future, we should not focus solely on the investment of public resources. We should also encourage individuals and families to take up their share of commitment. Market forces should also be used to create an environment conducive to development, so that market players can be induced to capitalize on their creativity to provide services

geared to senior citizens' needs and public resources can be concentrated on providing subsidy, care and services to those senior citizens in the greatest need. Any rigid assessment and planning of society's demand for elderly services based on the proportion of elderly persons in our population are bound to be simplistic and one-sided.

Our policy on care for the elderly is based on three major principles: first, care for the elderly at the community level; second, sustained care; and, third, cross-sector co-operation and joint responsibility. These principles are widely recognized in the social work sector. And, our elderly services have been developing continuously under all these principles.

In regard to welfare assistance, the social welfare system of Hong Kong can provide comprehensive assistance to those in need. Comprehensive Social Security Assistance (CSSA), Old Age Allowance (OAA) and Disability Allowance provide recipients with direct cash assistance on a monthly basis. As for housing and health care, the Government provides large numbers of heavily subsidized services, especially in regard to care for the elderly. With a low-tax regime, a safety net that can cater for the needs of all is not easy to come by. This safety net is briefly as follows:

- 90% of the senior citizens aged 70 or above are in receipt of CSSA, OAA or Disability Allowance. Elderly CSSA recipients may be granted special allowances to meet expenses on food, health care, rehabilitation equipment and even funerals;
- more than 60% of the senior citizens are living in subsidized housing;
- senior citizens aged 65 or above take up 49% of the bed-days in public hospitals;
- more than 20 000 senior citizens ageing in the community enjoy home care services or day-care services;
- about 90% of the senior citizens living in residential care homes are in receipt of government subsidy; they are either allocated subsidized residential care places or they use CSSA for paying the fees of private residential care homes; and

- and more than 90% of the senior citizens aged 65 or above are holders of the Senior Citizen Card issued by the Social Welfare Department (SWD), which gives them entitlement to various discounts and concessions in consumption and shopping.

In 2005-06, the Government spent a total of \$29 billion on social security, public health care and elderly services. Some Members have mentioned that all is just a question of resources. I naturally welcome increases in resources for these services. But I must at the same time balance the expenditure needs of society against the availability of resources.

Even when government finances were relatively tight in the past few years, we never reduced our commitment to elderly services. The number of subsidized residential care places has increased from 17 000 in 1997 to 20 600 now. In the next few years, there will be a continuous increase in the number of purpose-built residential care homes and subsidized residential care places. With the injection of additional resources, we are now in the process of upgrading 10 000 or so residential care places for the elderly to places providing a continuum of care. Last year, we increased the number of places for the provision of home care services to senior citizens in need. This year, with the \$20 million additional earmarked funding, we will also step up the home care services for ordinary senior citizens. We will at the same time enhance the support for carers of senior citizens.

I must point out that at present, there is no means-testing for both subsidized residential care service and community support service. All senior citizens can submit applications. This arrangement has led to an increasing demand, and as a result of it, senior citizens in the greatest need may have to wait for services. I understand that this is quite a complicated and controversial issue, so we will handle it cautiously.

Members are concerned about the service quality of residential care homes for the elderly and the public have become increasingly demanding in this regard. We are equally concerned about the quality of life of senior citizens living in residential care homes. The SWD will step up its education, regulatory and enforcement efforts in regard to residential care homes for the elderly. The SWD has recently succeeded in prosecuting two residential care homes for the elderly and disclosed information about the institutions concerned

on its website. We are very concerned about the incidents of dispensing wrong medicines in residential care homes for the elderly, and we are currently reviewing the medicine dispensing procedure and working with the industry and the pharmaceutical sector to explore ways of enhancing the medicine dispensing ability of residential care homes for the elderly. It is hoped that a standard medicine dispensing procedure can be formulated for adoption by all residential care homes for the elderly.

We are also concerned about the effects of nursing personnel on the service quality of residential care homes for the elderly. We have organized two enrolled nurse training courses especially for the social welfare sector. These courses have been well-received by young people. They will train up a combined total of 220 Enrolled Nurses to ease the shortage of nursing personnel in residential care homes for the elderly. We will also study the long-term manpower development of the elderly care industry.

Most senior citizens are healthy and we will actively assist them in enjoying "active ageing". Through the public health care system, we will provide senior citizens with health protection. The medical fee waiver system of public hospitals and clinics can ensure that senior citizens who are not CSSA recipients but who also have financial difficulties can also have access to medical services. The waiver may last as long as one year. Annual vaccinations are provided to senior citizens in need, and last year, 250 000 senior citizens were benefited. We plan to set up public Chinese medicine clinics in all the 18 districts, and six such clinics have already commenced operation. Three more such clinics will be set up within this year. The Hospital Authority (HA) has implemented various measures to reduce the waiting periods for its general and specialist out-patient consultation services. We will also enhance the follow-up arrangements for senior citizens after their discharge from hospital.

Some Members have pointed out that many people are waiting for admission to elderly health centres and waiting periods are very long. They propose that the Department of Health should allocate additional resources to reduce the waiting queues and periods. Members of elderly health centres need only to pay a membership fee of \$110 each and they are provided with health assessments, out-patient consultations, physical check-ups and health education. Since such services are heavily subsidized by the public coffers, the demand for them has been enormous. In 2005, the combined membership of all elderly

health centres stood at 37 400. Owing to the shortage of public resources, we must review the fees and membership arrangements of elderly health centres.

I hope Members and the public can realize that elderly health centres are not the only institutions providing primary health care services to the elderly. The 70-strong general out-patient clinics of the HA, the 18 outreaching teams for elderly health under the Department of Health, the 200 or so elderly centres in Hong Kong and the self-financing health centres operated by some non-government organizations are all integral parts of elderly health care in Hong Kong. In the longer run, we must promote the concept of family doctors and provide the public with better primary health care services under a health care system comprising both private and public-sector institutions. The Department of Health will also enhance the training in community elderly health care for family doctors and other community doctors. It is hoped that through the vast network of private health care services, we can enable senior citizens to receive comprehensive primary health care services.

Members are also concerned about elderly abuse. In regard to giving a secure old age to senior citizens, hardware and software support for service delivery and assistance are of equal importance. It is only when the Government succeeds in fostering the spirit of respecting, loving and caring for the elderly that we can possibly solve the problems of inadequate care for the elderly and even elderly abuse. The Central Information System on Elder Abuse Cases set up by the SWD will conduct analyses on the natures of elderly abuse cases and also the general profiles of victims and abusers. Besides, the SWD has also put in place a pilot scheme on counselling abusers earlier this year, with a view to assisting abusers to overcome their problems.

Many people have raised the issue of implementing a universal retirement protection scheme. Such schemes were once discussed enthusiastically in Hong Kong in the 1990s. But many people held that the proposals concerned were all unable to define the relationship between contributors and beneficiaries and would shift the duty of caring for the elderly from the individual or the family to society as a whole. It was believed that old age pension schemes of such a nature would fail to focus on providing assistance to senior citizens in the greatest need. It was also pointed out that such schemes were not in accord with inter-generational fairness. In the end, after thorough discussions, the Legislative Council passed a MPF schemes system based on personal accounts.

And, the system took effect in 2000. The consensus in society at that time showed clearly that the public did attach very great importance to the fairness of retirement protection schemes, and that while society was prepared to provide basic financial assistance and various forms of help to needy senior citizens, it also believed that in a traditional Chinese society, children must observe filial piety and care for their parents and everyone must work hard to ensure a secure old age. Some organizations advocate that we should alter the original use of MPF contributions and convert part of the funds in personal accounts into public retirement pension. This is in fact a disguised way of "commandeering" from some 2 million MPF scheme members their hard-earned savings made for their old age. Members must ask themselves whether any responsible government should do something like this. The Government has commenced studies on this topic and the Central Policy Unit is conducting an analysis.

In conclusion, we do not try to dodge the challenges posed by population ageing. But the allocation of more resources is not the only way out. Keeping in mind the basic needs of senior citizens and continuing to uphold the traditional Chinese concept of treasuring the family, we will adjust our policy in the light of social and technological development. We will therefore join hands with the Elderly Commission to conduct studies on the work and direction of long-term care and "active ageing". Besides, the Commission on Strategic Development will also hold discussions on topics relating to the overall population policy, such as population quality.

Dr Joseph LEE's motion and Mr LI Kwok-ying's amendment embody the broad policy direction we should follow. But Dr Fernando CHEUNG has sought to include in his amendment many of the efforts we have made and many of the services we have provided in regard to care for the elderly, and some proposals totally unacceptable to the Government and vetoed by Members in April, such as the implementation of a universal retirement protection scheme, are also bundled together in the amendment. We do not think that this is an appropriate approach. Therefore, I hope that Members can reconsider all this.

Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): I now call upon Mr LI Kwok-ying to move his amendment to the motion.

**MR LI KWOK-YING** (in Cantonese): Deputy President, I move that Dr Joseph LEE's motion be amended.

**Mr LI Kwok-ying moved the following amendment: (Translation)**

"To delete "in view of" after "That," and substitute with "in order to enhance the quality of life of Hong Kong's elderly people, and to make preparations for"; to add "in the future" after "the ageing of Hong Kong's population"; and to add "and take measures to improve the existing health care, medical and long-term care services for the elderly, enhance the monitoring and quality of service of homes for the aged, help the elderly participate actively in community activities, improve their living environment and strengthen the prevention of abuse of the elderly, so as" after "which is geared to 'healthy ageing',". "

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LI Kwok-ying to Dr Joseph LEE's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

**DEPUTY 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.

**DEPUTY PRESIDENT** (in Cantonese): Dr Fernando CHEUNG, as Mr LI Kwok-ying's amendment has been passed, you may move your further amendment.

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, I move that Dr Joseph LEE's motion as amended by Mr LI Kwok-ying, be further amended by my amendment.

**Dr Fernando CHEUNG moved the following further amendment to the motion as amended by Mr LI Kwok-ying: (Translation)**

"To add "; specific measures include: (a) formulating a comprehensive long-term care policy, taking into account the population structure, and establishing a mechanism for planning long-term care services in the future; (b) implementing a 'community-based' policy on care for the elderly, injecting more resources to home care services, so as to shorten the waiting time for such services; (c) increasing the places in subvented care-and-attention homes in order to shorten the waiting time and, at the same time, enhancing the monitoring of private homes for the aged; (d) enhancing support services for carers of the elderly, including increasing the places in day-care centres and extending their service hours, so as to alleviate carers' stress from caring for the frail elderly; (e) making coordinated discharge arrangements for elderly in-patients, and providing information and support to enable them to obtain the necessary rehabilitation and care services; (f) drawing up a long-term policy to address the shortage of nursing staff in the social welfare sector to ensure the professional standard of long-term care services; (g) reviewing the existing medical fee waiver mechanism and expeditiously reducing the waiting time for general and specialist out-patient services to ensure that the elderly are not denied adequate medical services due to lack of means; (h) expanding the membership of elderly health centres to provide medical and health services to more elderly people; (i) enhancing the Chinese medicine services in the public sector for the elderly, and bringing Chinese medicine under the coverage of Comprehensive Social Security Assistance; (j) providing 'end of life' support services for those elderly with relatively weaker support network to allay their worry; (k) amending the Domestic Violence Ordinance to expand its application to cover parents, so that the elderly suffering from abuse will be protected under the Ordinance; and (l) providing sufficient financial assistance to the elderly in poverty, and implementing a universal retirement protection scheme so as to safeguard the basic livelihood of the elderly" after "peacefully and comfortably"."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Dr Fernando CHEUNG's amendment to Dr Joseph LEE's motion as amended by Mr LI Kwok-ying, be passed.

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

(Members raised their hands)

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

(No hands raised)

**DEPUTY 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.

**DEPUTY PRESIDENT** (in Cantonese): Dr Joseph LEE, you may now reply and you have 34 seconds. This debate will come to a close after Dr Joseph LEE has replied.

**DR JOSEPH LEE** (in Cantonese): I thank the Secretary for supporting our general direction. I also hope that the Secretary has listened to the aspirations expressed by Members today, and that he will make a continuous effort to carry on with the initiatives that have been launched. While we do appreciate the resource constraint, we hope that the Chief Executive and the Secretary can deploy resources more effectively, so as to ensure healthy, successful and active ageing for the elderly people in Hong Kong and for people like us who will become old in future.

I hope that when Members are home today, they will extend warm greetings to their elderly family members and see if they are truly living very healthily. Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Joseph LEE, as amended by Mr LI Kwok-ying and Dr Fernando CHEUNG, be passed.

**DEPUTY PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**DEPUTY 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.

**DEPUTY PRESIDENT** (in Cantonese): Second motion: Facilitating urban development.

## **FACILITATING URBAN DEVELOPMENT**

**MR PATRICK LAU** (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

The Tamar Development Project has finally been given the green light, the consultation on the West Kowloon Cultural District Development (WKCD) is being carried out at full steam and the Kai Tak Planning and Central-Wan Chai Bypass are also beginning to take shape. All these positive news are really encouraging. However, they are not the focus of the motion proposed by me on this occasion. Quite the contrary, I hope that we will pay attention not just to these new large-scale projects and neglect the overall development of the city.

The urban development I am talking about is the planning that involves every corner and gives the entire cityscape a facelift. The most important thing of all is the various community construction projects needed by the public. Both new and old districts should by no means be overlooked, in particular, urban renewal should be expedited so that many members of the public living in desperate conditions and dilapidated districts can move out or see improvements in their environment. Only in this way can the goal of facilitating urban development be truly realized.

In the past few years, the Hong Kong economy has experienced a persistent downturn. Although it is now gradually picking up, its competitiveness is still on slippery ground. According to the World Competitiveness Report 2005-06 released by the World Economic Forum, Hong Kong's position fell drastically from 21st place to 28th last year and lags far behind our competitors — Taiwan in fifth place, Singapore in sixth and South Korea in 17th.

Hong Kong's success depends on the four major pillar industries, namely, finance, commerce, logistics and tourism. Therefore, in order to maintain competitiveness and consolidate our position as an international financial centre, it is necessary to facilitate urban development and build an ideal living environment, so as to retain overseas investment and talents from other places.

However, in recent years, urban development in Hong Kong has stagnated and even taken a step backwards, and the appeal of the city is declining as the years go by. The number of people from the United Kingdom, the United States, Canada and Australia who settled in Hong Kong dropped by 14% last year. The International Public Management Association for Human Resources has even suggested that a hardship allowance amounting to 10% to 15% of the salary should be paid to overseas employees in Hong Kong as an incentive for working in an environment with polluted air.

In the past, these allowances were paid to people working on the Mainland, where the law and order and hygiene conditions were poor. Now it is suggested that they be applied to Hong Kong, is this not something that we should reflect on? The pollution in Hong Kong is now globally notorious. Is there not room for improvement in greening and managing our city?

Previously, when debating the motion of "maintaining the competitive edge of Hong Kong", Honourable colleagues cited a lot of evidence to show that Hong Kong is at the risk of being marginalized and urged the Government to face the problem squarely and solve it as soon as possible. At that time, I used the analogy of a race between the turtle and the rabbit to make the point that other people are playing catch-up and if we continue to stand still, others will soon catch up with us.

Although the Commission on Strategic Development has recently discussed the topic "measures to enhance competitiveness of Hong Kong", I think the attitude of the Government has remained at the stage of discussing without making decisions and there are no active measures. However, in reality, the present situation does not allow any further procrastination.

In view of this, I have proposed the motion "facilitating urban development" today because I can see that before 1997, urban development in Hong Kong was much smoother than it is nowadays. Take the "Rose Garden Project", which attracted a great deal of criticisms back then, as an example, the Government resolutely insisted that the infrastructure was very important to urban development and the project had to proceed. Today, it has been proven that the decisions on building infrastructures such as the airport were correct.

However, after 1997, there were delays in many urban development projects that had been planned and a number of sites for development have been left vacant. Apart from the Tamar Development Project, which has eventually been given the green light, and the projects in Kai Tak and West Kowloon, we can also find that a lot of land in North Point, Diamond Hill and the New Territories have become mosquito breeding grounds and are being occupied and used illegally for storing containers, scrap metals and used tyres, thus wasting our land resources and missing out on the opportunity of urban development.

In fact, various government departments have done a lot of work on many of the projects in response to the demands of the public, however, the Government did not implement the projects. As a result, they have been delayed to this date and then everything has to start anew, thus seriously undermining the competitiveness of Hong Kong.

I hope that the Government can raise Hong Kong's competitiveness through the effective measure of facilitating urban development, thereby

demonstrating its resolve to enforce strong governance and regain the confidence of the public and unshackle itself from the problem of discussing without making decisions and making decisions without taking action.

Apart from planning projects, what matters even more in urban development is proper city management and creation of a good environment. In this regard, the Government has to assume a major responsibility, therefore, all governments in the world attach great importance to urban development and management.

In the past few years, I have visited various countries and found that be it Dubai in the Middle East, Spain (Bilbao) in Europe, Japan (Tokyo) in Asia or cities on the Mainland, they all attach great importance to urban development and management, moreover, they are considered to be the key to enhancing competitiveness. In particular, these places strive to solve the problem of declining competitiveness by carrying out infrastructure and greening programmes, such as building a pedestrian transport network, pedestrian precincts and central squares, rejuvenating run-down districts and beautifying the city, so as to attract investment.

The Financial Secretary said in the Budget this year that he likes projects that improve and beautify the city but nothing can be done because of a lack of resources. Now that there is a surplus, that means there are resources for such purposes. I hope the Secretary will deliver on his words.

Our country also stressed in the 11th Five-Year Plan the promotion of regional co-ordination and development and healthy developments in urbanization. The goal is to step up the co-ordination on complementary advantages and enhance the overall competitiveness of cities. Regional planning, city planning and land use planning have to be co-ordinated and carried out properly to improve people's living environment, retain local characteristics and raise the standard of city management. Put simply, this is the same as "facilitating urban development" that I am talking about today.

To achieve regional co-ordination, the Central Government attaches great importance to urban development. If the Hong Kong Government wants to work in tandem with the central authorities, it must not drag its feet anymore. May I know how many government policies can tie in with the 11th Five-Year Plan?

The Central Authorities have made it clear that a proper job must be done of co-ordinating regional development. Members can look at the planning map of Hong Kong. The Shenzhen side has been left completely blank. The Shenzhen side has announced the 2030 Development Strategy but the Hong Kong 2030: Planning Vision and Strategy (Hong Kong 2030) has not yet been completed after five years, so how can we do a proper job of regional co-ordination?

Although the Government has announced a Preliminary Outline Development Plan for Hong Kong 2030, when it comes to the figures, the report delves immediately into the projection on the population 30 years later. No one knows how the world will be like by then, so this is totally impractical.

In view of this, my motion proposes that the reports on the different stages of Hong Kong 2030 be published expeditiously — and I stress "different stages" — using five years as the basis and covering the period from now to 2030. Planning goals should be set for various stages according to short-term, medium-term and long-term projections. Only in this way will the task be feasible. Moreover, our country also uses five years as the basis for planning.

I believe the most important thing in planning is to follow demographic movements and changes closely, make speedy responses and take corresponding actions to pre-empt a mismatch of resources. The problem now is that the Government is dragging its feet when implementing construction projects in local communities. Many housing estates were completed a number of years ago but the construction of planned community facilities has been deferred for a long time, sometimes for eight or 10 years, so community facilities are not available to residents and the original planning has also become outdated.

For example, the Government would complete schools which had been planned for years but overlook the reality of an ageing population. Honourable Members have just had a debate on the policy on care for the elderly and are aware of our problem of an ageing population. The result is that new schools have to be "culled" but elderly people do not have any park to stretch their legs. In view of this, the Government should take corresponding actions through community planning and change the land designated for building schools to sitting-out areas or convert vacant schools into community halls or centres for the elderly.

Deputy President, actually, planning can be divided into three parts. The first is advanced planning, the second is community planning and the third is urban beautification.

On long-term planning, even though the progress of planning under the Hong Kong 2030 is very slow, it is being carried out still. However, the second and third steps, which are the means of implementing planning, are sorely wanting in Hong Kong.

Apart from long-term planning based on population, I believe we should also conduct a comprehensive study that takes into consideration the environment, transport, infrastructures, and so on. At present, only 18% of the land in Hong Kong has been used, so is the density in the urban areas too high? Do we have problems relating to ventilation and environmental protection? I think we should examine various aspects and see if the planning of other districts, such as the New Territories and outlying islands, will call for the construction of "green cities". This proposal aimed at promoting greening and a less polluting lifestyle has remained a subject of discussion for a long time. We can also look into the issue of developing land in the New Territories in the future.

In addition, in order to enhance public participation in various planning projects, I think a planning exhibition hall should be established. Although the Government has ruled out establishing it at Tamar, it is still very important. Apart from the flat outline zoning plans used now, three-dimensional models should also be created in order to show the Hong Kong public how the planning is like, in particular, in the process of consulting the public on urban development, the public will be able to understand the situation of development in Hong Kong and the efficiency of consultation can thus be enhanced.

The lack of community planning is a problem of resources failing to match the needs of communities. In fact, to solve this problem, it is necessary to devolve power so that the district councils can manage and implement various projects in the urban area, as well as enhancing the individual characteristics of the 18 districts. In particular, since the outstanding projects of the former Municipal Councils have all been planned, they should go ahead and there should not be any more delay.

To beautify a city is part and parcel of planning implementation. The greatest problem now lies in the Government's unwillingness to make

investments and the little importance it attaches to urban management. One can see excavation work everywhere and the work to plant trees and lay pipes also leaves much to be desired. The environment is not green enough and the city is not aesthetically pleasing. It is shrouded in a mist of noxious smog, like a time-bomb. As a result, foreigners dare not come to Hong Kong and local residents are also feeling discontented.

Recently, I have received complaints lodged by residents of Tuen Mun expressing their strong discontent with the Government for ignoring their opposition and building a Recovery Park, crematorium and an oil depot in Tuen Mun. I think that since the Government has zoned the area as a residential district, it should not build facilities that are not welcomed by residents. Such a situation has arisen exactly because of the absence of urban management in implementing planning.

Concerning urban development, apart from the facilities mentioned in my motion, projects that create favourable conditions for the city should also be included. The Government should complete a comprehensive study as soon as possible. Most importantly, these projects have to be implemented to speed up urban development, improve the living environment and along the way, solve the unemployment problem.

In the past few years, the greatest impediment to making speedy progress in urban development is the cap imposed on the budgets of government departments. Even if there are funds for construction projects, there are no funds for management. The many officials whom I have talked to said that they felt helpless because even though the reports on projects had been completed, no green light was given for implementing and managing them, so all the work done had ended in vain.

Therefore, I propose the establishment of a high-level ad hoc committee headed by the Chief Secretary for Administration to direct various departments, co-ordinate the work on urban development, provide one-stop management and services, as well as shortening the time required from scrutinizing various projects through to their commissioning and operation.

Deputy President, I think the vetting and approval procedure of the Government is also too repetitive and plans are often delayed for several years in

the hands of the Planning Department, the Lands Department and the Buildings Department. If we do not carry out such work as quickly as possible, we will meet the fate of marginalization. For the sake of our next generation, I hope Honourable colleagues will support this motion on facilitating urban development.

Thank you, Deputy President.

**Mr Patrick LAU moved the following motion: (Translation)**

"That, while countries and places around the world all consider urban development as the essential element to enhancing competitiveness and are vigorously expediting their pace of urban development, many barriers that hinder urban development still exist in Hong Kong, the competitive edge of which is gradually diminishing; as such, this Council urges the Government to expeditiously review its policies affecting urban development and implement improvement measures, including:

- (a) on the premise of sustainable development, commissioning a comprehensive consultancy study on such issues as planning enhancement, optimum land use, adjustment of development intensity, promotion of urban design, environment-friendly construction, infrastructures, community facilities, redevelopment of old areas, urban revitalization, preservation of cultural heritage, urban greening and air quality improvement, etc, as well as expeditiously implementing various works projects to resolve the unemployment problem in the construction industry;
- (b) setting up a high-level ad hoc committee to co-ordinate the various efforts in facilitating urban development, including extensively and efficiently soliciting public views, complementing the Eleventh Five-year Plan as well as the Shenzhen 2030 Development Strategy in the Mainland, and expeditiously publishing reports on the different stages of Hong Kong 2030: Planning Vision and Strategy; and
- (c) streamlining the approval procedures of the Town Planning Board, Lands Department and Buildings Department to shorten the construction time of works projects and improve the business environment,

with a view to expediting urban development, improving the public's quality of life, beautifying the environment, promoting tourism, creating job opportunities, attracting investment and boosting economic development, so as to develop Hong Kong into a beautiful and vibrant world city in Asia, thereby enhancing its competitiveness."

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

**DEPUTY PRESIDENT** (in Cantonese): Two Members will move amendments to this motion. The motion and the two amendments will now be debated together in a joint debate.

**DEPUTY PRESIDENT** (in Cantonese): I will call upon Dr YEUNG Sum to speak first, to be followed by Mr Albert HO; but no amendments are to be moved at this stage.

**DR YEUNG SUM** (in Cantonese): Deputy President, I agree with the proposals in the original motion moved by Mr Patrick LAU urging the Government to review the existing outdated planning policy and procedures, so as to facilitate urban development in Hong Kong. In Hong Kong, urban planning involves guiding and controlling land development and land use and the Town Planning Board (TPB) is a pivotal body in urban planning. It is a statutory body established under the Town Planning Ordinance, responsible for drawing up the plans for the various types of buildings in various districts and considering various types of planning applications. It can thus be seen that the TPB is a key organization in Hong Kong's urban development. To truly promote genuine urban development in Hong Kong and create a desirable living and work environment for the public, it is necessary to review the composition and functions of the TPB.

Apart from drafting the plans for various types of buildings in various districts, another important duty of the TPB is to consider the objections to such plans according to the provisions of section 6 of the Town Planning Ordinance

and to consider and review applications for planning permission according to sections 16 and 17 of the Ordinance. It can thus be seen that the TPB is not just an executive body for implementing planning policies but also plays the role of an arbitrator because issues of planning often involve various types of interests and conflicts. The TPB has to balance the different interests of the public by considering the overall interests of society from the perspective of the planning profession and make its decisions. Therefore, the credibility of the TPB should be founded on its impartiality and independence. This also explains why it was necessary to enact legislation to establish another body to consider plans and planning applications in the first place, instead of simply vesting such powers in the Planning Department (PlanD).

However, the problem is, the independence of the present TPB is seriously flawed. Firstly, all members of the TPB are appointed by the Chief Executive. Although the Chief Executive does appoint unofficial members drawn from various professions and sectors of society in addition to the five official members, the most crucial positions in the TPB are all taken up by official members. It is stipulated that the Chairman of the TPB, who is responsible for setting the agenda and chairing meetings, has to be an official member of the TPB and at present, this position is held by the Permanent Secretary for Housing, Planning and Lands (Planning and Lands), whereas the Metro Planning Committee, the Rural and New Town Planning Committee and the objection hearing committees under the TPB are all chaired by the Director of Planning. The secretary to the TPB is none other than the Deputy Director of Planning, whereas the role of the executive arm of the TPB is also played by the PlanD. Together with the five official members in the TPB, we find that the TPB is largely a part of the PlanD. With such a composition, it is inevitable that people will call the independence and impartiality of the TPB into question. Ultimately, the credibility and legitimacy of the decisions of the TPB will be affected. Therefore, we consider this problem to be very serious.

The TPB, with such a structure and composition, may not encounter too great a problem when handling and arbitrating the various interests and conflicts in society. However, since the Government has its own policy objectives and plans, often, their implementation is possible only by taking corresponding measures in land planning. In these circumstances, the Government itself is the proponent of and a stakeholder in the planning application. If the TPB, which is not independent and is controlled by the Government, is responsible for

considering the Government's planning applications and hearing oppositions to them, there will be a very obvious conflict of interest and this will cast doubts on the fairness, independence and even credibility of the TPB.

For example, the application made by the Democratic Party to the TPB last year to change the land use of the West Kowloon Cultural District and the application made by the Society for Protection of the Harbour this year to change the lot earmarked for building Government Headquarters in the Tamar Development Project to open space are both examples of planning applications not in line with government planning and policy. Under government influence, it is very difficult for the TPB to consider this sort of planning applications fairly, still less the objections raised by members of the public to the planning applications made or plans prepared by the Government. In view of this, the Democratic Party urges the Government to change the chairmanship of the TPB so that it is held by an unofficial member, as well as establishing an independent secretariat to enhance its independence and credibility.

I wish to stress that this proposal is not intended to sever the reasonable link between the TPB and government departments. For the TPB to carry out the work of considering planning applications and plan preparation effectively, it is necessary to maintain close relationships with government departments. The amendment only calls for the appointment of an unofficial member as the Chairman of the TPB and the establishment of an independent secretariat. However, this secretariat can still co-operate with the PlanD and the TPB should also retain some official members, so that government views can be reflected, the TPB can continue to operate with great effectiveness after becoming independent and its credibility can be enhanced.

The Democratic Party believes that in the process of urban development, it is inevitable that there will be various conflicts of interest and different emphasis. Only an arbitrating body with credibility can assume such a key role. The disproportionate involvement and influence of the Government in the TPB will not be conducive to the TPB assuming the role of an arbitrator. In the long run, this situation will arouse unnecessary doubts among the public concerning urban development and ultimately, it will not be favourable to urban development in Hong Kong.

With these remarks, I propose my amendment.

**MR ALBERT HO** (in Cantonese): Deputy President, the Democratic Party supports the motion moved by Mr Patrick LAU that urges the Government to actively speed up the pace of urban development and review its policy on urban development as soon as possible, so as to maintain Hong Kong's competitive edge. However, putting the proposals of the motion into practice is not so simple. For example, issues such as optimum land use, the adjustment of development intensity, the promotion of urban design, environment-friendly construction, the redevelopment of old areas and the preservation of cultural heritage often involve a great deal of controversies and Members can get some idea from issues relating to the Hung Hom Peninsula, the construction of Central-Wan Chai Bypass and the land use planning of the Central Harbourfront. Development and planning are in fact highly controversial issues and the facilitation of urban development cannot be achieved solely by simply asking the Government to make way and review its policies.

On these controversial issues, the Government must allow as much public participation as possible when carrying out planning in order to align urban development with the overall interests of society. Some people may think that the Government has now placed greater emphasis on public consultation when carrying out planning, however, as the President of the Hong Kong Institute of Architects, Prof Bernard LIM, points out in his work "Public Participation: Handbook on Project Design and Implementation", consultation and participation are in fact two entirely different matters.

Public consultation in fact refers to the selective provision of information to specific people or organizations to consult their views at the stage of drafting planning proposals. However, they may not be able to take part in making decisions on principle and structure at the early stage of planning. The interactions between the public and the policy-making bodies are very limited. Apart from not being very effective in eliminating controversies, the discussion can also easily be dominated by people with similar backgrounds or interests. Therefore, although the Government has committed more resources to consult and take on board public views in the process of formulating planning policy and planning development, many members of the public are still feeling discontented with being excluded from some processes of development planning.

The concept of public participation is different in that public participation in the process of development planning is respected, so that people,

organizations and groups from various sectors are deeply and comprehensively consulted in the relevant process. More importantly, their being given the opportunity to take part in the planning and formulation of plans to various extents, including formulating proposals, publicity, decision-making, management, execution and monitoring, will be conducive to resolving conflicts of interest and seeking a consensus on development. In the Earth Summit held in Rio de Janeiro in 1992, a sustained action plan called Agenda 21 was formulated, in which public participation and consensus between governments and their people are affirmed to be strategic factors in sustainable development at the regional level. Apart from encouraging participation, emphasis was also placed on openness, transparency and two-way communication. It can thus be seen that public participation is an important factor in promoting positive and healthy urban development.

However, in the present planning process in Hong Kong, the Government often merely stresses consulting the public but neglects the importance of public participation. For example, in the Town Planning Ordinance enacted last year, although the arrangements on displaying planning applications and hearing objections have been improved, so that the public can have more opportunities in expressing their views on planning applications, and the new ordinance also requires that part of the meeting of the Town Planning Board (TPB) in which representations are made must be open to the public, these measures have only addressed issues relating to consulting the public on planning but do not really enhance public participation in the actual process of planning.

For example, the discussion and decision-making process of the TPB is still carried out behind closed doors, so it is difficult for the public to monitor it and the transparency of the decision-making process of the TPB is seriously affected. For many years, the Democratic Party has lobbied the TPB to open its meetings to the public by making reference to the practices of the Legislative Council. Only by doing so can a platform be established to enable the public to be fully informed, obtain information and express their opinions, so that they will feel that the opinions expressed by them are taken on board in the decision-making process. It is only when the public can observe and hear the policy discussions held in such meetings that they will have a sense of participation, in contrast with the present situation in which they cannot quite understand the reasons for acceptance or rejection of their views, thus greatly dampening the public's desire to express their views.

(THE PRESIDENT resumed the Chair)

On another note, although the public considers it important to participate in the decision-making process, the membership composition of the TPB does not enable the effective or adequate expression of public opinions. At present, all members of the TPB are appointed by the Government and the majority or many of them have intricate relationships with major property developers. Although a small number of representatives from civil organizations or independent professionals have been appointed as members, they are in the final analysis only a minority and probably have limited influence on decision making, thus causing people to cast doubts on whether the policy decisions of the TPB can truly and fully take into account the overall interests of the public, or if they mainly cater to the wishes of the property developers lurking at the back.

Last year, I made an application to the TPB to change the land use planning of the West Kowloon Cultural District, unfortunately, it was ruled out by the TPB, which made its decision behind closed doors. When I leafed through the relevant minutes of meeting of the TPB, I found that among the members who attended the meeting on that day, nearly half of them had to withdraw from the meeting as a result of having to make declarations of interests, so it can be seen how influential property developers are in the TPB. Since property developers can develop commercial and residential properties by changing land use and this must have the permission of the TPB, if consortia can control or influence the TPB, it can virtually control or influence the overall land use planning and land development in Hong Kong. During our scrutiny of the Town Planning (Amendment) Bill in 2004, the public expressed the strong view that the composition of the TPB should be reformed and that its members should be more widely representative and varied, by introducing more representatives from civic organizations and more experts on environmental protection or urban planning, as well as representatives of the public from various areas (including Members of the Legislative Council and members of District Councils), so that the planning intention of the TPB can better reflect public expectations and public interests.

Some people may be concerned that public participation will slow down the pace of development in Hong Kong. However, at present, the greatest obstacle to urban development in Hong Kong is precisely the lack of public

participation. The civil society in Hong Kong is becoming ever more mature and the desire of the public to take part in planning the communities where they live is ever increasing. However, the present planning regime has failed to keep abreast of such changes and introduce a reasonable and effective system for public participation, such that the interests and wishes of the public cannot be adequately reflected in the planning process. As a result, the public is compelled to take actions outside the establishment and sometimes, even has to resort to confrontational ways to express aspirations, thus incurring even higher social costs. Is it now time the Government reviewed how best to respond to the public aspiration for participation in its planning regime?

I so submit.

**MR WONG KWOK-HING** (in Cantonese): Madam President, Hong Kong has all along been a place with a scarcity of land and dense population, and this has greatly restricted urban development and planning. Coupled with the fact that urban planning in Hong Kong in the early days mainly focused on resettlement of the population, support facilities in the community and urban improvement schemes were lacking. It was only in the '70s or '80s that the concept of new town development provided a direction for community planning and development. However, we have seen different problems arisen in the community of various new towns that have been completed one after another in recent years. The situation in the new towns in Northwest New Territories and in the new town of Tung Chung on Lantau is most serious.

Hong Kong has long positioned itself as an Asian cosmopolitan and advanced metropolis. But in Hong Kong, despite it being an advanced metropolis, urban development is lacking. Let us start from Kwai Chung. Kwai Chung is an example of redevelopment of old areas and urban revitalization. In recent years, redevelopment works have been completed successively at Kwai Chung Estate, Lei Muk Shue Estate, On Yam Estate, Shek Lei Estate and Shek Yam Estate, with a large number of people moving into these estates. Housing estates play a very important role in urban development, but more often than not, the support facilities in housing estates cannot keep close tabs on the needs of residents. Take Kwai Chung as an example. Many residents in the district have told me that support transport facilities for travelling to and from the urban area are seriously lacking. For example, there is only

one bus route travelling to and from Kowloon East, and transport facilities to and from Hong Kong Island are all the more lacking. While the Government has advocated a transport policy which accords priority to railway, many housing estates in Kwai Chung are constructed on a hilly terrain and lack pedestrian connections, such as elevators, escalators, covered pedestrian walkways, and so on. Recently, some residents in Kwai Chung Estate have again reflected to me their wish that a cover be retrofitted to the stone staircase with 100-odd steps built to connect the estate with the MTR station. However, even though we have raised this issue with the Housing Department, the Home Affairs Department and a number of other government departments, no department is willing to take actions. Finally, we approached the Transport Department and the Highways Department and our request was again refused. I hope that the Secretary will listen to my voice. If the Government has truly listened to public opinions, why is it still reluctant to retrofit a cover at the staircase for the residents over the years? Therefore, these issues do warrant consideration by the Government. Even though these may be trivial matters, the residents would be benefited if the Government is willing to make improvement. Nevertheless, the support transport facilities are often fragmented. They are provided in a piecemeal manner and as a result, the situation has seen no improvement.

What about such districts as Tuen Mun, Yuen Long, Tin Shui Wai and Tung Chung being serviced by railway? In Northwest New Territories, for instance, despite support by the railway system, residents are nevertheless deterred by the expensive railway fares. They can only avoid travelling to the urban area, or suffer from long hours of traffic jam on Tuen Mun Road. Their alienation from the urban area has forced them to stay in the new town, thus giving rise to even more social problems. Given a lack of job opportunities in their community and the fact that voluntary agencies in these districts lack resources to provide assistance to residents, the emergence of social problems is even expedited. The tragedy of a hawker in Tin Shui Wai falling into a river and subsequently drowned when escaping arrest recently is precisely a case in point. Why can local community economy not be accommodated in new towns? This does warrant deep thoughts by the Secretary.

Madam President, let us further look at Tung Chung. What about this new town which is developed most recently? The situation is no better. In recent years, air pollution in Hong Kong has become more and more serious. Tung Chung is often among those districts with the poorest air quality and yet,

the Government has neglected this problem in planning its development. Rows and rows of buildings continuously put up along the shore would only further aggravate the screen effect, causing pollutants to be trapped in North Lantau. In respect of community support facilities, it is projected that the population of North Lantau, which now stands at over 80 000, will further increase. But despite the continuous increase in the population, the Government's planning has failed to catch up with the relevant demands. For example, with regard to the North Lantau Hospital as well as cultural and recreational facilities in Tung Chung, such as a community hall, library and swimming pool for which I have been striving, no construction works has commenced so far, and all these have only remained on the drawing board.

Just this past Sunday, I went with dozens of children and young people to the Central Government Offices to stage a petition. Our objective was to strive for the construction of a swimming pool in Tung Chung as early as possible. But under the Government's original plan, it will be completed only many years later. Those children who joined the petition said that they would be adults, not children anymore, when the swimming pool is completed. I hope that the Government will pay attention to our petition on Sunday when we had "swum in dry water". I hope that the Secretary will really consider this. I think the Government cannot always be slow and unresponsive in planning the development of new towns, for this would cause residents of new towns to suffer from the shortage of facilities.

All in all, urban planning is, in fact, a comprehensive effort involving many areas. It is necessary to consider the demographic needs; it is necessary to map out plans on support transport facilities; and it is all the more necessary to consider from the residents' perspective and start from the angle of environmental protection. We cannot just focus on the current needs of resettlement without a forward-looking vision in our consideration. If the Government consistently clings to a slow and unresponsive mentality, it would only cause more unnecessary problems to emerge in the community ultimately. I hope that my speech today can draw the attention of Secretary Michael SUEN and that he would consider my views and solve the problems promptly. If a minor problem about a staircase cannot even be solved, I really hope that the Secretary will give some thoughts to it.

Thank you, Madam President.

**MR CHEUNG HOK-MING** (in Cantonese): Madam President, I think Members would agree that after the completion of the new airport, there has been almost a standstill in the major infrastructure development. On the contrary, cities close to us are engaging in rigorous construction programmes. This is also a main reason why Hong Kong's competitive edge is dwindling.

In recent years, major infrastructural projects in Hong Kong, such as the Hong Kong-Zhuhai-Macao Bridge, the Sha Tin-Central Link, and so on, have remained nothing but projects on paper. From time to time, the media will cite information from informed sources and speculations will begin. Then everything dies down and is heard no more. With respect to the last two giant lots of land in the urban area, that is, those in Southeast Kowloon and West Kowloon, despite the churning out of numerous blueprints for development in the last decade, nothing has been finalized. After all these delays, these two lots with a total area of some 400 hectares have become vast stretches of desolate land covered by weed. Hong Kong people take pride in the idea of things shall remain unchanged for 50 years. But as I understand it, it is about the system and it has nothing to do with infrastructure. Unfortunately, our infrastructural development has stopped and in the absence of progress, Hong Kong will soon lose its vigour and vitality. When a city has come to this, will investors be interested in it anymore? In stark contrast, our neighbouring cities are making giant strides in infrastructure construction. Under such circumstances, how can the competitive edge of Hong Kong not be lost?

Last week, the Government finally got the project to construct the Government Headquarters at the Tamar site to make some headway. This is only possible after removing numerous hurdles and getting a green light from the Legislative Council. It can be said that there is now a breakthrough after all these years of inaction and non-progress. I hope this would be a new beginning and that other infrastructural projects will stop being empty talks on paper but can truly become the engines of growth for our economy and bring more jobs to the construction workers.

Now Hong Kong should not confine its development to this tiny piece of land but it should regard the entire Pearl River Delta as a hinterland holding vast opportunities for development. Hong Kong 2030 is a study which attempts to gauge the future development needs of Hong Kong from the perspective of long-term and macro planning in regional collaboration. Shenzhen 2030 proposes strategies for Shenzhen-Hong Kong collaboration in urban

development. In terms of strategies for regional development, Shenzhen will forge a closer partnership with Hong Kong in areas like high-end manufacturing industries, modern service industries as well as collaboration in other areas. The aim is to develop Shenzhen and Hong Kong as if they are one city. Hong Kong's advantage in external contacts as well as Shenzhen's links with the Mainland will be exploited to facilitate development on an international level. I do not think anyone will oppose to this kind of collaboration between the two sides. The question is how it can be done effectively.

In the original motion Mr Patrick LAU proposes the setting up of a high-level ad hoc committee to co-ordinate the various efforts in facilitating urban development. The DAB has made numerous suggestions in the past on strengthening the ties between Hong Kong and the Mainland in various areas. We are convinced that collaboration between the two places is vital to greater development in future. Therefore, the DAB thinks that the proposal made by Mr LAU can be considered by the Government. However, the DAB thinks that the Government may also approach this issue at the same time by improving the existing Hong Kong/Guangdong Co-operation Joint Conference to achieve the same effect. The Joint Conference has been set up for seven years and it is tasked with co-ordinating various major collaborative efforts between Hong Kong and Guangdong. Such efforts are gradually bearing fruit and examples of achievement are the round-the-clock clearance service at the Lok Ma Chau check-point, securing progress in the Shenzhen-Hong Kong Western Corridor, the Guangdong-Shenzhen Express Rail and such like infrastructural projects. I therefore think that efforts can be made to perfect the mechanism for enhanced effectiveness.

Madam President, the DAB opposes the amendment proposed by Dr YEUNG Sum. Dr YEUNG proposes to appoint an unofficial member of the Town Planning Board (TPB) as its Chairman and set up an independent secretariat so as to enhance its independence and credibility. In our opinion, the functions of the TPB are to formulate plans and examine planning applications. The TPB has tremendous influence on the overall planning policy of the Government and its work may involve intricate and complex relationships and it is therefore very difficult to find a candidate in the private sector who has rich planning experience while free from any conflicts of interest. Besides, the office of the Chairman cannot be left vacant at any time. It is therefore an acceptable practice as it is now for a public officer to assume the post.

As for the amendment proposed by Mr Albert HO to enhance the transparency of the TPB, the DAB agrees to the spirit of this proposal. But we are worried that matters discussed in the TPB may be related to some sensitive information and so planning applications can be processed more smoothly if the mechanism allows meetings to be held behind closed doors. We understand that it may not be appropriate to disclose some information to the public real time. Therefore, we will abstain from voting on this amendment.

I so submit. Thank you, Madam President.

**MISS CHAN YUEN-HAN** (in Cantonese): Madam President, today, Mr LAU has put forward the view that urban development is considered the essential element to enhancing competitiveness. This, I very much agree.

Why have I become more concerned about urban development in recent years? It is precisely because unemployment is serious in Hong Kong. When I look at places elsewhere in the world, such as Japan, the United States, the Mainland, and so on, I find that the entire process of urban planning is often used as a means to solve the problems in society.

I have once discussed the Japanese economy with a professor in the University of Hong Kong. Urban development in Japan is very much similar to that in Hong Kong, as property prices are exorbitant and rental is high in both places. Take Tokyo as an example. Tokyo, like Hong Kong, is a high density city with a large population. Yet, one will find that in the course of urban development, they have reserved certain room for the survival of farmers who are eliminated in the course of development.

I have said this in this Chamber for not less 10 times, and I have cited some cities as examples one by one, such as Asakusa which we know very well. In Asakusa, there were some small stalls in the '70s but today, shops selling man-shaped soft cakes filled with red bean paste have mushroomed in Asakusa and became a huge marketplace. Another example is Ueno. In its early development stage, we could find only one or two shops selling dried mushroom or black mushroom there. But today, there are already three streets near the Ueno Park selling Japanese products with characteristics such as seaweed, aquatic food products, and so on. All these examples show that the

characteristics of a city are preserved in its course of development. This is so not only in Tokyo. In other cities in Kyoto and Hokkaido, for example, we can find that in the course of their urban development, efforts are made to preserve the dynamics of the economy.

When I see what these places have been doing, I will ask: Why do the policies on property and urban development in Hong Kong seek to exterminate the original economy, resulting in many things with characteristics being gradually engulfed and finally disappear into obscurity in the planning process of urban development? Judging from the present-day situation, I think the Government's policy is not only undesirable. Worse still, it is even compromised for the benefit of major property developers. The problem has not been addressed squarely at all.

Madam President, I hope that the Government will take a look at this. Hong Kong is a place with a population of 7 million people, and in the course of urban development, some 2 million or 3 million people are struggling in society as they have to compete for the job vacancies that arise in the process. Has the Government ever considered this point while it is taking the economy forward at high speed by way of developing financial services or logistics or other high technologies? When developing the so-called high technologies, it must think about a certain group of people and think about how they can survive on this piece of land? Why is there not an economy similar to a marketplace? Why is there not a place where they can have a safe roof over their head?

Recently, in Tuen Mun, as Mr WONG Kwok-hing has told us, an old hawker had jumped into the river to escape arrest by the hawker control team. I think there are lots of characteristics in Hong Kong. Why have we allowed things to develop to such a sorry state? I kept on thinking about these incidents, with a lot of questions revolving in my mind. It was after discussion with many professionals that I finally realized that urban planning is not only a concern to the professionals because in any case, all Hong Kong people must have a say. Over the past few years, I have put forward the view that when it comes to urban planning, we are all aware of its importance, but we must also arouse concern in the entire community, so that we can put our heads together and think about how, in developing our precious land, certain things can be preserved whilst improvement can be made to our situation.

Some people may say that in Paris, for instance, where many things are worthy of preservation, their preservation may not be possible in property development projects. But if you go to Paris one day, you will find that while Paris faces competition from the entire European Union economy, it is precisely because Paris has preserved many of its characteristics that after the dissolution of Eastern Europe, many people have swarmed to Paris and this explains why its tourism business is a never-ending business.

I am not suggesting that we should entirely develop in the direction of Paris. Nor am I suggesting that we should completely follow what Hong Kong has been doing. But how can we encourage people to think more about the various modes of urban planning in different cities? Let us not premise primarily on the mindset of property developers only. They are most powerful, and they are most frightening to me. Very often, when we engage in arguments with them, they can easily gain an upper hand over us in the process because once the power behind the property developers comes into play, it would be spectacular.

Madam President, another example is the development of East Kowloon. After the relocation of the airport, a group of residents and I formed an alliance for the greening of Kai Tak. The name of this organization has been changed and in fact, its name has changed for several times. We have all along been concerned about whether this site measuring hundreds of hectares can ease the problem of a shortage of public facilities in such districts as Kwun Tong, Wong Tai Sin, To Kwa Wan, and so on, because these facilities cannot be found in these districts. The so-called swimming pool is just a dilapidated pool, and it is not a warm water pool. On Hong Kong Island, there are the Victoria Park and Morrison Hill pools. There are also many places for hiking too, but not much can be found in these districts. How can we take the opportunity of the entire Southeast Kowloon Development to provide some of these facilities to the 2 million-odd silent residents.

I do not deny that the Planning Department has made improvement. Over the past seven to eight years, it has continuously listened to opinions. The population (requirement as a planning standard) has shrunk from some 300 000 to some 80 000 at present, and it now begins to gradually make plans for some beautiful landscape there. It has listened to our views, such as not bombing out the runway, preserving the waterfront, building a central park, and so on. As

for the design of the central park, more discussion can be held, and it shows that at least these concepts are incorporated into the development plan. But we find that we still do not know much about the planning of the airport site. Secretary, I will arrange with you for a visit there. If the Government still takes no action to make improvement, I will come forth to take it to task.

I have asked professionals why the situation would develop to this state. They told me that it is because planning is like a game of jigsaw puzzle. When you give me this site in Southeast Kowloon, then I would be responsible for this site only. I asked the Director why this practice is adopted. He said that it is because the planning work cannot involve the entire Kowloon City and it cannot involve Tung Tau and so, they cannot go beyond that. When planning involves Prince Edward Road, then it will be confined to this place only. I asked him, "Why can the development not extend from this side to the other side by an underground passageway?" "It is not my business. Some of the places may be under the Urban Renewal Authority." "Why can it not go beyond the 13 streets in Kowloon City?" "It is not my business. It is the business of the Urban Renewal Authority."

Moreover, there is one very interesting point. As I said yesterday, you will find that they still adopt the planning approach as that of Olympic City in West Kowloon, which means that the focus is put on the roads, and they are developed around the central points. Honestly speaking, I think it is difficult to support this approach. The situation now is not that the Director is incompetent. But insofar as the current policy is concerned, the Director has no authority to make changes. He is not in a position to persuade the Transport Department, and he is not in a position to give instructions to the Urban Renewal Authority. So, it is best that Secretary Michael SUEN is here today. I agree with the need to reorganize the existing framework. As to whether we should press for a complete overhaul and how the Chairman of the Town Planning Board thinks about it, all these can be further discussed but his support must be sought. If we do not have his support, then, in this beautiful place of Southeast Kowloon, the 2 million-odd people in its proximity will not have access to it while people from other districts can nonetheless reach it by MTR. How can we allow such an anomaly to exist? The Director does not object to this. He fully agrees with it. But when it comes to changing the policy of other departments, he cannot do it insofar as the current policy is concerned.

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

**PRESIDENT** (in Cantonese): Time is up.

**DR FERNANDO CHEUNG** (in Cantonese): If we look down from the Victoria Peak, we will see a very beautiful scene with an array of skyscrapers, and at night, the world famous scenery will also appear before our eyes at the Victoria Harbour. But if we take a closer look at it, we will find that this is a densely populated, crowded city where people have to fight for every inch of land. Every building will not give any space to the adjacent buildings. Nor will it care about the design or the environment of the adjacent buildings. What matters most is to fully utilize the very tiny piece of land of its own, so as to maximize profit. This is the cityscape of Hong Kong.

Certainly, our population has been ever growing and our city is developing rapidly, but urban development seems to be manipulated by property developers using the high land price policy. The economy is led by property development, and the development of the whole city is led by the economy. This direction was, in fact, adopted by other countries as well, such as Tokyo or other cities in Japan, as mentioned by Miss CHAN Yuen-han earlier. But other countries have all made changes. They have ceased to adopt the demand-led approach or the economy-led approach in their development. Rather, urban development is led by certain policies with the objective of achieving a balanced development having regard to the needs in various aspects including business, living conditions, the environment, culture and the community. They do not just one-sidedly put emphasis on the economy which means that the Government attaches importance to revenue while property developers attach importance to ways of making profit.

It is actually very important to strike a balance. But I cannot see any macroscopic planning in the entire urban development. The development of different districts is badly co-ordinated. The major projects advocated by the Government in recent years have grossly ignored the need to co-ordinate with the development of the surrounding localities, resulting in many instances of fragmentation. Under such circumstances, will it lead to a scenario where public participation is impossible due to the lack of effective co-ordination in policies handed down from the top? In fact, meaningful participation in discussion by members of the public is not even possible in consultation exercises conducted by the District Councils. The role of the Town Planning Board is often "cooled off" by the proposals made by the Government. The

details, the plans and the formulation process are withheld from the public and far from being transparent.

In foreign countries, public participation is given a lot of weight whether in the planning of large-scale landmark projects or minor district-based improvement works, and the public will be given professional support in the process. Take Taipei in Taiwan as an example. Recently, the Taipei municipal government has implemented a system of "community planners" to assist the public to gradually achieve the objective of developing a citizens' city. Hong Kong is just the opposite. Some major projects, such as the Tamar site, West Kowloon Cultural District development, Kai Tak, and even some smaller projects in Wan Chai and Kwun Tong, are all designed by the Government, and it is always the Government who tells us what is in line with public interest. Under this established principle, we are only provided with very limited choices. In fact, the Administration has a monopoly on the information and yet, the public find it impossible to take part in the discussion.

Apart from the lack of participation, the failure to preserve district characteristics, and the failure to take into account sustainable development, implications on society and the cultural element, I am also concerned about the so-called barrier-free society. Using this as a slogan, the Government said that the objective is to ensure smooth access and to remove transport barriers by all means. But in reality, we are lagging far behind.

President, we have a design manual here. This design manual compiled in 1997 was what Chief Executive TUNG Chee-hwa undertook to review in his 2001 policy address. It is 2006 now and the review has yet to be completed. We still have to wait until the end of the year before the Government will, in the light of the review, proceed to the legislative process. We cannot wait any longer, and we have waited far too long. I have received a case in which a citizen has not gone out for seven years because in the building where he lives, he is not allowed to go in and out of it in a wheelchair.

The Buildings Ordinance, which is a piece of legislation made by the Government to impose control on all buildings in order to ensure smooth access, is nevertheless not applicable to the Government. The Government, including all buildings under the management of the Housing Department, is exempted. This, I think, is most ridiculous. Even in this 2006 review, the Government only said that it would make reference to the provisions, and many of the details

therein still have not reached the international standard. If things go on like this, how can we truly achieve the objective of a barrier-free city?

President, if we genuinely wish to develop our city, we must give up the pure economy-led approach. We must incorporate the element of caring for society into the people-oriented principle, and we must accommodate the different needs of different people. I know that Mr Patrick LAU must be very familiar with these. What I am saying is that from a design perspective, the objective is actually to achieve universal design which means that the accesses and the entire design of the city should be suitable for living and use by any member of the public. Yet, this mindset is still grossly lacking among us today. If we cannot get rid of the economy-led approach and completely neglect the social factor of sustainable development, the so-called urban development will only benefit major property developers or major consortiums at the end of the day, while members of the public cannot enjoy a community which belongs to them.

Thank you, President. With these remarks, I support the original motion and the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): To develop a city, many factors will certainly be involved. Software is most important, right? When we see large-scale construction works in the Mainland, we know that insofar as hardware is concerned, we can buy it with money anytime or secure financing to create lots of hardware.

What is the software of a city? It is civilization. If a city does not have civilization, it is unlikely to make any achievement in many aspects. For example, a central government complex is recently planned to be built at the Tamar Site. This idea is even more of a retrogression than the West Kowloon project. The consultation period is very short, so that the Government can hastily force the whole community to accept the proposal cooked up by the Government itself. Most unfortunately, the Legislative Council cannot stop such abuse of power and such "white elephant project" which serves as no more than a showcase to flaunt the achievement of the Government.

I have said a lot today. My colleagues have nevertheless gone to a dinner, enjoying the city's civilization. They are dinning with the Chairman of

the Chinese People's Political Consultative Conference, Mr JIA Qinglin. I was there too, hoping to have a few words with Mr JIA Qinglin, so that I could ask him when he was the Secretary of Fujian Province, why could he allow corruption to proliferate to such extent as to shock the international community, resulting in Mr LAI Changxing having to escape to Canada. I would also ask him to explain how he had brought the officialdom of Fujian Province to the Central Authorities. I also hope that he, being a respectable elder, will take a rest earlier.

But most unfortunately, there is just mono-civilization in this city. I went there, hoping to talk to Chairman JIA but then, I met a dozen people there. It seemed that they did not show their identity. These people were like robots and they said, "Mr LEUNG, you cannot do this, and you cannot do that. Do not move, and do not stand here." But other people were chatting and socializing merrily in the dinning hall. I saw Mr Vincent FANG there and I wanted to go to him to say hello, but I was not even allowed to do so. Finally, somebody in that group of 10-odd people surrounding me said that I had spilled a glass of orange juice and stained his clothes and I was therefore driven away. Mr JIA certainly would have peace for his ears then.

In such a city with such civilization, how possibly could there be development? I was only going to make a few remarks and yet, the dissidents were driven away by hook or by crook, and it was a dinner hosted by the Government where Members of the Legislative Council were invited. Even if we could provide hardware by constructing tens of new skyscrapers or four central government complexes, the problem with software would remain unresolved. In other words, the wish of the bigwigs is the fashion in society. I have experienced it personally today, and I finally realize that as long as a bigwig does not like to hear a certain type of noise, they can be so barbaric as to drive people away, concocting excuses to drive people away. Such retrogression of civilization is bizarre indeed. We always talk about pluralism, integration; we talk about caring for others and justice. But when someone is trying to express his views, he would nevertheless be strangled by the Government using some heretical tactics. This, I think, is saddening.

Therefore, speaking of urban planning, how are the plans made? I must say that this is really an eye-sore, because the 600-odd members of advisory bodies are all handpicked by the Government. Some people are so busy to cope with their work, and some have to serve on 10 advisory bodies even when they

are sick. The consultative network of our city is identical with the worst consultative network during ancient feudalistic monarchies. This is no exaggeration. Emperor Taizong of the Tang Dynasty said to WEI Zheng, "You will not get killed for giving me your advice. You are the Royal Advisor, a clear mirror to me." Today, does our Chief Executive have this breadth of mind? If he does not, how can the opinions at the bottom be reflected to the top and how can there be integration of wisdom in society?

The Chief Executive said that there is a difference in the closeness of his relationship with different parties. Such a difference certainly exists but it does not mean defending his supporters but attacking his opponents. Defending supporters but attacking opponents is the worst consequence of a difference in the closeness of relationship with different parties, because it means that you have luck if you are on my side, but if you are not with me, you have no luck at all and I would definitely suppress you irrespective of whatever view that you put forward to me. The way that I was treated today at a dinner hosted by the SAR Government fully demonstrates that if in society, a government is not returned by election, it certainly does not respect public opinions. When the person at the top is like this, the people under him are even worse. All people who have public powers would abuse their powers and strangle dissenting opinions in society.

We know that the downfall of great cities is not pure coincidences. We all know why the Roman Empire perished — land speculation, incessant battles, the Emperors' refusal to heed the advice of officials and the people, and domineering elder statesmen. Our Motherland is precisely practising the same system. We have reunited with the Motherland for nine years, and we are practising a second-class system. So, colleagues, just when we are talking about promoting urban development, I call on you to respect dissenting opinions, respect democracy and respect justice in your daily life. Only in this way will there be an opportunity to create good software; only in this way can long-term plans be drawn up for the development of society; only in this way can the gap between the rich and the poor be eliminated; only in this way can the transfer of benefits be rooted out; and only in this way will one-party domination be eliminated. Thank you, President.

**MR ALBERT CHAN** (in Cantonese): President, the Chamber is cold and desolate today, and it makes us feel cold at heart too. With regard to the motion

on facilitating urban development proposed by Mr Patrick LAU today, the choices made by Members of this Council today are a thorough reflection of how far this city of Hong Kong has been developed.

The Government has always publicized that Hong Kong is an international metropolis, boasting the beauty and characteristics of this Pearl of the Orient. But the people living in this place always feel that this city is cold, fossilized, and there is virtually nothing to speak of when it comes to the quality of living. This is basically caused by the most serious problem in urban development in Hong Kong and that is, over the years, it has been a bureaucracy-led process attaching importance only to the interests of developers and tycoons.

Over the years, the Government has been stressing the people-oriented principle. In particular, this principle was repeatedly stressed in the review of "Hong Kong 2030: Planning Vision and Strategy". In respect of urban renewal, the people-oriented principle is also stressed verbally but when final decisions are to be made, the interest of the developers is always an overriding factor. The Nga Tsin Wai Village is a case in point. This is also the case with many other villages.

I have recently received an anonymous complaint letter alleging that transfer of benefits between the Urban Renewal Authority and some consortiums was heavily involved in respect of some development projects and as a result, the interest and needs of Hong Kong people were suppressed. Insofar as the so-called urban development is concerned, the most obvious and latest example is the Southeast Kowloon Development. This project has been discussed for many times, and we have time and again submitted to the Government papers in 10-odd pages to express our views on how a people-oriented community can be developed. But at the meeting of the Legislative Council panel yesterday, the Secretary, quite unusually, did not attend the meeting, and I was extremely disappointed with the discussion at the meeting. It is because we still cannot shake off the bureaucracy-led approach of urban planning underpinned by administrative expedience and the interest of consortiums.

When discussing the Southeast Kowloon project, we repeatedly proposed that a large piece of land in Southeast Kowloon should be used to facilitate urban renewal in the entire Southeast Kowloon, including Kwun Tong, Wong Tai Sin and Hung Hom, but not one single site in Southeast Kowloon is reserved for

meeting the demands in this regard. This issue has been discussed for many years and for many times. It was already discussed in the '90s, and the Government also made an undertaking at that time. The Secretary can check the discussion papers between 1995 and 1996, and the Government undertook at the time that it would certainly make use of the development of Kai Tak in Southeast Kowloon to facilitate urban renewal in East Kowloon. However, the Government has only satisfied the demands politically, as Chief Executive TUNG had promised Mr FOK that a stadium complex would be constructed and so, the stadium complex becomes the main focus of the entire Southeast Kowloon Development, completely neglecting the needs of residents and completely neglecting the basic principle of "people-oriented".

Another undertaking was the one made to a consortium on the cruise terminal. The most ridiculous thing is the Metro Park which is the pride of Southeast Kowloon, for this central park of Hong Kong will nevertheless be built on a 600-m deck above a nullah. This is bureaucracy-led urban planning underpinned by administrative expedience and the interest of major developers. I said yesterday that I would consider such planning a complete fiasco. Certainly, a small number of minor development plans, or some innovative but smaller-scale development plans do have characteristics and originality, but these are just a nominal response to a small part of public needs after satisfying the interest of consortiums and after satisfying the personal wish of bureaucrats. The entire Southeast Kowloon Development can be considered the greatest failure in all these years. I hope that the Secretary can conduct a review and cease to simply rely on a Permanent Secretary who has just been transferred to the present post and make this Permanent Secretary take full charge of decisions made in this respect, for this will create an adverse impact on the overall development of Hong Kong in future.

With regard to urban development in Hong Kong, the policy blunders made by the Government have often caused the public to suffer. Simply enough, advertising signboard is an example. A resident of a building will receive a removal order for a small protruding flower rack in front of his flat or a canopy projecting 2 ft from the outer wall (the Buildings Department's standard for approval is 1.5 ft). However, a street-level shop can erect anytime a huge advertising signboard with a height of six storeys and a width of almost 10 ft even without the consent of the owners' corporation and the owners, and worse still, the Government can completely turn a blind eye to it.

Recently, I have passed onto the Buildings Department a complaint letter received by me. The Buildings Department said that the case would be handled according to priorities, but the illegal construction of that huge advertising signboard — of course, to the Government, it may not necessarily be illegal — is still in progress with nobody stopping it.

This reflects the civilization mentioned by "Long Hair" earlier. As long as the bureaucrats do not consider these huge advertising signboards to be unlawful, then they are not breaching the law; if these small flower racks are considered to be in breach of law, then they are in breach of law. This has affected the quality of living in our city. To the residents, these small flower racks may be a very important cultural element enlivening their daily life, but the strong light of the huge advertising signboard is far from being pleasant to the residents' eyes, and this has affected their home life and yet, the Government has turned a blind eye to it. Therefore, when we are discussing the quality of living, there is really not a gleam of hope if we fail to trim the sail to the thinking and value of the bureaucrats. The general public can only put up with it helplessly and live under rays of strong light day after day and hence suffer from insomnia. They can only pull the drapes down at most. When they cannot have plants to water, they can only put fake ones at home. This is urban development by the Government.

**MR HOWARD YOUNG** (in Cantonese): Madam President, although Hong Kong is reputed to be the Pearl of the Orient and a cosmopolis, it is often faulted for its urban planning and development which does not live up to the standing and reputation that we have gained, for example, there is the problem of ageing buildings, a lack of overall planning for local communities and if there is any, it is only piecemeal. For example, the renewal of old districts such as Sham Shui Po and Kwun Tong has not been implemented despite prolonged delays and newly developed areas such as Tseung Kwan O and Tin Shui Wai have excessive density due to poor planning, so concrete jungles have sprung up. Compounded by inadequate community facilities, problems are now surfacing one after another.

Regarding the problem of air quality, which directly impinges on the international image of a city, it is all the more serious. It is now indeed increasingly difficult to find a day with clear skies and no haze. Therefore, the Liberal Party has all along been very concerned about the air quality in Hong

Kong and has moved motions in the Legislative Council for two successive years. Last year, it also arranged a group visit to Guangdong Province to meet its governor, Mr HUANG Huahua, the Environmental Protection Bureau and heads of relevant departments to urge Hong Kong and Guangdong Province to achieve the emission reduction targets set for 2010 as soon as possible.

In sum, the Liberal Party is of the view that if we want to keep our competitive edge, we should begin with planning and promote urban design, the greening of the environment and improve air quality. Only in this way can the standards befitting a cosmopolis be attained.

However, in recent years, we have a number of large-scale urban plans, including those involving the West Kowloon Cultural District and the site of the former Kai Tai Airport, which have been delayed time and again for various reasons. Although some new planning projects are still under consultation, no dates have been set for other developments such as the cruise terminal. Others include the Hong Kong-Zhuhai-Macao Bridge linking the Mainland and the Regional Express Line. The only project that has just been given the go-ahead is the Government Headquarters, however, this project has also been delayed for nearly eight years.

While Hong Kong is moving slowly, the infrastructural projects in various cities on the Mainland are launched in successive waves and the 11th Five-Year Plan of our country has made urban and town planning its focus and one of the national policies. Therefore, apart from local planning, the Liberal Party also believes that it is necessary to examine how our planning can be aligned with the 11th Five-Year Plan, so as to lay down a long-term strategy for future planning in Hong Kong and enhance our competitiveness and advantages.

In fact, it is not the case that the SAR Government does not have any long-term planning. I remember that several years ago (probably in 2003), in the stage 3 consultation paper of the Hong Kong 2030: Planning Vision and Strategy, a vision of Hong Kong more than two decades from now is depicted, however, nowadays, reports on the various stages are no longer published. Indeed, we have not seen any of them. In contrast, Shenzhen responded to Hong Kong immediately by proposing the Shenzhen 2030 Development Strategy, in which glimpses on the intention to surpass Hong Kong in such areas as infrastructure, transportation, finance and high technology were offered, so Hong Kong can afford to drag its feet no more.

Planning must be complemented by speedy approval in order to seize the opportunities and reach one's goals faster. However, the present process for examining and vetting projects in Hong Kong is excessively complicated and protracted. Projects must go through 15 departments including the Town Planning Board (TPB), the Lands Department, the Buildings Department and even the Fire Services Department and have to be approved by them, so naturally, all the actions will lag behind developments. In view of this, the authorities should conduct a review to enhance communication among various departments and co-ordinate their operation, as well as expediting and streamlining the process of examination and vetting.

Madam President, concerning the two amendments proposed by the Democratic Party today, the Liberal Party believes that originally, one cannot find fault with enhancing the transparency of the TPB and public participation in it, however, we have reservations about whether it is more suitable for an independent person to assume the chairmanship of the TPB than for the Permanent Secretary for Housing, Planning and Lands to do so. This is because each development project involves substantial interests and if the meetings are chaired by a technocrat well-versed in such matters, conflicts of interest can be avoided and public confidence in his fairness and impartiality in handling matters can be boosted. In fact, reforms have already been carried out in the TPB and the post of Vice-chairman is now held by an independent, so this move has amply manifested its independence and credibility.

Another amendment requests that the TPB open its meetings to the public in the process of considering applications. However, maybe Mr HO is still not aware that since July last year, the great majority of meetings of the TPB have been open for public observation. The public can also look up information on the applications being considered, therefore, there is now already some degree of transparency. Only when a project involves sensitive commercial secrets will open participation by the public be disallowed.

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 other Member wishes to speak, Mr Patrick LAU, you may now speak on the two amendments. You have up to five minutes to speak.

**MR PATRICK LAU** (in Cantonese): President, in principle, I do not oppose Dr YEUNG Sum's proposals that the post of Chairman of the Town Planning Board (TPB) be held by an unofficial member and that an independent secretariat be established. I have served on the TPB for a long time and I have also been its Vice-chairman, so I have some understanding of the TPB.

Since planning applications are currently submitted by the Planning Department (PlanD) and since the secretariat of the TPB, which is responsible for considering planning applications, also comprises officers from the PlanD, so the problem of the PlanD submitting applications for consideration by members of the secretariat comprising officers from the selfsame department, has arisen. Therefore, I believe the Government should consider establishing an independent secretariat which, just like the Secretariat of the Legislative Council, can remain neutral in the process of consideration and avoid giving the impression that people considering the applications are affiliated with those who submitted them.

As regards the appointment of a non-official member as the Chairman of the TPB, I also understand the Government's position. It maintains that it is very difficult to find someone who is well-versed in town planning and does not have any conflict of interests whatsoever. However, since the same applies to all members of the TPB, I think in principle, consideration should be given to this suggestion.

In fact, some years ago, when the Town Planning Ordinance was amended, the proposal to introduce changes to enable non-official members to serve as the Chairman was also discussed. I hope the Government can reconsider this proposal now, so as to enhance the independence and credibility of the TPB.

As regards Mr Albert HO's suggestion of opening the proceedings of the TPB's meetings held to consider applications to the public, I have some reservations about making them completely public. In fact, as Mr Howard YOUNG has said, the general meetings of the TPB are already open to the public. If this arrangement is extended to include the sensitive process of

considering applications, I am afraid some members responsible for considering applications will feel inhibited in making comments in public and they may not be able to speak their minds freely, thus affecting the process of consideration.

Regarding the suggestion of appointing members who are broadly and diversely representative, I believe that at present, they are already representative enough and the members appointed each year already represents a microcosm of the public. Besides, this arrangement has worked well. In view of this, I have some reservations in this regard. In any event, I am grateful to more than a dozen Members who have expressed various views and hopefully, we can rally these forces to urge the Government to speed up the pace of urban development, improve the public's living environment and their quality of life and build a truly civilized, aesthetically pleasing and energetic world city in Asia. Thank you, President.

**SECRETARY FOR HOUSING, PLANNING AND LANDS** (in Cantonese): Let me thank Mr Patrick LAU for today's motion which gives us the chance to discuss in the Legislative Council the way to facilitate urban development. Let me also thank Members for their views on this subject. In fact, most of Mr LAU's and other Members' views are in line with the Government's existing or long-term policy.

Part (a) of the motion moved by Mr Patrick LAU highlights "on the premise of sustainable development". This is the thumb rule of the Government on policy formulation. Since December 2001, the Government has put in place a sustainable development assessment mechanism for internal compliance. All bureaux and departments are required to conduct sustainable development assessment for newly implemented major policies and projects. Moreover, a high-level Council for Sustainable Development is established to promote sustainable development in Hong Kong.

To achieve sustainable development, good town planning is needed to guide and control development and use of land so as to provide quality living environment and promote economic development. In conducting planning studies and preparing town plans, we will fully consider how to properly use the scarce land resources to match economic development and future population growth, as well as the demand for various land uses and community facilities. The compatibility of urban design with the landscape, the traffic and transport

aspects and environmental quality as well as the capacity of the infrastructures are all important considerations.

The motion moved by Mr LAU highlights the Study on Hong Kong 2030: Planning Vision and Strategy (HK 2030 Study). This is a strategic study covering the development of the whole territory, which aims to provide a planning framework for land use, transport and environment and forms the appropriate basis for the preparation of regional development strategy and district plans.

The HK 2030 Study is divided into four phases, with the first three phases having completed. Extensive public consultations on the study results of each phase were also conducted. The fourth phase is actively in progress. The key substances of the main report will be released and a new round of public consultation undertaken early next year.

In formulating Hong Kong's long-term development strategy, we have to take the planning and development of our nation as well as the neighbouring cities into consideration. The references in the National 11th Five-Year Plan to the position of Hong Kong as well as the interaction with the Mainland coincide with HK 2030 Study's key planning objectives of strengthening links with the Mainland and enhancing economic competitiveness. Moreover, Hong Kong and Shenzhen have conducted exchanges on Shenzhen 2030 Development Strategy and HK 2030 Study so as to facilitate co-ordinated development between Hong Kong and Shenzhen.

Apart from long-term development strategy, the Government will also conduct different types of regional or thematic planning and studies to cater for the ever changing social economic situation as well as the aspiration of the public for enhancing the quality of living.

There is a mechanism to facilitate the implementation of minor works projects more quickly and flexibly. Such works projects not only enhance the community facilities and living environment, they also create job opportunities for the construction industry. Take for example the greening projects in Tsim Sha Tsui and Central worked out in mid-2005, landscaping planting is now in progress. The formulation of similar greening master plans for identified districts in Kowloon and Hong Kong Island will continue.

In conducting planning studies and preparing town plans, the Government refers to the Hong Kong Planning Standards and Guidelines (HKPSG). The HKPSG provides guidelines on various scopes and standards of Hong Kong urban design and makes recommendations concerning the planning objectives, concepts and appropriate parameters for different districts. For example, it lays down stepped height restriction for the protection of the ridgelines and the harbour view, reserves and improves the waterfront areas for public enjoyment of the harbour view and leisure activities, creates landmarks, ventilation corridors and view corridors, enhances streets and provides green open spaces, develop people-oriented pedestrian areas and preserve buildings of cultural and heritage values, and so on.

In addition to urban design, the Planning Department (PlanD) has completed the Feasibility Study for the Establishment of Air Ventilation Assessment System in 2005. In future, in conducting studies and preparing new outline zoning plans (OZPs) and major revisions to OZPs in connection with new development areas or redevelopment projects, the Government will be required to conduct air ventilation assessment so as to help in selecting options and setting appropriate planning parameters.

Since the Town Planning Ordinance took effect, no matter it is plan making or planning application approval, transparency has been significantly enhanced and the public can participate more directly. It is worth noting that these initiatives do not hold up the planning application approval and plan making process. On the contrary, just as some Members have said, we believe that early incorporation of public views will help smooth implementation of the development projects. On the other hand, we have added new provisions to streamline the planning application approval process with a view to enhancing the efficiency. Furthermore, the Town Planning Board (TPB) has issued guidelines to help applicants to submit more flexible concept plans so that they can enjoy more flexibility in working out the detailed design in the future.

On the whole approval process of the development projects, there is in existence an inter-departmental review task force which seeks to speed up the process. Based on the findings of the task force, the Buildings Department (BD) has issued practice notes to promulgate measures to streamline and speed up the plan approval process. These measures include: the setting up of a consultation mechanism prior to the formal submission of plans for approval and allowing the professionals to participate in the consultation meeting; streamlining

the approval procedures for a myriad of plans in order to focus on more important items, and so on.

On land-related approvals, the Lands Department (LandsD) has implemented a number of measures to streamline and improve the Application List System, put in place streamlined procedures for handling change of use for premises on ground level of industrial buildings, streamline the land premium assessment process and enhance its transparency. The streamlined processes are promulgated through the issue of practice notes.

A task force is formed under the Housing, Planning and Lands Bureau to oversee and co-ordinate the granting of approval by the PlanD, LandsD and BD.

Regarding the industry, the Business Facilitation Advisory Committee (BFAC) appointed by the Financial Secretary advises the Government on land leases and planning process. The Pre-construction Task Force under the BFAC has earlier examined and accepted the Government's proposal of simplifying the land lease conditions and improving revision mechanism. Among the 46 special conditions in residential land lease, we have simplified 20 special conditions.

The amendments proposed by Dr YEUNG Sum and Mr Albert HO relate to the composition and operation of the TPB. The TPB is a statutory body established under the Town Planning Ordinance. It is widely represented with mainly non-official members including individuals from different sectors like the commercial sector, industrial sector, legal sector, construction sector, engineering sector, and so on. At present, there are 32 non-official members with one of them appointed Vice Chairman. There are only six official members.

For the chairmanship of the TPB, it is currently not laid down in the law whether the Chairman should be an official or non-official member. The responsibility of the TPB is to prepare statutory plans and consider planning applications. The planning and use of land in the whole territory hinge on its decisions. Given the unique job nature of the TPB, the post of Chairman used to be taken up by the Secretary of the bureau concerned and subsequently by the Permanent Secretary of the bureau concerned following implementation of the accountability system. As most of the work of the TPB involves consideration of private development projects, the Chairman must not have any personal

conflict of interests but possess relevant experience and should be able to participate in the planning work continuously. Therefore, we are of the view that it is most suitable for the Permanent Secretary (Planning and Lands) to chair the TPB.

Dr YEUNG Sum also suggested that an independent secretariat for the TPB should be set up. At present, the PlanD provides secretarial and professional/technical support services for the TPB. It should be noted that the work of the PlanD is under public scrutiny. For statutory plans and planning applications, decisions are ultimately made by the TPB. We are of the view that the existing arrangement does not undermine the autonomy of the TPB. The setting up of an independent secretariat will not only incur additional resources, but issues of professional and technical support have also to be addressed. Given that applications handled by the TPB involve a lot of technical issues, adequate professional and technical support is a must. Such work being handled by the PlanD, which is familiar with the Town Planning Ordinance and the relevant procedures, will avoid overlapping of resources and duplication of work. Since the amendment proposed by Dr YEUNG Sum runs counter to the intention of enhancing efficiency, I cannot support it.

Currently, in discharging its functions, the TPB fully consults and listens to the public in accordance with the requirements of the law. After the Town Planning Ordinance took effect, no matter it is plan making or planning application approval, the planning process is more open. For example, plans will be published for the public to make comments, both supportive and adverse; planning applications will be published for public inspection and comment; and the public can propose amendments to plans for consideration of the TPB. Moreover, the TPB meeting, except the deliberation parts and special circumstances, is open to public. Minutes of meeting (including the deliberation parts) will all be uploaded to the TPB website for public information. Such measures can significantly enhance the transparency of the planning system. Under the mechanism of public scrutiny, it is believed that we can balance the interests of all parties with the aspirations of the public. In fact, we have achieved what Mr Albert HO's viewpoint contains.

We need to carefully balance all the elements such as efficiency, transparency and public accountability. I would like to emphasize that the TPB has taken a big step forward in enhancing transparency and accountability after the Amendment Ordinance took effect.

Lastly, I would like to respond to the proposal raised by Mr LAU in relation to the setting up of a high-level ad hoc committee to co-ordinate the various efforts in facilitating urban development. From the examples I cited just now, on the issue of "facilitating urban development", the Government has a time-proven mechanism for policymaking and co-ordination, in addition to having set up a number of high-level committees tasked to handle important issues involving urban development. Moreover, studies closely related to urban development have been or are being conducted. First and foremost, the Executive Council is responsible for formulating supreme policy directives for the co-ordination of various policy areas. Then, the Commission on Strategic Development, which draws talents extensively, is an important think-tank of the Executive Council and tenders advice to the Government. On the other hand, the TPB discharges functions laid down in the Town Planning Ordinance. Other representative high-level ad hoc committees include the Council for Sustainable Development, Business Facilitation Advisory Committee, and so on. We can achieve effective administration in relation to urban development through the existing mechanism and different committees. Nevertheless, we will continue to seek every opportunity to improve the existing mechanism to make it better and better.

Experiences in developments show that the town planning system in Hong Kong has already put in place the necessary mechanisms to ensure urban development and renewal move ahead with time to meet social needs. Alongside the pursuit of rapid urban development, the Government must take into account other aspirations of the public including their participation in the planning process and strike a balance between them. We believe that good town planning helps in creating a good place in which the public live and work, which can boost economic development in turn.

Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Dr YEUNG Sum to move his amendment to the motion.

**DR YEUNG SUM** (in Cantonese): President, I move that Mr Patrick LAU's motion be amended.

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

"To delete "and" after "Hong Kong 2030: Planning Vision and Strategy"; and to add "; and (d) introducing changes to the Town Planning Board by appointing an unofficial member as its Chairman and setting up an independent secretariat, so as to enhance its independence and credibility," after "improve the business environment"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr YEUNG Sum to Mr Patrick LAU's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Dr YEUNG Sum rose to claim a division.

**PRESIDENT** (in Cantonese): Dr YEUNG Sum 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 SIN Chung-kai, Dr Joseph LEE, Dr Fernando CHEUNG and Mr Patrick LAU voted for the amendment.

Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong voted against the amendment.

Ms LI Fung-ying and Mr WONG Kwok-hing abstained.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Albert CHENG voted for the amendment.

Mr LAU Kong-wah, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted against the amendment.

Miss CHAN Yuen-han abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 16 were present, five were in favour of the amendment, nine against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 15 were present, 10 were in favour of the amendment, three against it and one 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 negated.

**MR FRED LI** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Facilitating urban development" and any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Fred LI 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)

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

I order that in the event of further divisions being claimed in respect of the motion on "Facilitating urban development" and any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Mr Albert HO, you may now move your amendment.

**MR ALBERT HO** (in Cantonese): President, I move that Mr Patrick LAU's motion be amended.

**Mr Albert HO moved the following amendment: (Translation)**

"To delete "and" after "Hong Kong 2030: Planning Vision and Strategy"; and to add "; and (d) enhancing public participation in and the transparency of the approval procedures of the Town Planning Board by, for instance, making public the proceedings of its meetings, and appointing members who are broadly and diversely representative of the community, so that the Town Planning Board can better reflect the public's expectations and interests in the planning intent" after "improve the business environment"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert HO to Mr Patrick LAU's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr LAU Kong-wah rose to claim a division.

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah 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 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 Philip WONG and Mr Daniel LAM voted against the amendment.

Mr Bernard CHAN, Mr WONG Yung-kan, Mr Howard YOUNG, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong and Mr Patrick LAU abstained.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Albert CHENG voted for the amendment.

Mr LAU Kong-wah, Mr LI Kwok-ying 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, 18 were present, seven were in favour of the amendment, two against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 16 were present, 12 were in favour of the amendment and three abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr Patrick LAU, you may now reply and you have seven seconds.

**MR PATRICK LAU** (in Cantonese): I am grateful to Members for their support for this motion. Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Patrick LAU, 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 passed.

### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 5 July 2006.

*Adjourned accordingly at six minutes past Eight o'clock.*

## Annex

CERTIFICATION FOR EMPLOYEE BENEFITS (CHINESE MEDICINE)  
(MISCELLANEOUS AMENDMENTS) BILL 2005

## COMMITTEE STAGE

Amendments to be moved by the Secretary for Economic  
Development and Labour

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	<p>(a) By deleting paragraph (e) and substituting –</p> <p>“(e) to clarify that, for the purposes of the Pneumoconiosis (Compensation) Ordinance, medical treatment given by a registered medical practitioner or registered Chinese medicine practitioner to a person, with limited exceptions, does not include medical treatment given outside Hong Kong;”.</p> <p>(b) In paragraph (f) –</p> <p>(i) by deleting “in the Employment Ordinance”;</p> <p>(ii) by deleting “within that Ordinance”.</p>
7(6)	<p>In the proposed section 33(6)(b)(i) –</p> <p>(a) in sub-subparagraph (B), by deleting “a registered medical practitioner who is not engaged by the employer for the purposes of the scheme” and substituting “any registered medical practitioner”;</p> <p>(b) in sub-subparagraph (C), by deleting “a registered Chinese medicine practitioner who is not engaged by the employer for the purposes of the scheme” and substituting “any registered Chinese medicine practitioner”;</p>

- (c) in sub-subparagraph (D), by deleting “a registered dentist who is not engaged by the employer for the purposes of the scheme” and substituting “any registered dentist”;
- (d) in sub-subparagraph (E), by deleting “a registered medical practitioner, registered Chinese medicine practitioner or registered dentist not engaged by the employer for the purposes of the scheme” and substituting “any registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.

12

- (a) By deleting subclause (1)(a) and substituting –
  - “(a) by repealing subparagraph (i) and substituting –
    - “(i) the fees of a registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist;”.
- (b) By adding –
  - “(1A) Section 3(1) is amended by repealing the definition of “medical practitioner”.”.
- (c) In subclause (2), by deleting everything after “paragraph (a),” and substituting –
  - “by repealing “medical practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist” and substituting “registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist”.”.
- (d) In subclause (3), by adding immediately after the proposed definition of “registered chiropractor” –

““registered medical practitioner” (註冊醫生) means a medical practitioner who –

- (a) is registered under the Medical Registration Ordinance (Cap. 161); or
- (b) is deemed to be a registered medical practitioner by virtue of section 29(a) of that Ordinance;”.

13 By deleting everything after “amended” and substituting –  
“by repealing “medical practitioner” and substituting “registered medical practitioner, a registered Chinese medicine practitioner”.”.

- 14 (a) In subclause (1), by deleting everything after “amended” and substituting –  
“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner”.”.
- (b) In subclause (4), in the proposed section 10A(5B)(a), (d) and (e), by adding “registered” before “medical practitioner”.

- 15 In the proposed section 10AB –
- (a) in subsection (3)(a), by adding “registered” before “medical practitioner”;
  - (b) in subsection (5) –
    - (i) in paragraph (c), by deleting “or”;
    - (ii) by adding –

“(ca) is exempted from registration by virtue of section 37 of the Chinese Medicines Regulation (Cap. 549 sub. leg. F); or”;
  - (c) in subsection (9), by adding “registered” before “medical practitioner” where it first appears.

16

- (a) In subclause (2), in the proposed section 16(1B)(a)(i) and (b), by adding “registered” before “medical practitioner” wherever it appears.
- (b) In subclause (3), by deleting everything after “amended” and substituting –  
“by repealing “upon that medical practitioner” and substituting “upon the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.’”.
- (c) In subclause (5), in the proposed section 16(3), by adding “registered” before “medical practitioner” where it first and secondly appears.
- (d) In subclause (9), by deleting everything after “amended” and substituting –  
“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.’”.
- (e) In subclause (10), by deleting everything after “amended” and substituting –  
“by repealing “medical practitioner” where it twice appears and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.’”.
- (f) In subclause (12), by deleting everything after “amended” and substituting –  
“by repealing “of such medical practitioner” and substituting “of the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.’”.
- (g) In subclause (15), by deleting everything after “amended” and substituting –  
“by repealing “such medical practitioner” and substituting “the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.’”.

- 17 By deleting everything after “amended” and substituting –  
“by repealing “either a medical practitioner” and substituting “a  
registered medical practitioner, a registered Chinese medicine  
practitioner”.”.
- 18 (a) In subclause (1), by deleting everything after “proviso,” and  
substituting –  
“by repealing “medical practitioner” and substituting “registered  
medical practitioner, registered Chinese medicine practitioner or  
registered dentist”.”.
- (b) In subclause (2), by deleting everything after “amended” and  
substituting –  
“by repealing “medical practitioner” and substituting “registered  
medical practitioner, registered Chinese medicine practitioner or  
registered dentist”.”.
- New By adding –  
**“18A. Medical examination before  
employment**  
Section 33(1) is amended by adding “registered” before  
“medical practitioner”.”.
- 19 By deleting everything after “amended” and substituting –  
“by repealing “medical practitioner” and substituting “registered  
medical practitioner, a registered Chinese medicine practitioner”.”.
- 20 In the proposed section 36M(1)(a), by adding “registered” before  
“medical practitioner”.
- 22 (a) In subclause (1)(a), by deleting everything after “paragraph  
(a),” and substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner or registered Chinese medicine practitioner”.”.

- (b) In subclause (2), by deleting everything after ““medical treatment”,” and substituting –  
 “by repealing “medical practitioner” and substituting “registered medical practitioner or registered Chinese medicine practitioner”.”.

23

- (a) In the Chinese text, in subclause (2), by deleting everything after “修訂，” and substituting –  
 “廢除 “訂的醫治費用” 而代以 “指的醫療費” 。”.
- (b) In subclause (3), by deleting “treatment;” and substituting “treatment.”.
- (c) By deleting subclause (4).
- (d) In subclause (5), in the proposed section 12(3)(a), by adding “registered” before “medical practitioner” where it twice appears.
- (e) By adding –  
 “(6) Section 12 is amended by adding –  
 “(4) Medical expenses under this section shall not be payable in respect of medical treatment given in a place outside Hong Kong unless –

- (a) the medical treatment was given lawfully under the law of that place by, or under the supervision of, a registered medical practitioner or registered Chinese medicine practitioner in that place; and
- (b) the medical treatment was medical treatment that might have been given lawfully by him or under his supervision (as the case may be) in the course of his

practice in Hong Kong.”.”.

24

In the proposed section 12AA –

- (a) in subsection (2)(a), by adding “registered” before “medical practitioner”;
- (b) in subsection (4) –
  - (i) in paragraph (c), by deleting “or”;
  - (ii) by adding –
    - “(ca) is exempted from registration by virtue of section 37 of the Chinese Medicines Regulation (Cap. 549 sub. leg. F); or”;
- (c) in subsection (8), by adding “registered” before “medical practitioner” where it first appears.

25(3)

- (a) In the proposed section 12B(3), by adding before paragraph (a) –
  - “(aa) may require the person to inform the Board in writing, within a reasonable period of time as specified by the Board, whether any medical treatment was given in Hong Kong or outside Hong Kong;
  - (ab) may require the registered medical practitioner or registered Chinese medicine practitioner whom the person claims to be the one that gave the person medical treatment to inform the Board in writing, within a reasonable period of time as specified by the Board, whether he did give the medical treatment to the person, whether the medical treatment was given in Hong Kong or outside Hong Kong, and whether the medical treatment was medical treatment that met the requirements in section 12(4);
  - (ac) may seek advice, from such persons as in the opinion of the Board may be competent for the purposes, as to

whether any medical treatment was medical treatment that met the requirements in section 12(4);”.

- (b) In the proposed section 12B(3)(b) and (4)(a) and (b), by adding “registered” before “medical practitioner” wherever it appears.
- (c) In the proposed section 12B(5), by adding “registered” before “medical practitioner” where it first appears.
- (d) In the proposed section 12B(6), by deleting “(3)(a)” and substituting “(3)(aa), (ab) or (a)”.
- (e) In the proposed section 12B(8)(a), by adding “registered” before “medical practitioner”.

New

By adding –

**“25A. Appointment of Pneumoconiosis  
Medical Board**

Section 22(a) is amended by adding “registered” before “medical practitioners”.

26

In the proposed section 23A(3)(a) –

- (a) in subparagraph (i) –
  - (i) by adding “registered” before “medical practitioner”;
  - (ii) by deleting “in Hong Kong”;
- (b) in subparagraph (ii), by deleting “in Hong Kong”.

27(1)

In the proposed section 28(aa) and (ab), by adding “registered” before “medical practitioner”.



## Appendix I

## WRITTEN ANSWER

**Written answer by the Secretary for Home Affairs to Mr SIN Chung-kai's supplementary question to Question 3**

According to the information provided by the Security Bureau and the police, the number of persons arrested for "Soccer bookmaking" between 2002 and 2006 and prosecuted for "Betting with a Bookmaker" are set out as follows for reference:

## Number of Persons Arrested for Soccer Bookmaking

<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006 (January to June)</i>	<i>2006 (World Cup)</i>
131	105	182	130	126	192

## Number of Persons Prosecuted for Betting with a Bookmaker

<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006 (January to March)</i>
16	12	66	47	7

Members may also wish to note that in the reply of the Security for Home Affairs on 28 June, as stated in the Hansard:

- the figure of more than 3 000 bookmakers quoted was referring to the number of bookmakers operating unlawful gambling in general, rather than just the number of bookmakers engaged in illegal soccer betting; and
- the number of bookmakers arrested for illegal soccer bookmaking range from 100 to 200 per year as tabulated above (not 1 000 to 2 000).

**Appendix II****WRITTEN ANSWER****Written answer by the Secretary for Education and Manpower to Mr CHEUNG Hok-ming's supplementary question to Question 4**

As regards whether the Employees Retraining Board (ERB) has placement forecasts in respect of the 100 000 training places to be offered by it in 2006-07 and how these forecasts, if available, compare with the expectation of the retrainees, of the 100 000 training places to be offered in 2006-07, about half are for placement-tied training for the unemployed. While the ERB does not make any placement forecast, it has set a placement target of 70% for all its placement-tied courses since 1995-96. Since the target was set, the placement rates have consistently exceeded 70%. The placement rate for 2005-06 is 83%.

## Appendix III

## WRITTEN ANSWER

**Written answer by the Director of Home Affairs to Dr Fernando CHEUNG's supplementary question to Question 4****(1) Rationale for the closure of new arrivals service centres**

To facilitate the better delivery of family services and effective interface with other services, the Social Welfare Department (SWD) commissioned the University of Hong Kong (HKU) to conduct a consultancy study on the review of family welfare services in August 2000. The consultancy study concluded that the Integrated Family Service Centre (IFSC) model would be more effective in providing welfare services to the needy individuals and families, including new arrivals in need.

On the basis of the outcome of the consultancy study and the positive findings in the pilot IFSC projects from 2002 to 2004, the SWD has re-engineered by phases in 2004-05 its family services, which were fragmented and overlapping, to form 61 IFSCs throughout the whole territory.

The IFSCs provide one-stop preventive, supportive and remedial services. Moreover, social workers in the IFSCs who are experienced and skilled in serving new arrival families can provide appropriate services for this target group. Apart from participating in activities designed for the new arrival families, the new arrivals may also participate in other programmes to interact with people from different backgrounds to extend their social network.

As compared with the four time-limited Post-migration Centres (PMCs) in four districts, the 61 IFSCs, located throughout the territory, are more accessible. The IFSCs also offer additional services previously not available at the PMCs, including intensive counselling, assessment for compassionate rehousing, and arrangements for clinical psychological services.

To better integrate the services for new arrivals with the mainstream IFSCs and eliminate any labelling effect on the services provided for new arrivals, the SWD ceased subventing the four time-limited PMCs in April 2004 on termination of the service agreements of the PMCs.

**WRITTEN ANSWER — *Continued***

- (2) Employment and training programme provided to persons from the Mainland having resided in Hong Kong for less than seven years

The SWD has commissioned non-governmental organizations to operate the Intensive Employment Assistance Projects (IEAPs) and to organize some 105 projects for 28 000 participants, in three stages, over the four years from October 2003 to September 2007. Out of the 28 000 participants, up to of 30% participants may be the non-Comprehensive Social Security Assistance (CSSA) recipients, including new arrivals. Under the project, the operating agencies provide tailor-made employment assistance services to help the unemployed persons, including new arrivals, to achieve self-reliance through gainful employment. As at June 2006, some 33 509 persons have participated in the projects. Of these, 25 791 were CSSA recipients and 7 718 were non-CSSA recipients.

As regards the employment and training programmes provided by other government bureaux and departments, such as the Education and Manpower Bureau and the Labour Department, details of such programme have been included in the reply by the Secretary for Education and Manpower to the question raised by the Honourable CHEUNG Hok-ming at the Legislative Council meeting on 28 June 2006.

The Government will continue to provide various employment and training services to new arrivals to assist them in seeking suitable employment as early as possible.