

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 5 July 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 ALBERT HO CHUN-YAN

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

DR THE HONOURABLE JOSEPH LEE KOK-LONG, J.P.

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBERS ABSENT:

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

THE HONOURABLE LAU WONG-FAT, G.B.M., 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 MA LIK, G.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

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

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

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

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

PRESIDENT (in Cantonese): A quorum is not present now. Clerk, please ring the bell.

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

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

TABLING OF PAPERS

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

- No. 95 — Hong Kong Trade Development Council
Annual Report 2005/06
 - No. 96 — Independent Commission Against Corruption
Complaints Committee
Annual Report 2005
 - No. 97 — Independent Commission Against Corruption
Hong Kong Special Administrative Region
Annual Report 2005
 - No. 98 — Airport Authority Hong Kong
Annual Report 2005/2006
 - No. 99 — Report of the Independent Police Complaints Council
2005
 - No. 100 — The Eighteenth Annual Report of The Ombudsman,
Hong Kong (June 2006)
- Report of the Panel on Manpower 2005/2006
- Report of the Panel on Home Affairs 2005/2006

Report of the Panel on Security 2005/2006

Report of the Panel on Constitutional Affairs 2005/2006

Report of the Panel on Food Safety and Environmental Hygiene
2005/2006

Report on Women in Poverty by the Subcommittee to Study the Subject
of Combating Poverty

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Tommy CHEUNG will address the Council on the Independent Commission Against Corruption Complaints Committee Annual Report 2005.

Independent Commission Against Corruption Complaints Committee Annual Report 2005

MR TOMMY CHEUNG: Madam President, as a member of the Independent Commission Against Corruption Complaints Committee (the Committee), I hereby table the Independent Commission Against Corruption Complaints Committee Annual Report 2005 on behalf of the Committee.

This is a report on the work of the Committee for 2005. The Committee's major responsibility is to monitor, and where it considers appropriate to review, the handling by the Independent Commission Against Corruption (ICAC) of non-criminal complaints by anyone against the ICAC and its officers. To enhance public understanding of the complaint handling mechanism, the report explains in detail the function and mode of operation of the Committee.

In 2005, the Committee held three meetings to consider the papers and investigation reports on the complaints received. The Committee formed its independent view on the investigation findings. Through examination of the issues brought up in the complaints, both the ICAC and the Committee have carefully scrutinized the relevant ICAC's internal procedures, guidelines and

practices to see whether they need to be updated, clarified or formalized, with a view to making improvements.

The publication of annual report enables the Committee to brief the public on its work on a regular basis. This is the 11th annual report published by the Committee. Should Members have any comments on it, they are welcome to forward their views to the Secretary of the Committee. The support of this Council and members of the public to the work of the Committee is very much appreciated.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr SIN Chung-kai will address the Council on the Independent Commission Against Corruption Annual Report 2005.

Independent Commission Against Corruption Hong Kong Special Administrative Region Annual Report 2005

MR SIN CHUNG-KAI (in Cantonese): Madam President, as a member of the Advisory Committee on Corruption, I have the honour of tabling the Independent Commission Against Corruption Hong Kong Special Administrative Region Annual Report 2005 to Members here in the Council today.

To the Independent Commission Against Corruption (ICAC), 2005 was both challenging and gratifying during which rising public expectation continued to drive the ICAC to be ever more effective and accountable. Yet the pressure carried with it robust and heartfelt community confidence in the ICAC, articulated with a record level of non-anonymous corruption reports of more tangible substances at 73%.

Last year, the total number of corruption reports received stood at 3 685, a decrease of 61 reports representing a 2% slip against 3 746 reports in 2004 and a drop for the fourth consecutive year. This is the result of the ICAC's efforts to put corruption in a tight rein by helping improve system controls in both the public and private sectors and deepening the integrity culture of our community through intensive community education. Despite the dip, more substantive information provided by complainants had led to a 3% rise in the number of

pursuable reports, to 2 946 or 80% of the total in 2005, as compared to 2 856 in 2004.

On investigation, the ICAC continued to persevere to round up corrupt elements. In 2005, the overall case-based conviction rate reached a high 81%. The enforcement results reflected to a large extent the success of the proactive approach in which the use of informants and undercover operations had unearthed corruption that might otherwise remain undetected. In 2005, the ICAC investigated a number of complex and intricate cases and the Financial Investigation Section conducted financial analysis and assets tracing on more than 1 100 financial investigations and provided professional support. The Computer Forensic Section of the ICAC had carried out more than 500 computer data analyses to help expose the footprints of corrupt activities.

On community education, the ICAC continued to foster an ethical culture in various sectors. At the conclusion of the Civil Service Integrity Entrenchment Programme, a joint effort with the Civil Service Bureau, over 15 000 civil servants had attended seminars and workshops. In addition, leaders from both the public and private sectors demonstrated their commitment to ethical governance by taking part in the "Leadership Forum 2005 — Successes through Ethical Governance". Meanwhile, a two-year Business Ethics Promotion Programme ended in 2005. The ICAC succeeded in pressing home the cardinal principle of corporate governance to the senior executives/managers and front-line workers in 740 listed companies. In order to proactively promote awareness of corruption prevention and corruption risk management in cross-boundary businesses, apart from producing practical tool kits and seminars, the ICAC had, upon invitation of a local chamber of commerce, conducted seminars in Shenzhen for the senior of its member companies operating across the boundary, so as to beef up the ability of cross-boundary businessmen in managing the corruption-related risks. Furthermore, to capitalize on the growing popularity of Internet among young people, during the year, the ICAC embarked on a web-based reading project and writing competition to nurture positive values in primary and secondary school students in the territory. A spot series and a drama programme were produced for radio broadcast to enhance public understanding of the work, power and accountability of the ICAC.

With the promotional efforts of the ICAC, the concept of corruption prevention has become the consensus of the local and international community in

recent years. In 2005, the ICAC completed 96 assignment studies related to the work of government departments. Training workshops were also arranged for the organizations concerned and their front-line staff to implement corruption prevention measures and promulgate best practices. During the year, the ICAC made significant progress in a number of key public areas such as works projects, funding schemes, procurement, licensing and law enforcement, by improving the related systems and procedures against corrupt practices. The ICAC provided corruption prevention advice to the bureaux and departments concerned in the planning and implementation of major projects by the Public-Private Partnership approach, particularly in managing conflict of interest, handling confidential information and adopting fair selection procedures. In addition, the ICAC also provides timely advice to government departments and public bodies during the formulation of new policies, legislation or procedures. During the year, the ICAC provided free, confidential and tailor-made corruption prevention services to private sector organizations. During the year, a total of 367 pieces of advice were offered. It also promulgated a Best Practice Module on Hotel Management for reference by hoteliers to raise their awareness of corruption.

Madam President, the Commissioner of the ICAC and I wish to take this opportunity of tabling this Report to the Council to thank this Council and the public for their support of the ICAC, to thank the various ICAC advisory committees for their valuable contribution during the year and to salute the unrelentingly dedicated staff of the ICAC.

PRESIDENT (in Cantonese): Mr Alan LEONG will address the Council on the Report of the Independent Police Complaints Council 2005.

Report of the Independent Police Complaints Council 2005

MR ALAN LEONG: Madam President, on behalf of the Independent Police Complaints Council (IPCC), may I present the Report of the Independent Police Complaints Council 2005.

The IPCC is an independent body, members of which are appointed by the Chief Executive. Its main duty is to monitor and review the investigation conducted by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force into complaints against the police to ensure impartiality and

thoroughness. When examining the investigation reports, the IPCC can ask the CAPO to clarify areas of doubt and request the CAPO to re-investigate into a complaint if it is not satisfied with the investigation result. Where necessary, the IPCC may also interview witnesses, including the complainants, complainees and professionals such as forensic pathologists, for further information or expert advice. A case will not be finalized until the IPCC has endorsed the CAPO's investigation results.

In 2005, the IPCC reviewed and endorsed a total of 2 828 complaint cases involving 4 695 allegations, a decrease of 471 cases and 1 142 allegations when compared with the corresponding figures of 3 299 and 5 837 in 2004. Allegations of "Assault", "Misconduct/Improper Manner/Offensive Language" and "Neglect of Duty" constituted 83.9% of the total allegations, representing an increase of 0.5% when compared with the figure of 83.4% recorded for 2004. Of the 4 695 allegations endorsed, 66 were classified as "Substantiated", 79 were "Substantiated Other Than Reported", eight were "Not Fully Substantiated", 854 were "Unsubstantiated", 244 were "False", 271 were "No Fault", 25 were "Curtailed", 1 385 were "Withdrawn", 861 were "Not Pursuable", and the remaining 902 allegations, which were of a very minor nature, such as "Impoliteness", were resolved by "Informal Resolution", that is, mediation by a senior police officer who is at least at the Chief Inspector of Police rank in the complainee's formation. The substantiation rate in relation to the 1 522 fully investigated allegations in 2005 was 10.1%.

In 2005, the IPCC raised 541 queries on the CAPO's investigation reports, asking for clarifications on ambiguous points or questioning the results of investigations. Subsequently, the results of investigation of 64 allegations were changed. Arising from the investigation results endorsed by the IPCC in 2005, criminal proceedings, disciplinary and other forms of internal actions were taken against 173 police officers. The IPCC also suggested improvements to police procedures where appropriate.

To provide a higher level of service, the IPCC has promulgated a set of performance pledges in terms of standard response time in handling public enquiries and monitoring complaints against the police. The performance of the IPCC in meeting its pledges in 2005 was satisfactory. 100% of normal cases were endorsed within the pledged period of three months. In addition, 99.9% of complicated cases and 99.1% of appeal cases were endorsed within the pledged period of six months. With experience gained from past years' operation, the IPCC will strive to maintain a high level of performance in future.

Although the IPCC plays no part in the actual investigation, its members and Lay Observers, through the IPCC Observers Scheme, can observe the conducting of investigations and interviews by the CAPO on a scheduled or surprise basis. In 2005, 327 observations were arranged under the IPCC Observers Scheme. After each observation, the Observers report to the IPCC as to whether the CAPO has conducted the investigation in a thorough and impartial manner. Their feedback has been useful for the IPCC in monitoring the complaint cases.

In 2005, the IPCC continued to organize publicity programmes to publicize its functions and image. As part of its ongoing publicity programme, talks were organized at secondary schools during the year.

To sum up, 2005 was a busy and successful year for the IPCC. Details of the activities of the IPCC and some complaint cases of interest are given in the Report of the Independent Police Complaints Council 2005.

We understand that the Administration plans to re-introduce a bill to the Legislative Council to make the IPCC a statutory body. We hope that this can further enhance the monitoring function of the IPCC and public confidence in the police complaints system.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LAU Chin-shek will address the Council on the Report of the Panel on Manpower 2005/2006.

Report of the Panel on Manpower 2005/2006

MR LAU CHIN-SHEK (in Cantonese): President, in my capacity as Chairman of the Panel on Manpower, I present a Report on the work of the Panel in the 2005-06 Session and would like to highlight several major areas of our work.

Some members pointed out that many parties of the World Trade Organization (WTO) Agreement on Government Procurement had imposed additional requirements to protect local employment. They were of the view that as only a very small percentage of the goods procured by the Administration

was manufactured locally, imposing a local production requirement should result in a substantial increase in the procurement of local goods. This would significantly improve local employment.

A member considered that Hong Kong should withdraw from the WTO Agreement on Government Procurement and the Administration should amend its procurement policy to require all prefabricated units for public housing and public works projects as well as uniforms to be manufactured locally. Some members urged the Administration to conduct a full review of its procurement policy and consider imposing a 50% local production requirement on the goods to be procured.

The Panel passed a motion urging the Administration to conduct a comprehensive review of the Government's procurement policy under the WTO Agreement on Government Procurement and impose a requirement that priority be given to safeguarding the employment opportunities for local workers in the procurement of goods and services, or otherwise to withdraw from the WTO Agreement on Government Procurement.

The Panel was very concerned about abuses of the Protection of Wages on Insolvency Fund. Some members suggested that section 64B of the Employment Ordinance should be amended to the effect that a director who had no reasonable excuse would be liable for an offence committed by his limited company under section 63C of the Employment Ordinance, in order to create a deterrent effect on employers. Some members, however, expressed reservations about the suggestion, given that many directors were not involved in the operation of companies. These members were of the view that such an amendment would lower the threshold for prosecution under the section.

The Administration stated that the Labour Department was consulting the Department of Justice on the review of section 64B of the Employment Ordinance. The Administration kept an open mind in the review of the effectiveness of the section. The Administration would proceed with prompt action if legislative amendments were considered necessary, feasible and desirable.

Members welcomed the Administration's proposal to put in place the manpower development plan for the textiles and clothing industry, but some members expressed concern about the possible abuse by employers in the

importation of labour. These members pointed out that the labour sector was concerned that the importation of labour would adversely affect the employment opportunities and wages of local workers. Members urged the Administration to closely monitor the implementation of the plan to protect the rights of local and imported workers.

The Administration informed the Panel that the Labour Department would provide a complaint hotline and promptly investigate any complaints lodged. A Committee on Manpower Development for the Textiles and Clothing Industry would be formed to monitor the scheme. A comprehensive review of the scheme would be conducted when the number of imported workers reached 5 000.

Members pointed out that many construction workers employed under public housing construction works and public works projects had been forced to become self-employed. They were concerned about whether the Administration had, in devising the improvement measures to manage subcontracting, taken into consideration the situation of false self-employment. A member considered that the improvement measures proposed by the Administration could in no way stop the subcontractors from forcing their employees to sign fabricated wage slips. Another member was of the view that the Administration should consider more severe measures in order to prevent wage offences by contractors.

The Administration responded that in an effort to deter malpractice of false self-employment, contractors were required to take out separate insurance cover for an amount of \$1 million or extend their employees' compensation insurance to cover self-employed persons. Self-employed workers working in the capacity of a subcontractor were required to be registered under the Voluntary Subcontractors Registration Scheme introduced by the Provisional Construction Industry Coordination Board. These measures would deter any false claim of self-employment.

The Administration also pointed out that it was an offence for an employer to wilfully issue forged cheques or force their employees to sign fabricated wage slips. Employees should report such cases to the police for criminal investigation. With respect to offences on wage default, prosecution would be initiated against the offending employers once sufficient evidence was obtained.

Members urged the Administration to step up the monitoring of the payment of wages to ensure that wages due were paid on time and on a regular basis.

I wish to take this opportunity to thank members for their contribution to the work of the Panel. I also thank colleagues of the Secretariat and the Simultaneous Interpreters for their hard work during the past year. Thank you, President.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG will address the Council on the Report of the Panel on Home Affairs 2005/2006.

Report of the Panel on Home Affairs 2005/2006

MR TOMMY CHEUNG (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Home Affairs, I present to the Legislative Council the Report on the work of the Panel in the 2005-06 Session and would highlight the deliberations of the Panel in several areas.

During the past year, the Panel closely monitored the submission of reports to the United Nations under various international human rights treaties by the Government of the Hong Kong Special Administrative Region (SAR) and its progress in following up the recommendations made by the United Nations Treaty Monitoring Bodies concerned in respect of these reports.

With regard to the second report of the SAR in the light of the International Covenant on Civil and Political Rights (ICCPR), some members expressed their disappointment at the progress made by the Administration in implementing the recommendations made by the United Nations Human Rights Committee (UNHRC). These members considered that the Administration should set up an independent human rights institution to implement the rights under the ICCPR in accordance with the recommendation made by the UNHRC. The Administration explained that the SAR Government accepted the international obligations to implement the ICCPR, but the SAR Government was not obliged to follow the recommendation of the UNHRC as to the way of implementing the ICCPR and there was no obligation under the ICCPR to set up a human rights commission.

On the report submitted by the SAR Government under the Convention on the Rights of the Child (CRC), some members were concerned that the co-ordination of existing programmes and policies pertaining to children's rights was sectoral and fragmented. They held the view that the Administration should consider setting up a central body for monitoring the effective implementation of the CRC, as recommended by the United Nations Committee on the Rights of the Child.

The Administration's progress in introducing legislation against racial discrimination continued to be kept under review by the Panel during this Legislative Session. At the Panel's request, the Administration had briefed members on the main provisions of the proposed Race Discrimination Bill. Some members reiterated that the scope of the Bill should be extended to cover discrimination against new arrivals from the Mainland.

The Panel was also concerned that the Administration did not honour its previous undertaking of introducing the Race Discrimination Bill to the Legislative Council within the 2005-06 Legislative Session. The Administration explained that given the complexity of the Bill, it was necessary to conduct adequate consultation before introducing the Bill. The Administration now plans to introduce the Bill at the end of 2006.

Madam President, the East Asian Games will be held in Hong Kong in 2009. In this connection, the Panel received a briefing by the Administration on the progress of the preparation for hosting the event.

Some members were supportive of the financial proposal to increase the Government's subsidy to support the organization of the event to \$123 million. They considered that the hosting of the 2009 East Asian Games would help promote young people's interest in sports, and benefit the tourist industry and the local economy. However, some members considered that funding support from the Administration should be capped.

Some other members expressed reservations about the financial proposal. They criticized that the Administration had not promoted a sporting culture at the community level, particularly among students, but just allocating most of the resources to building sports infrastructure and subsidizing major National Sports Associations. The Panel will later discuss with the Administration the long-term strategies for the development of sports in Hong Kong.

The Panel received a briefing by the Secretary for Home Affairs on Hong Kong's cultural policy. Some members were of the view that the Administration did not provide adequate assistance to the development of new and small arts groups and artists. They suggested that a dedicated fund be set up for subsidizing the start-up costs of budding arts groups.

The Panel would continue to hold discussions with the Home Affairs Bureau on Hong Kong's cultural policy and would receive views from the relevant organizations and the public on the subject.

Finally, I wish to take this opportunity to thank members' support for the work of the Panel on Home Affairs over the past year.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr James TO will address the Council on the Report of the Panel on Security 2005/2006.

Report of the Panel on Security 2005/2006

MR JAMES TO (in Cantonese): President, in my capacity as Chairman of the Panel on Security, I now table the Report of the Panel on Security for the 2005-06 Session and explain several key areas of work of the Panel.

Some members commended the police for playing a key role in facilitating the Sixth Ministerial Conference (MC6) of the World Trade Organization to be held successfully in Hong Kong. Some other members expressed concern that some 1 000 people had been arrested in the course of demonstration on 17 and 18 December 2005, while two protestors had been prosecuted for unlawful assembly and one for unauthorized assembly. These members were also concerned about the allegations against the police for ill-treating detained persons and depriving these persons of basic rights according to international human rights standards.

Some members urged the Administration to appoint independent persons to conduct a thorough inquiry into the police's actions during MC6 in order to enhance police credibility.

Members of the Panel had raised various concerns and queries about legislative proposals regulating the interception of communications and covert surveillance activities conducted by the Administration and the law-enforcement agencies. Some members expressed concern about how the so-called "more intrusive" and "less intrusive" covert surveillance operations would be differentiated. These members opposed the proposal that panel Judges authorizing interception of communication and the "more intrusive" covert surveillance operations must be appointed by the Chief Executive. They also opposed the integrity check to be conducted on panel Judges prior to their appointment.

Some members queried why a person who was the subject of covert surveillance operation was not notified after such activities had discontinued. They considered that in cases of interception or covert surveillance mistakenly conducted, the persons concerned should be notified.

In addition, some members suggested that there should be penalty provisions for non-compliance with any code of practice made under the proposed legislation. They also suggested that a committee should be established as an independent oversight authority instead of appointing a Judge as the Commissioner on Interception of Communications and Covert Surveillance.

The Panel discussed the shooting incident involving police officers in Tsim Sha Tsui on 17 March 2006. Some members expressed concern whether the investigation into the incident would be conducted in a fair and impartial manner. As coroners do not have independent investigation power and the investigation would be conducted by the police, these members suggested that an independent committee of inquiry should be appointed to investigate the incident in order to ensure that an independent and impartial investigation would be conducted.

The Administration responded that it was not appropriate to appoint an independent committee of inquiry at this stage, given that death inquests might be held. The Administration informed members that the police were closely advised by a counsel, independent of the police, specializing in death inquests in carrying out investigation into the incident, and the police would continue to ensure that the investigation was conducted thoroughly and impartially.

Some members expressed support for the introduction of the proposed Quality Migrants Admission Scheme. Some other members, however, expressed concern about the implications of the proposed Scheme on local

employment. They considered that representatives of the labour sector should be appointed to the selection committee.

The Administration explained that experience indicated that an average of about 1.5 new jobs had been created per entrant under the Admission Scheme for Mainland Talents and Professionals. Hence, the Administration believed that the proposed Scheme should create more employment opportunities for local people. Selection of entrants would be made by a selection committee comprising members from various sectors of the community. As regards the composition of the selection committee, the Administration stated that it would consider the views of members.

Members urged the Administration to formulate effective measures to prevent possible abuse of the proposed Scheme.

As regards the leakage on the Internet of personal data held by the Independent Police Complaints Council (IPCC), members pointed out that the IPCC was not a statutory body, and the staff of its Secretariat were civil servants. Furthermore, the terms of reference of the IPCC did not include resolving issues of an administrative nature. Members urged the Government to provide support to the IPCC to resolve the matter, or take over the remedial work. Some members urged the Administration to appoint an independent committee of inquiry to investigate the incident in order to restore public confidence in the IPCC.

The Chairman of the IPCC informed the Panel that the IPCC had set up two subcommittees to meet with the persons affected by the leakage. He hoped that there could be direct government involvement in the remedial actions.

The Administration stated that it would continue to seek to provide additional staff to the IPCC where necessary. In addition, the Administration would take over all legal proceedings against the IPCC members and the IPCC Secretariat. The Administration took the view that as the Office of the Privacy Commissioner for Personal Data was conducting an investigation into the incident, there was no such a need to appoint an independent committee of inquiry at this stage.

I wish to take this opportunity to thank members for the contribution they have made to the Panel and also the hard work and contribution made by the Legislative Council Secretariat and all parties concerned. Thank you.

PRESIDENT (in Cantonese): Dr LUI Ming-wah will address this Council on the Report of the Panel on Constitutional Affairs 2005/2006.

Report of the Panel on Constitutional Affairs 2005/2006

DR LUI MING-WAH (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Constitutional Affairs, I now report on highlights in the work of the Panel during the current Session.

The Panel had closely monitored the progress of the work of the Constitutional Development Task Force (Task Force). The Fifth Report published by the Task Force on 19 October 2005 set out a package of proposals for the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008 (the "two methods"). The amendments to Annexes I and II to the Basic Law regarding the "two methods" were proposed to be effected by way of two motions.

The issue of District Council (DC) appointed membership was a main concern raised by some members. The Administration had subsequently proposed some adjustments to the proposed package in the hope of achieving consensus. The maximum number of appointed DC seats should be gradually reduced to zero in January 2012 or January 2016. According to the Administration, such adjustments to the proposed package would be made on condition that the two motions would be endorsed by the Legislative Council on 21 December 2005. Members held divergent views on the above adjustments proposed by the Administration and ultimately the motions introduced by the Administration were not endorsed by the Legislative Council.

Some members considered that the Administration should put forth a timetable for universal suffrage in order to promote constitutional development in Hong Kong. The Panel held discussions on different models for the two methods for selecting the Chief Executive and forming the Legislative Council by universal suffrage. Some members considered that the Panel should reach a consensus on the implementation time and mode of universal suffrage at some suitable point in time.

The Panel noted that the Election Committee subsector elections would be held on 10 December 2006, and the Chief Executive election would be held on

25 March 2007. The Panel was briefed on the proposed amendments to the principal and subsidiary legislation with respect to the two elections. Of greater importance was the proposal to establish a mechanism whereby, in the event that only one candidate was validly nominated at the close of nominations for a Chief Executive election, the electoral process shall continue.

The Chief Executive announced in his policy address in October 2005 that the Government would allow DCs to participate in the management of some district facilities within the limits of the framework of the existing statutory provisions and resource allocations. The Panel held two meetings to discuss and receive public views on the scope of the review. The Panel also requested the Administration to take into account the views of members and the public in determining the scope of the review and the content of the consultation document.

After the Administration had released the consultation document in April 2006, the Panel discussed the consultation document with the Administration. Some members considered that DCs should be given substantive power in financial management, staffing matters and policymaking. Some members considered that the Administration should consult the public on the proposal of abolishing DC appointed and ex-officio seats in the current consultation exercise.

The Panel also discussed matters related to the 2007 DC elections. While the Panel expressed support for the proposal to increase the number of elected seats on the Islands DC and Sai Kung DC by two and three seats respectively, some members considered that new DC seats should be added in districts with overall population growth.

The Panel welcomed the Administration's proposal to extend the financial assistance scheme introduced in the 2004 Legislative Council elections to DC elections. The Panel urged the Administration to consider the suggestion that in calculating the amount of financial assistance payable to election candidates, financial assistance provided by a political party to its members standing in an election should not be counted as election donations. The Administration agreed to consider members' views before finalizing the proposed scheme for the DC election.

The issue of whether the Chief Executive should be subject to certain provisions of the Prevention of Bribery Ordinance had been followed up by the

Panel since 1999 and a subcommittee was set up in this term to follow the matter up. The Subcommittee had discussed in detail the legislative proposals in this respect by the Administration. The Subcommittee hoped that the Administration would take into account members' views and concerns when drafting the legislation and it would introduce the relevant bill to this Council soon.

President, these are my brief remarks on the Panel's Report. Thank you.

PRESIDENT (in Cantonese): Mr Fred LI will now address this Council on the Report of the Panel on Food Safety and Environmental Hygiene 2005/2006.

Report of the Panel on Food Safety and Environmental Hygiene 2005/2006

MR FRED LI (in Cantonese): President, in my capacity as Chairman of the Panel on Food Safety and Environmental Hygiene, I now table the work report of the Panel for the 2005-06 Session to the Council.

Given the spread of avian influenza in different parts of the world, the Panel was concerned about the existing control measures. Some members urged the Administration to expedite the establishment of a regional or central slaughtering plant for poultry, as a long-term measure to reduce human contact with live poultry. Members also suggested that the Administration should step up surveillance of migratory birds and pet birds.

As for the suggestion to set up a poultry slaughtering plant, the Administration informed the Panel that a suitable site had been identified in Sheung Shui. It was the Administration's intention that the plant would be developed by the private sector, and that upon the commissioning of the plant in 2009, the sale of live poultry at retail outlets would be prohibited. Some members expressed reservations about the viability of such a plant given the keen competition from the chilled chickens supplied from across the border. Some members stressed that the Administration should ensure a level playing field for all operators in the trade and avoid creating a situation of monopolization in the supply of slaughtered chickens in Hong Kong.

The discovery of the presence of malachite green in eels and freshwater fish supplied to Hong Kong aroused extensive public concern about the safety of

fish and fish products. The Panel held a series of meetings to discuss with the Administration and freshwater fish traders the regulatory measures for live fish and aquatic products. The Panel noted that under the agreement entered into between Hong Kong and the mainland authorities, supply of freshwater fish to Hong Kong is allowed only from farms registered by the mainland authorities and approved by the Food and Environmental Hygiene Department. Such fish must be accompanied by health certificates issued by the relevant mainland authorities. The Administration also introduced legislative amendments to prohibit the import and sale of food (including live fish) containing malachite green. Sampling tests would continue to be conducted to ensure that there was no malachite green in fish and fish products.

As for vegetables, according to the findings of tests conducted by Greenpeace, residues of banned pesticides were found in a number of vegetable samples obtained from retail outlets of two major supermarket chains, while residues of permitted pesticides exceeding the acceptable levels were also found in some samples. The Panel was of the view that the Administration should tighten the monitoring of the presence of pesticide residues in vegetables and improve the source tracking system for agricultural produces.

With respect to arrangements for importation of chilled pork from the Mainland, some members were of the view that before allowing import of chilled pork from the Mainland, the Administration should first address the problem of some unscrupulous traders passing off defrosted chilled pork as fresh pork for sale. Some other members were of the view that chilled pork from the Mainland should be allowed if such pork could meet Hong Kong's hygiene and import requirements. The Panel considered that traders should be required to have separate licences for the sale of fresh pork and chilled/frozen pork as this would enable consumers to differentiate chilled pork from fresh pork, while also facilitating enforcement of licence conditions by the relevant departments.

To balance the interests of consumers and those of the trade, the Administration agreed to introduce legislation to implement the "one licence for one shop" proposal. Exemptions would be considered subject to certain conditions, including pre-packing and labelling of the chilled pork and compliance with the temperature and storage requirements for the sale of chilled meat. The proposed legislation would be introduced to the Legislative Council in July.

On genetically modified food, the Panel expressed disappointment with the lack of progress by the Administration in introducing a mandatory labelling system for genetically modified food. The Administration informed the Panel that a voluntary labelling system for genetically modified food would be introduced as a start. The Administration would work with the sector and consumer groups to devise a set of guidelines. The Administration agreed to review the effectiveness of the voluntary labelling system 12 months after its implementation and revert to the Panel.

As for other matters discussed by the Panel, they have been set out in detail in the report and I would not repeat them here.

President, I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): First question.

Introduction of Environmentally-friendly Vehicles

1. **MR ANDREW LEUNG** (in Cantonese): *President, in connection with environmentally-friendly fuel for vehicles and the introduction of electric-petroleum hybrid saloon cars (hybrid saloons) by the Government, will the Government inform this Council:*

- (a) *of the latest progress of the commissioning test and the preliminary data on repair and maintenance and operational efficiency of hybrid saloons;*
- (b) *as motor car dealers have received an increasing number of enquiries about hybrid saloons over the past year, and various brands of hybrid saloons are available in the market for the public to choose from, whether the Government has any plans to introduce policies or measures as soon as possible to encourage the public to use this type of environmentally-friendly vehicles; and*
- (c) *whether it will introduce new policies such as permitting the use of such environmentally-friendly alternative fuels as ethanol gasoline*

on motor vehicles and exempting them from motor spirit duty, in order to encourage oil companies to introduce environmentally-friendly fuels so that environmentally conscious drivers will have another option?

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

- (a) The Government has bought five electric-petroleum hybrid saloons for a two-year trial run, starting April 2005, to ascertain if it is appropriate to deploy hybrid vehicles in the Government's vehicular fleet. The trial is still in process and data obtained in the first year revealed that these hybrid saloons can meet day-to-day transportation needs. The fuel consumption is about 40% less than that for small petrol saloons. The repair and maintenance costs are more or less the same as petrol cars. The Government will collect more data for further analysis as the trial continues.
- (b) The Government has been monitoring the supply of hybrid vehicles in the market from the trade and notes that there are four models available in the local market, most of which are introduced by parallel importers. The Government will actively consider and analyse the costs and benefits of procuring hybrid vehicles for the Government fleet and encouraging their use by the community, when they are proven to be cost-effective. We will closely monitor the market conditions with a view to formulating an appropriate policy to encourage the use of hybrid vehicles.
- (c) To control emission, petrol vehicles for sale in Hong Kong have to be installed with three-way catalytic converters since 1992. At the same time, petrol sold in Hong Kong already meets Euro IV standard. Therefore, promoting the use of ethanol gasoline for petrol vehicles will not substantively help improve Hong Kong's roadside air quality.

Ethanol derived from plants such as sugar cane is considered a kind of renewable energy. The greatest advantage of using it as motor fuel is to lessen our reliance on fossil fuels and reduce the global

emission of carbon dioxide, a major greenhouse gas. Hence, the Government has already allowed petrol to contain 5% of ethanol under the Air Pollution Control (Motor Vehicle Fuel) Regulation. The Government will continue to closely monitor the technological development of environmental fuels such as ethanol gasoline. If they are found to be suitable for use in Hong Kong, we will consider introducing appropriate measures including tax concessions to promote and encourage their use.

MR ANDREW LEUNG (in Cantonese): *President, the Secretary said in part (c) of the main reply that ethanol derived from plants could help alleviate greenhouse effect and reduce the emission of carbon dioxide, and that petrol was allowed to contain 5% of ethanol. May I ask the Secretary, as petrol containing 10% of ethanol is generally used around the world, whether the Government will consider amending the law to raise the permitted percentage of ethanol content in petrol from 5% to 10%? At present, how many oil companies are using petrol containing 5% of ethanol?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): In Hong Kong, petrol containing 5% of ethanol is used. This percentage is set according to the standard for Euro vehicles that use petrol containing ethanol not exceeding 5%. Of course, some countries do use petrol containing 10% of ethanol. But the Japan Automobile Manufacturers Association also states that the use of petrol containing over 5% of ethanol may cause metallic corrosion. Generally, if petrol containing ethanol of 10% or more is used, modification must be made or a special device must be installed to the vehicle, thus Hong Kong has not yet adopted this standard at present.

MR ANDREW LEUNG (in Cantonese): *President, I would like to follow up the use of petrol containing 5% of ethanol mentioned by me just now. At present, are oil companies already using petrol containing 5% of ethanol?*

PRESIDENT (in Cantonese): Mr Andrew LEUNG, this is not a follow-up.

MR ANDREW LEUNG (in Cantonese): *I have mentioned this issue just now.*

PRESIDENT (in Cantonese): This is not part of the supplementary question you have raised. In respect of follow-up questions, clear explanation has been given in the Rules of Procedure. If you would like to ask this question, you have to wait for another turn.

PRESIDENT (in Cantonese): A total of nine Members are waiting to ask supplementary questions. Will Members who have the chance to ask questions be as concise as possible, so that more Members may ask questions.

MR ALBERT CHENG (in Cantonese): *In part (a) of the main reply, the Government mentioned that it was now conducting a two-year trial run on hybrid vehicles, stating that economic principle, fuel consumption and maintenance costs were among the factors for consideration. However, may I ask the Government whether the factor of environmental protection will be considered during the trial run?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Surely, in considering the overall economic effectiveness and social effectiveness, environmental protection accounts for a significant part. As the Secretary of the Policy Bureau on environmental protection, I strongly recommend the use of hybrid vehicles. For the use of hybrid vehicles can help reduce emissions by 50%, indirectly affecting the social economy and people's livelihood, but the problem is how this effect can be quantified. In addition to environmental protection, fuel consumption also needs to be taken into account, but its calculation is simple. Another factor that has to be considered is the life cycle of this type of vehicles. Since these vehicles consist of an engine and a motor, they are more expensive than other vehicles. If a vehicle of this type can run for five or seven years, could the extra costs incurred be recovered during its seven-year life cycle? This is also a point the Government has to consider. Certainly, environmental protection is also one of the concerns.

DR RAYMOND HO (in Cantonese): *The electric-petroleum hybrid saloon cars we are now discussing have only been tried out in Hong Kong for a short period of time, only for a year. I do not know whether or not the Secretary has information on overseas experience. Does the Secretary have information showing whether, after running for several years, say five years, there will be changes in repair costs, deterioration of power, and changes in fuel consumption and speed of these vehicles?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I certainly have. These vehicles are manufactured in Japan. They have a lot of information and indices recorded in the course of production, which are more or less the same as the data we have collected during our trial run that has continued for one year. As for the United States, the vehicle in question is a popular model, and the information from the United States is similar to the data we have collected during the trial run that has continued for one year.

DR RAYMOND HO (in Cantonese): *President, I asked about a longer duration, such as vehicles that have been used for five years or more. Is such information available?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): We do not have precise information regarding vehicles having been run for five years or more, but we have information on some accelerated tests which test the extended use of such vehicles.

MR JEFFREY LAM (in Cantonese): *The Secretary mentioned earlier that petrol containing 5% of ethanol is allowed in Hong Kong. May I ask the Secretary of the number of types of these vehicles now available in Hong Kong, the number of vehicles now using this type of petrol and the places where this type of petrol is available?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Though we allow petrol to contain 5% of ethanol, there is no vehicle using this type of petrol at present. I believe it is mainly due to the price

but not the fuel duty payable. I may perhaps provide some information for Members' reference: The import price of petrol is \$4.83 a litre and the import price of industrial ethanol is \$17.65 a litre. The difference in prices gives no financial incentive to the use of petrol containing ethanol.

MR TOMMY CHEUNG (in Cantonese): *President, in the last part of the main reply, the Secretary mentioned the introduction of tax concessions, but in part (a), she said a two-year trial run must be conducted. But, by now, one year has lapsed. May I ask the Secretary, in view of the 40% reduction in fuel consumption, whether the Secretary will consider suggesting to the Financial Secretary the immediate introduction of tax concession in the next Budget instead of waiting for two years? For I am afraid that if the Secretary makes such a suggestion only two years later, we have to wait for another two years for the tax concession.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *President, in fact, during the course of the trial run, we have constantly provided the relevant data to the Financial Secretary. We do not need to wait until the two-year trial run is fully completed before providing the data to colleagues of the Financial Secretary's Office. Therefore, there is no question of having to wait for two full years before the matter is considered.*

MR TOMMY CHEUNG (in Cantonese): *President, the Secretary did not answer whether she would request the Financial Secretary to offer tax concessions in the coming financial year.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *I will only provide the data of the trial run to the Financial Secretary, for the decision surely rests with the Financial Secretary.*

MRS SELINA CHOW (in Cantonese): *I do not understand why the Government had to delay until 2005 before a trial run on hybrid vehicles was conducted, for many places around the world have been using hybrid vehicles for more than two years? Can the Government not save some time by making use of the data*

collected overseas, instead of spending another two years on the trial run, to decide whether the Government should use this type of vehicles extensively for the sake of energy conservation and environmental protection?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): As the Policy Bureau on environmental protection, we have already provided the information. As I said earlier, we will consider the environmental protection factor and the performance of these hybrid saloons. Even if the performance of these hybrid saloons is good, I believe other government departments may still have to examine their economic and cost effectiveness as well as other opinions, for just as Dr HO said earlier, these vehicles have after all a short history of use. Recently, some recalls were launched, for the batteries had caused some problems to certain vehicles after prolonged use. I thus believe we should be cautious in analysing the suitability of incorporating this type of hybrid vehicles into the Government's vehicular fleet.

MR LEE WING-TAT (in Cantonese): *President, in respect of this study, colleagues of the Environmental Protection Department have in fact arrived at a preliminary conclusion: This type of hybrid vehicles can reduce major pollutants by up to 40%. The Secretary also knows this point, and we also find this quite satisfactory.*

My supplementary question, like those from the several Honourable colleagues, seeks to ask the Secretary under what circumstances she will take the initiative to propose to the Financial Secretary the introduction of tax concessions to promote the use of these vehicles. At present, when we walk around Tsim Sha Tsui, Mong Kok and Central, we have to cover our noses; does the Secretary want to wait until all of us have to cough while we are on the streets before she will handle this issue?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Just as I have said earlier, in terms of environmental protection policies, I have proposed emission reduction measures like the introduction of hybrid vehicles. However, the Government as a whole certainly has other considerations in this respect, and it is not that I have not raised this.

MR LEE WING-TAT (in Cantonese): *President, my supplementary question was very straightforward. I asked about the Bureau within the purview of the Secretary. I did not ask about the decision of the Secretary. I did not ask about this point for I know it is not for the Secretary to decide, I asked about the situation of her bureau. Have you, being the Secretary responsible for environmental protection, taken the initiative to propose to the Financial Secretary the introduction of tax concession for this type of vehicles in the next financial year? This is the only point I asked.*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I have already answered it. Actually, my Bureau has already made the proposal. Not only will we do so in future, we did indeed do so in the past.

MR HOWARD YOUNG (in Cantonese): *President, the reply of the Secretary in part (a) and part (b) of the main reply is indeed better than the one she gave a year or so ago, for she said at that time that only one model of such vehicles was available in Hong Kong, but now she has admitted that four models are available. May I ask the Secretary whether she has found out the number of models of this type of vehicles now available around the world? Are we lagging far behind the world market with only four models offered in the market, for eight to 10 models of this type of vehicles are now available for sale in the United States?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Among the four models available in Hong Kong, which I have mentioned, three of them are parallel imports while the other is imported through an agent. As for the case in the world market, Mr YOUNG is right, there are a total of 15 models, eight of them are from Toyota, three from Honda, two from Ford and two from other car manufacturer. There are 15 models in total.

MISS CHOY SO-YUK (in Cantonese): *President, the Secretary said in an earlier reply that in considering a specific policy to encourage the wider use of environmentally-friendly vehicles, three factors have to be taken into account: saving in fuel consumption, reduction in pollutants emitted and the life cycle of the vehicle.*

President, I would like to ask the Secretary whether she agrees that the lifespan and fuel saving performance of these vehicles need not be considered, for the market will make the adjustment automatically and participants of the market will do their own calculations. What the Government needs to do is to encourage or implement incentives and policies to protect the environment and reduce air pollution caused by emissions. It does not need to do the calculations for them. President, may I ask the Secretary whether or not she agrees with this? (Laughter)

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Regarding the relevant policies, what we need to consider now is whether the Government will use this type of vehicles. If the Government itself purchases this type of vehicles and uses this type of hybrid vehicles extensively, I will surely recommend it strongly, for in the context of environmental protection, solid evidence has already been established that the use of this type of vehicles can alleviate pollution. However, from the point of view of the Government as a whole, it also has to consider the relevant economic effectiveness, including the life cycle analysis. These are not my personal views, for I am just representing the entire Government to state the considerations we have to take into account on a specific policy. After all, since it involves the use of public money, we still have to ask what the balance in this respect is.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MISS CHOY SO-YUK (in Cantonese): *President, my earlier supplementary question did not focus on the 500 vehicles in the Government's fleet. My point is whether the Government should adopt an incentive to attract the importation of this type of vehicles?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): In respect of incentives which may include tax concessions or other options, we have all along paid close attention to the market situation, for we think that when there are more models available and more suppliers

supplying these vehicles, there will be competition, which is when members of the public can benefit from the concessions offered by us. Recently, these hybrid vehicles are readily available in the market, but several months ago, those who want to purchase these vehicles have to wait for a long period of time, around six to 10 months. Therefore, if there is a shortage of supply in the market, concessions offered, such as the lowering of first registration tax, may be gobbled up by the market. This is a point that we should also consider.

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

MS MIRIAM LAU (in Cantonese): *The Government is in fact collecting data for analysis, but in part (b) of the main reply, it is said that we still had to wait, for the Government would actively consider and analyse the costs and benefits when these hybrid vehicles were proven to be cost-effective. May I ask when the Government will consider these hybrid vehicles cost-effective? What does it mean by cost-effectiveness? Moreover, when the Government considers that these vehicles are cost-effective, what factors will it then actively consider and what costs and benefits need to be analysed?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): This point exactly involves the various aspects I am going to explain. Certainly, it is effective at some measure from the point of view of environmental protection, but is this cost-effective? For it involves the cost to society as a whole. We can see that air pollution will certainly affect the health of the public, but how should the medical expenses so incurred be interpreted and whether the use of hybrid vehicles has a direct or indirect bearing on this? For direct costs, cost analyses can be carried out more easily, but if the cost of the environment is included, some time is needed for conducting discussions and analyses. In considering this policy, the Government must arrive at detailed justifications in this respect.

PRESIDENT (in Cantonese): Second question.

Entry Arrangement for Chinese Nationals with Foreign Right of Abode

2. **MISS CHOY SO-YUK** (in Cantonese): *President, the Hong Kong Government announced on 9 June this year that, provided normal immigration requirements are met, holders of a valid "Mainland Travel Permit for Taiwan Residents" with a valid entry/exit endorsement for the Mainland may, apart from transiting Hong Kong, also visit Hong Kong and stay for up to seven days. In this connection, will the Government inform this Council whether it will consider relaxing the immigration requirements for Chinese nationals with a foreign right of abode, including the People's Republic of China passport holders residing in such countries as Japan and the Philippines, so that they may be treated in the same way as Taiwan residents; if it will, of the details of the relevant entry arrangement and the timetable for implementation; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, from 12 June 2006, other than transiting Hong Kong, holders of a valid "Mainland Travel Permit for Taiwan Residents" (commonly known as "Tai Bao Zheng") which bears a valid entry/exit endorsement for the Mainland may also visit Hong Kong and stay for up to seven days provided normal immigration requirements are met.

Previously, Taiwan businessmen residing on the Mainland were required to apply for iPermit or an entry permit through authorized airlines in Taiwan should they wish to come to Hong Kong for business visits or sightseeing. This was considered to be rather inconvenient. Apart from benefiting Taiwanese residing on the Mainland, the new arrangement will also facilitate Taiwan residents residing in Taiwan and overseas as they will enjoy greater flexibility in planning their journeys.

As required under Article 22 of the Basic Law, persons from other parts of mainland China are required to apply for approval for entry into Hong Kong. Under the existing arrangement, mainland residents who wish to travel to Hong Kong for sightseeing must apply to the relevant mainland authorities for an Exit-entry Permit for Travelling to and from Hong Kong and Macao and a relevant exit endorsement. People's Republic of China passport holders may transit Hong Kong for not more than seven days without the need to separately apply for an entry permit. This requirement is the same regardless of whether or not individual visitors under this category have overseas permanent resident status.

To facilitate People's Republic of China passport holders residing overseas to visit Hong Kong, they may apply for an entry permit from a nearby overseas Chinese diplomatic and consular missions or the Immigration Department direct. Overseas Chinese diplomatic and consular missions may issue single-journey or double-journey entry permits valid for three months. Holders of such permits may stay in Hong Kong for 14 days to one month on each visit. Subject to the meeting of the relevant requirements (for example, having a stable income and the absence of any adverse immigration record), People's Republic of China passport holders who have lived overseas for not less than one year may apply for a multiple-journey entry permit valid for 24 months. Holders of this type of permit may stay in Hong Kong for 14 days on each visit.

We believe the existing arrangement provides adequate avenue for Chinese citizens who hold permanent resident status in foreign countries to come to Hong Kong. Taking into account the need to strike a balance between enhancing travel convenience for visiting Hong Kong and maintaining effective immigration control, we will carefully examine the suggestion raised by Miss CHOY So-yuk and explore its feasibility with relevant authorities, particularly the Mainland.

MISS CHOY SO-YUK (in Cantonese): *President, I am very grateful that the Secretary advised in the last paragraph of the main reply that my suggestion would be carefully examined. May I ask the Secretary when the suggestion will be carefully examined? When will the study be completed? And, what is the issue to be studied?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we would review the immigration policy and procedures from time to time. I am very grateful to Miss CHOY So-yuk for giving us this suggestion, and we have expeditiously proceeded with the review. With regard to Miss CHOY's request for setting a timetable, I am not sure now whether it will take two or three months because, apart from the review under way, discussions should be held with the relevant mainland authorities as Chinese nationals coming to Hong Kong are also required to obtain approval for exit under Article 22 of the Basic Law.

MISS TAM HEUNG-MAN (in Cantonese): *As pointed out in the main reply, while visitors holding "Tai Bao Zheng" may stay in Hong Kong for seven days, People's Republic of China passport holders living abroad may also stay in Hong Kong for 14 days on each visit. May I ask the Secretary if he will consider treating them in the same way so that the period of stay of visitors holding "Tai Bao Zheng" in Hong Kong will be extended from seven to 14 days?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Miss TAM Heung-man did not quite understand my main reply. Taiwan residents are not required to apply for approval for entry into Hong Kong and can stay here for seven days, which is a form of convenience provided to them. Overseas Chinese nationals holding People's Republic of China passports, on the other hand, have to apply to the local diplomatic and consular missions for visas and pay the necessary fees before they can enjoy a period of stay from 14 days to one month.

MR LAU KONG-WAH (in Cantonese): *The Secretary pointed out in the fifth paragraph of the main reply that there is adequate avenue for Chinese citizens who hold permanent resident status in foreign countries to come to Hong Kong. Avenue is certainly available, but it may not be a simple and fast one. The Secretary said that it was necessary to strike a balance between simplified procedures and effective immigration control. I wish to ask: Is there any great difference between the control exercised on these visitors and Taiwan visitors? If no, the Government should be able to give them the same treatment very soon.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, control is being exercised in several aspects. First, we have to examine whether the visitors in question have ever created troubles or breached any immigration laws in Hong Kong. Although I do not have the detailed information right now, I can tell Mr LAU Kong-wah it is my impression that overseas Chinese nationals in Hong Kong normally abide by the law, and the number of entries and exits which have contravened the laws of Hong Kong should not be larger than that of Taiwan visitors. However, as the Basic Law stipulates that the entry of Chinese nationals into Hong Kong should be subject to certain restrictions, and it is very difficult for us to tell whether the People's Republic of China passport holders

are overseas Chinese who were not born in China or had left China for some time, we therefore hope that a general relaxation will be contemplated should a relaxation of such restriction is considered in future — just as Miss CHOY So-yuk said, the relaxation on Taiwan visitors will apply to People's Republic of China passport holders as well. In this connection, discussions will be held with the relevant mainland authorities.

MR HOWARD YOUNG (in Cantonese): *President, countries all over the world are competing for the transit and entry of visitors holding People's Republic of China passports. I wish to ask the Secretary: Will efforts be made in certain aspects to relax the restrictions imposed if an immediate review of the proposed relaxation is possible? My impression is that the transit of People's Republic of China passport holders in Hong Kong is now subject to certain restrictions, and they will therefore choose to transit in a third place (not including Macao). Furthermore, I know that there was a provision requiring People's Republic of China passport holders to stop by Zhanjiang on a cruise to Vietnam. May I ask the Secretary whether relaxation has been given in this respect? Have the two cases mentioned by me just now yet to be granted permission, that is, Macao is still not regarded as the third point of transit?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Mr Howard YOUNG mentioned earlier that countries all over the world are competing for Chinese visitors. Given that Hong Kong has an advantage in its proximity to the Mainland, our competitiveness in this respect should not compare less favorably with foreign countries or any region. As we all know, more than 12 million mainland visitors are received by Hong Kong every year and the majority of them would have obtained Two-way Permits as required by the Public Security Bureau. With regard to visitors holding People's Republic of China passports, many of them were in transit to a third region or country through Hong Kong. According to our existing arrangement, they can stay here for seven days without the need to make prior application for an entry endorsement. For visitors travelling on a cruise, as far as I understand it, mainland visitors who come to Hong Kong on a cruise on the strength of the so-called double-journey entry permit can now return to Hong Kong after the trip.

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

MR HOWARD YOUNG (in Cantonese): *Yes. The supplementary question I put just now highlighted that Macao cannot be regarded as a third point of transit. Is such a restriction still effective and will consideration be given to relaxing this restriction?*

SECRETARY FOR SECURITY (in Cantonese): Macao is not the so-called third country. According to China's policy, People's Republic of China passport holders going abroad must be leaving China. And since Macao is also part of China, visitors travelling to Macao via Hong Kong should not be regarded as having gone abroad. Therefore, the measures adopted must be consistent with the state policy. As far as I know, holders of Two-way Permits issued by the Public Security Bureau are currently allowed to enter Hong Kong or Macao, which facilitates their entry into Macao via Hong Kong or enter Hong Kong via Macao, and later return to the Mainland.

MR HOWARD YOUNG (in Cantonese): *I wish to put another supplementary question.*

PRESIDENT (in Cantonese): Fine. Please press the button and wait for another turn.

MISS CHOY SO-YUK (in Cantonese): *President, the Secretary pointed out in the fourth paragraph of the main reply that People's Republic of China passport holders, who have lived overseas for not less than one year and an absence of any adverse immigration record, may be issued with a special visa which allows multiple entry and exit within 24 months. My supplementary question mainly focuses on this kind of people. Will the Secretary consider giving them the same treatment as that of "Tai Bao Zheng" holders so that they can also enjoy visa-free transit? The Secretary pointed out in the main reply that many people have "Tai Bao Zheng", but many of these Chinese nationals actually have to travel to and from Hong Kong very often, and the existing measure has caused great inconveniences to them. While online application of visa is not so convenient, application to the consular missions in person is even more inconvenient.*

SECRETARY FOR SECURITY (in Cantonese): I fully understand Miss CHOY So-yuk's supplementary question, and yet, People's Republic of China passport holders can be classified into different categories. While people who have resided in a place for more than one year are not required to apply for visas or make prior application for endorsements, it is necessary for those who have resided for less than one year to apply to the Chinese consular mission for endorsements. Therefore, I believe there will be enforcement difficulties. First of all, airline companies have no idea whether the passengers should obtain endorsements before they are allowed to board. According to our law, airline companies will be punished if the passengers they carry to Hong Kong are refused entry. Secondly, with the introduction of this policy, whereby passport holders will only be informed of their permission to enter upon arrival at Hong Kong, long processing time will be required for each visitor at the immigration counter because we will have to examine, say, whether the visitor has lived in his place of residence for more than one year. This will create a lot of troubles in terms of immigration clearance. Therefore, we now hope that a comprehensive review will be conducted to examine the possibility of, just as Miss CHOY So-yuk said, giving People's Republic of China passport holders the same treatment as that of Taiwan holders of "Tai Bao Zheng". An in-depth review will be conducted in this respect.

MR HOWARD YOUNG (in Cantonese): *President, I wish to correct what the Secretary said about Macao earlier on. While Macao is not another country, but part of China, Taiwan is also part of China. I do not quite understand why People's Republic of China passports holders travelling to Taiwan via Hong Kong can stay here for seven day, but not when they travel to Macao via Hong Kong. What is the rationale behind this?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I totally agree that Taiwan is part of China and therefore visitors cannot visit Hong Kong on the strength of Taiwan passports. However, what Mr YOUNG referred to just now is "Tai Bao Zheng", which is issued by the Chinese Government to Taiwan residents. Visitors transiting Hong Kong on the strength of "Tai Bao Zheng" are allowed to stay here for seven days, and if they are going to China for business and want to come to Hong Kong for sightseeing during the weekend, they are also allowed to stay here for seven days.

Furthermore, the People's Republic of China passports now under discussion are issued by the Public Security Bureau for Chinese nationals to leave China for a third country, and convenience in transit will be provided to them if they travel through Hong Kong. However, if People's Republic of China passport holders come to Hong Kong solely for sightseeing for seven days, it will contravene Article 22 of the Basic Law which I mentioned earlier on. According to China's policy, while mainland residents must visit Hong Kong on the strength of Two-way Permits, their passports are issued for them to go abroad.

MR LAU KONG-WAH (in Cantonese): *President, earlier on the Secretary made clarifications on the issue of effective immigration control by pointing out that Chinese nationals holding right of abode in foreign countries might not necessarily create troubles in Hong Kong, and they were more or less the same as Taiwan residents. The Secretary also mentioned that he would discuss with the relevant mainland authorities, and yet I have no idea whether or not the discussion has started. Given that permission has been given by the Mainland for these people to go abroad or return to their homeland, can the Secretary explain why he is worried about their presence in Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): We are not worried at all and we have actually offered them convenience. If they travel abroad or return home via Hong Kong, they will enjoy visa-free treatment for seven days, which enables them to stay in Hong Kong for seven days. However, the relaxation of such transit arrangement to allow their entry into Hong Kong for sightseeing will eventually become a policy. Allowing visitors holding People's Republic of China passports to visit Hong Kong for sightseeing for seven days without visa is contrary to the practice of requiring mainland residents to obtain Two-way Permits for the purpose of travelling to Hong Kong for sightseeing. I believe any policy formulated in Hong Kong should not be inconsistent with that of China.

MR LAU KONG-WAH (in Cantonese): *The Secretary has not answered my supplementary question. Has the discussion started yet?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we will discuss the matter with the relevant authorities on the Mainland.

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

MISS CHOY SO-YUK (in Cantonese): *President, the Secretary's further reply to my supplementary question actually involved some technical issues, and yet they can be completely resolved. In fact, the local diplomatic and consular missions concerned should have verified whether or not the Chinese national in question has resided in that country for more than one year before a passport is issued. Given that comprehensive verification can be made, will the Secretary accept the verification made by the consular missions?*

SECRETARY FOR SECURITY (in Cantonese): This is precisely the point which we have to discuss and it involves the Ministry of Foreign Affairs, right? As to whether the Chinese national applying for a visa has resided in the country concerned for more than one year, we can simply look at the residence document issued to him by that country. With regard to Miss CHOY So-yuk's question as to whether overseas Chinese diplomatic and consular missions can verify the applicants' residency, discussions should be held with the Ministry of Foreign Affairs.

PRESIDENT (in Cantonese): Third question.

A Case in Which an Old Lady was Allegedly Killed by Her Husband

3. **DR FERNANDO CHEUNG** (in Cantonese): *President, early last month, an old lady was allegedly killed by her husband. It was reported that the Social Welfare Department (SWD) had been handling the case of this couple since 2000, and that the victim had turned to the police for assistance a few times. In connection with the handling of this case by various government departments, will the Government inform this Council:*

- (a) *whether the SWD staff had taken active intervention measures in the past six years, such as proposing to the victim that she moved to another public rental housing unit under the conditional tenancy scheme, and of the date on which the SWD staff last contacted the couple;*
- (b) *of the number of times the police received reports from the victim, and how the police handled the case each time; and*
- (c) *whether the SWD staff had recommended to the Housing Department (HD) that the victim be granted compassionate rehousing so that she could live away from her husband, and the criteria adopted by the SWD for deciding whether or not to make the recommendation; the date on which the HD staff first contacted the couple about splitting their household, how the HD handled the splitting application, and whether the HD will review the relevant policy?*

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

- (a) Starting from April 2000, social workers of the SWD had been providing the victim and her family with counselling service, which included suggesting the victim to receive compassionate rehousing. As the case is still under police investigation, the Government will not make further comments on the case at this stage for fear that it will pervert the course of criminal investigation or prosecution.

Generally speaking, members of the public with marriage problems or conflicts may approach any one of the Integrated Family Services Centres (IFSCs) located across the territory to seek assistance from the professional social workers. The social workers will, in the light of the actual circumstances, fully assess the welfare need of help-seekers and provide them with appropriate services to help address their personal and family problems. A range of services such as family life education, consultative and outreaching services, various support groups and counselling services will be offered to enhance their skills in managing conflicts and stress while encouraging them to explore means to deal with the troubled

relationships with their spouse or family members. In addition, the social workers will, based on the need of individual cases and clients' wish, refer them to other community support services, financial or housing assistance and conduct risk assessments where appropriate. In handling such cases, the attitude of the adult clients and their family members as well as their willingness to take the advice of the social workers are crucial in determining the effectiveness of the services.

- (b) As the case is still under police investigation, the Government will make no further comments on this case at this stage for fear that it will pervert the course of criminal investigation or prosecution.

In general, when handling domestic violence cases, the main duties of the police officers are to protect the victims and their children from harm and carry out investigations into any possible offences committed. In addition, they will refer the victims and the suspects to relevant government departments and non-governmental organizations for assistance. Since December 2004, the police and the SWD have adopted a new acknowledgement system to strengthen communication between front-line officers of the police and the SWD during the case referral process.

- (c) As mentioned in (a) above, the social workers of the SWD had suggested the victim to receive compassionate rehousing.

Compassionate rehousing is a form of housing assistance which aims at providing assistance to individuals and families who have genuine and imminent housing problems which cannot be addressed by themselves. The SWD will make a recommendation to the HD on the allocation of public rental flats to qualified individuals or families. The social workers responsible for screening the applications will gather in-depth information on the applicants' family background and financial condition and verify relevant information and documents before deciding on their eligibility.

In this particular case, upon the SWD's referral, the HD had met with the victim and the tenancy holder on two occasions over the past four years. Yet the HD was unable to make any household

splitting arrangement as both of them refused to move out of their housing unit. The SWD continued to follow up the case. In a routine home visit by the HD in recent months, both the victim and the tenancy holder did not enquire about, or request for, household splitting.

The HD has long considered it of paramount importance to take a compassionate approach in addressing the needs of the tenants in the light of their actual circumstances and will promptly arrange household splitting for tenants with genuine need, having regard to the recommendation and assessment of the SWD. The HD will adhere to its existing policy in dealing with splitting applications from public housing tenants. It has also reminded its front-line officers to raise their alertness and maintain close liaison with the SWD when handling family disputes.

DR FERNANDO CHEUNG (in Cantonese): *President, both the Long Ping Estate tragedy and an earlier homicide case in which a man killed his wife showed that there are some problems with the policy of splitting households.*

My main question originally asked whether or not the HD had introduced the conditional tenancy scheme to tackle the problem of household splitting, but the Secretary stated that no further comment would be made. According to the existing policy of splitting households, one of the family members has to give up his/her accommodation in a family dispute, yet this is indeed not a splitting of household. As far as compassionate rehousing is concerned, it will only be granted after the couple concerned has divorced. The conditional tenancy scheme is therefore a rather special arrangement for separating a couple in dispute even before the divorce procedure has started.

Since the Secretary indicated that he could not make any comment today, it is difficult for me to pursue the details. However, in foreign countries, cases involving domestic violence are dealt with by a mechanism for review of serious casualties.....

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

DR FERNANDO CHEUNG (in Cantonese): *This review mechanism does exist. May I ask the Government if it is willing to establish a review mechanism such that a review of how family violence incidents that cause serious casualties happen can be conducted afterwards, with a view to improving the system and policy in relation to the relevant service?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the Director of the SWD now chairs a working group on combating violence, which comprises of members from a multitude of disciplines and departments. Whenever this kind of incident happens, a review will be conducted to examine if the actions taken are appropriate and whether there are deficiencies in terms of co-ordination. As far as this incident is concerned, I believe appropriate follow-up actions will be taken by the SWD.

I would like to add that the arrangement of household splitting and the conditional tenancy scheme mentioned by Dr CHEUNG earlier are measures to help families in dispute to resolve their housing problem. Staff of the SWD and HD will consider the appropriate measures to take in each and every case, and this case in particular.

DR FERNANDO CHEUNG (in Cantonese): *President, the mechanism mentioned by the Secretary just now is not the one I referred to. It is only a working group on combating violence, but not one that deals with case study.....*

PRESIDENT (in Cantonese): You need not explain, but simply point out the part of your supplementary question that has not been answered.

DR FERNANDO CHEUNG (in Cantonese): *I asked if he would establish an independent mechanism for review of serious casualties.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the scope of work of the working group now headed by the Director of the SWD already covered reviews in this respect. Therefore, I believe there is no need for us to set up another new working group.

MR ALBERT CHAN (in Cantonese): *President, the Secretary stated in the last paragraph of the main reply that the HD has long considered it of paramount importance to take a compassionate approach in addressing the needs of the tenants in the light of their actual circumstances, and have regard to the recommendation of the SWD. However, in the light of past experience, cases were often investigated anew by the HD in spite of the SWD's recommendation for compassionate rehousing. In some cases, the HD even rejected the SWD's recommendation for compassionate rehousing eventually. As a result, some cases may drag on for a long time, and the tenants concerned have yet to be rehoused after the greater part of the year has already passed. Furthermore, in some cases, the HD rejected the recommendation made by the SWD for compassionate rehousing, which in turn rejected the professional advice of social workers as well. Will the Secretary discuss the matter with the HD and set a quick timetable for expeditious implementation of compassionate rehousing in this regard? It is because compassionate cases are all urgent cases.*

Furthermore, I do not see any justifications why the HD has the professional knowledge and capability to reject a professional social worker's recommendation for compassionate rehousing. With regard to this problem, will the Secretary draw up anew the relevant arrangements together with the parties concerned to ensure that compassionate rehousing will be expeditiously granted and reference made to the recommendations made by professional social workers in order to prevent the recurrence of such family tragedies?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, according to the information available to me, generally speaking, upon receipt of requests from public rental housing tenants for household splitting or referrals from the SWD, the HD will approach the party concerned in the first place to gain an understanding of their actual needs and their wishes for splitting households or moving out. Should the SWD consider the case warrants compassionate consideration after assessment, the HD will then expeditiously proceed with the application process and arrange for rehousing, which normally takes about four weeks.

If the applicant is choosy about the housing units, the processing time will be relatively longer. Yet, previous cases of household splitting and rehousing were completed within one week though they were extremely urgent. If the

justifications or wishes of the party concerned in relation to household splitting are at variance with the SWD's recommendation, the income and assets of the two parties who made the request will be examined. Otherwise, the SWD will normally handle the cases according to the SWD's recommendation. Just as Mr Albert CHAN said, decisions were made according to the recommendation of the social workers.

MR ALBERT CHAN (in Cantonese): *President, the Secretary has not answered my supplementary question. Earlier, I asked about the cases that were not accepted. Will the Secretary provide figures regarding, say, the number of cases that bore the recommendation of the SWD but were not accepted by the HD in one year? And how many cases had a processing time of more than four weeks? My purpose of asking this question is to ensure that the problem can be quickly resolved.*

PRESIDENT (in Cantonese): Mr Albert CHAN, please be seated. Concerning the part of your question about a processing time of more than four weeks, it is raised in response to the Secretary's answer. You only asked whether or not the Secretary will handle the cases expeditiously.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have the figures on hand at the moment. Yet, we will ask the departments concerned to provide the Honourable Member with the information if he so wishes. (Appendix I)

MR ALBERT HO (in Cantonese): *President, in this case, the family concerned had turned to the authorities concerned (including the police and the SWD) for assistance a few times since 2000, and nearly six years had passed when the incident took place.*

The Secretary mentioned in the main reply that the SWD had decided to refer the case to the HD for compassionate rehousing after meeting with the parties concerned. Obviously, the SWD would not have recommended compassionate rehousing if neither the parties concerned nor the help-seeker

requested the splitting of household. The Secretary, however, then said in the main reply that both of them refused to move out. This is indeed contradictory because the recommendation for compassionate rehousing would be made only if one of them requested the splitting of household. The Secretary, however, advised that both of them refused to move out, and he had even gone so far as to say that they had not raised such a request at all. In fact, has the Secretary re-examined whether their refusal to move out was attributable to the HD's rehousing arrangement whereby resulting in either the living conditions or other thing else which they considered unacceptable, or the allocated flat being too remote, thus making them unable to adapt to their new life, while the main reply is not correct in saying that they were downright unwilling to move out of their flat?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, of course, I personally am well-versed in the background of this case. But just as I said, since the case is still under police investigation and prosecution will probably be instituted, we do not want to make any public comment, personal judgement or comment on it, and I hope that Members will understand this.

MISS CHAN YUEN-HAN (in Cantonese): *President, I understand that the case is still under police investigation, but if the situation is exactly what the Secretary said in the main reply, there must be many contradictions. And this is why Mr Albert HO raised the supplementary question just now. I think that the Secretary should answer our question as it has no relation with whether or not the case is under police investigation. Actually, there are operating problems.*

If both of them had not requested a splitting of household, the SWD had no reason to forward the request for compassionate rehousing to the HD; while the HD later advised that it had contacted them, and yet no request for household splitting had been raised. President, which of them is lying? I cannot tell which department is lying. I am now handling a case that happened in Wong Chuk Hang, which I have been following up for more than three years.....

PRESIDENT (in Cantonese): Do not talk about other cases but raise your supplementary question direct, please?

MISS CHAN YUEN-HAN (in Cantonese): *President, I think there is something wrong with the logic in parts (b) and (c) of the main reply. Among the cases which I have actually handled.....*

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, what is your supplementary question?

MISS CHAN YUEN-HAN (in Cantonese): *President, may I ask — perhaps it should be answered by "Mr SUEN" — why the HD said that both parties had not requested household splitting? Is that the real case or not? Or is the compassionate rehousing previously mentioned by the SWD a wrong arrangement?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I am, of course, talking about the facts, rather than the logic. Should the parties concerned behaved in an illogical manner, I am not in a position to make any comment. But what I have just said are facts.

PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MISS CHAN YUEN-HAN (in Cantonese): *I wonder if it is too arbitrary for me to say this: Despite that the Secretary said they are facts, but he can only learn about the facts from the SWD. What about those from the HD? Can he also say that they are facts?*

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

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, so far as this case is concerned, I have met with the representatives of the departments concerned, so I believe we have a good grasp of the facts of this case. Only that I do not wish to make any comment for the time being.

MR WONG KWOK-HING (in Cantonese): *President, I have this question for the Secretary via the President. This case is very similar to the Tin Shui Wai tragedy, where both were under the SWD's investigation and had been reported to the police for a few times.*

May I ask the Secretary: Regarding cases with potential risks of homicide or suicide, will the Government classify them and separate those which bear high risks and warrant special attention from those that can be treated in an ordinary way? If cases in which assistance had been sought or problems had arisen could be classified as high-risk cases, certain tragedies could have been prevented. Therefore, may I ask the Secretary via the President if the cases are classified?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the serious case unit under the Family Services Section of the SWD will decide on the need to intervene in the light of the circumstances of each case. Sometimes, there may not be any apparent fuse in those unforeseen violent cases, we have therefore encountered lots of difficulties in this respect.

Nevertheless, after the Tin Shui Wai incident in 2004, at least some improvements have been made in respect of communication and co-operation at the district level or among various departments. Certainly, complicated social problems are accompanied by complicated family problems, and very often, it is impossible for us to completely prevent these incidents. It is very important to have the assistance of family members and neighbours of the parties concerned, or the community where they live, so that the relevant professional departments will be informed at once for follow-up actions when necessary.

MR WONG KWOK-HING (in Cantonese): *President, I wish to follow up the Secretary's reply. May I ask the Secretary whether the so-called "serious case unit" is responsible for handling high-risk cases which I asked about earlier?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the serious case unit is a working group set up under the existing Family and Child Protective Services Units. It is divided into several

small groups to provide family services in various districts and to follow up the more serious and urgent incidents.

PRESIDENT (in Cantonese): Council has spent more than 18 minutes on this question. We will now proceed to the fourth question.

New Central Harbourfront

4. **MS AUDREY EU** (in Cantonese): *President, the design objectives and planning visions of the new Central Harbourfront announced by the Planning Department (PlanD) at the end of May this year include, among other things, the construction of a 400-m long nine-storey shopping groundscraper, a 28-storey commercial building and an 18-storey hotel. In this connection, will the Government inform this Council:*

- (a) *of the total gross floor area of these buildings, and the floor area to be built on the land from the new reclamation;*
- (b) *of the anticipated traffic volume to be generated upon the occupation of these buildings; and*
- (c) *as the former Chief Executive promised at a Council meeting in October 2004 that any new reclaimed land would be used only to a limited extent for low-density commercial use, such as sightseeing points and catering facilities, whether the authorities have assessed if the construction of these buildings is in line with that promise, if they have, of the assessment results; if not, the reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, the Central Reclamation is comprised of three phases. Phase I involved the reclamation of about 20 hectares from Rumsey Street to Blake Pier to provide land for the extension of the Central Business District and the construction of the Airport Express and the Tung Chung Line. The works of this phase were completed in June 1998. Phase II started in 1994 and the works which involved the reclamation of about 5.3 hectares in the Tamar Basin were completed in September 1997. The Phase III works currently underway have

been scaled down considerably from the original 32 hectares to about 18.73 hectares. This phase mainly provides land for the construction of essential transport infrastructural facilities, including the proposed Central-Wanchai Bypass, Road P2 network and an extended overrun tunnel for the Airport Railway, and the reprovisioning of the existing piers and the cooling water pumping stations. The works started in 2003 and are expected to be completed by late 2008.

The illustrative concept for the new Central Harbourfront announced by the PlanD at the end of May this year is proposed on the basis of the planned land uses set out in the Central District Outline Zoning Plan (OZP) and the Central District (Extension) OZP, which covers the three commercial sites mentioned by Ms EU. The proposed developments are as follows:

- (i) the "Comprehensive Development Area" to the north of the Statue Square: The eastern part of the site can be developed into a garden deck not more than two storeys with shopping space inside. To the west will be office/commercial buildings of not more than nine storeys. The length of the garden deck and the office/commercial buildings will be about 270 m and 350 m respectively. The development is proposed to adopt a cascading design with massive greening to tie in with the waterfront setting.
- (ii) the "Comprehensive Development Area" adjoining Central Piers No. 4 to No. 6: A garden deck can be constructed to connect the piers. Proposed developments include two hotel/commercial blocks of 12 storeys and 14 storeys each on top of a three-storey shopping deck; and
- (iii) the commercial site to the north of Two International Finance Centre (Two IFC): It is proposed that a 28-storey office building with a public transport interchange on the ground level be developed.

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

- (a) The above developments cover a total gross site area of about 7.5 hectares, with a total gross floor area of 306 550 sq m. The distribution is as follows:

- (1) the "Comprehensive Development Area" to the north of the Statue Square: about 190 000 sq m;
- (2) the "Comprehensive Development Area" adjoining Central Piers No. 4 to No. 6: about 55 740 sq m; and
- (3) the commercial site to the north of Two IFC: about 60 810 sq m.

Of the sites mentioned above, only a portion, about 2.63 hectares, of the "Comprehensive Development Area" to the north of the Statue Square is situated within the area of the Central Reclamation Phase III (CR III) currently underway. The rest of the developments are all on existing land.

- (b) According to the Transport Department, it is estimated that the total volume of traffic on the above developments during the morning and afternoon peak hours will be 1 609 and 1 823 passenger car units per hour respectively in 2016. The proposed Road P2 within the area and the Central-Wanchai Bypass will be able to cope with the traffic demands of the district.
- (c) The land uses within the CR III is covered by the current Central District (Extension) OZP, which was approved in December 2002 after several rounds of public consultation in accordance with the statutory town planning procedures. When deliberating on a few rezoning applications in August 2005, the Town Planning Board (TPB) reaffirmed that the scale and development parameters of the above commercial sites are appropriate and are also in line with the planning intention and development controls set out in the relevant OZP.

Just as what the former Chief Executive said, the newly reclaimed land would only be used, on a limited basis, for the provision of low-density commercial facilities. Only about 2.63 hectares of the land will be for low-density office/commercial development, with a plot ratio of only 3.63. Other than that, most of the reclaimed land, about 11.28 hectares in area, will be used for public open space or waterfront-related low density shopping or leisure uses. The focus

of our planning is the provision of ample open space for the community and a diversity of functions so as to create a vibrant and green landscape for the new Central Harbourfront.

MS AUDREY EU (in Cantonese): *President, I express great regret that the Secretary made no mention of the Protection of the Harbour Ordinance and the judgement of the Court of Final Appeal, which states that reclamation is justified only where there is a compelling and overriding need.*

According to the information of the Government, the present design of the "Comprehensive Development Area" to the north of the Statue Square, that is, the "groundscraper" on one side of Two IFC, will be built within the area of the CR III. According to the information the Government provided to us, the "groundscraper" is 350 m in length and covers an area of 190 000 sq m, and during the morning and afternoon peak hours, a total of some 1 600 and some 1 800 passenger car units per hour will be generated respectively.

Therefore, President, may I ask the Secretary, since the groundscraper covers an area of 190 000 sq m, how he can explain that the reclamation is in line with the criterion of overriding need? Besides, the Secretary stated in the beginning of the main reply that the reclamation was carried out mainly to provide land for the construction of essential transport infrastructures facilities for the district, but the horizontal office/commercial development is obviously not a transport structure. May I thus ask the Secretary whether this is against the judgement of the Court of Final Appeal?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): The several points Ms EU asked earlier were mentioned in judgements made by Courts at all levels in 2002 and 2003. We must understand that the main objective of the CR III project is to facilitate the construction of the Central-Wanchai Bypass. And, I have pointed out in the main reply that owing to the reprovisioning of the existing piers, the cooling water pumping stations also need to be relocated. In order to meet these requirements, we have to carry out reclamation. Just as I said earlier, owing to these requirements, we have to reclaim a minimum of some 18 hectares of land. This is the minimum area of land required, and we had pointed out in Court at the time that reclamation was carried out for the sake of the project.

As to how we utilize the land made available as a result of reclamation carried out for the implementation of the project, I have to point out that, actually, reclamation is carried out to enable the implementation of the project, and we thus have to examine how to utilize the site so reclaimed. In respect of the use of the site, which we have indeed explained a number of times, the bulk of it will be used for harbourfront development and the provision of easy public access to the harbourfront.

In the beginning of the main reply, I gave a lengthy explanation that the Central Reclamation was comprised of three phases, namely, Phase I, Phase II and Phase III. Why did I do so? For these three phases of reclamation are carried out at different times. And for sites where reclamation had been completed, planning has also been completed. The OZPs of these reclaimed sites, which set out the entire plan and their uses, are thus available. Therefore, this is a comprehensive approach.

Regarding the three sites Ms EU asked about in her main question, the reclamation of two and a half of the sites has been completed, while the remaining half of one site is on the periphery of the site. Thus, on the whole, this is an extension from the periphery of a previously reclaimed site. However, we can see that a large part of land obtained from the CR III project and all planning are compliant with the requirement.

MS AUDREY EU (in Cantonese): *The Secretary has not answered my supplementary question. I neither asked him about the cooling water pumping stations, nor did I ask about the streets. I only asked him about the Comprehensive Development Area to the north of the Statue Square. He said that the area of that site was 2.63 hectares in total. According to the information provided to us by the Secretary, the Comprehensive Development Area is situated within the area of the CR III currently underway. I did not ask him about the works of Phase I and Phase II, I asked about Phase III. How can the Secretary explain to us that these office and commercial buildings are an overriding need and for addressing transport need? President, these buildings will generate traffic flow instead of alleviating traffic load. So I do not quite understand this. The Secretary is just beating about the bush*

PRESIDENT (in Cantonese): Please state the part of your supplementary question the Secretary has not answered.

MS AUDREY EU (in Cantonese): *President, the Secretary gave no reply to any part of my supplementary question. I did not ask the Secretary about the previous phases of reclamation, nor did I ask him about the cooling systems. I just asked him how he could explain to the public the groundscraper covering an area of 2.63 hectares that situated within the area of the Phase III reclamation was of overriding need and a solution to traffic problems. That building will only create traffic problems, how can it be a solution? The Secretary has not answered this part.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, I have in fact answered this. Ms EU should not separate this site from the entire plan, for the main objective of the entire reclamation project is for the construction of the Central-Wanchai Bypass. Reclamation is required in order to carry out the project, which naturally resulted in the creation of land. We thus have to consider the uses of this site.

In the main reply, I have already pointed out that, in terms of planning and land use, we have released OZPs at different points in time and set out the relevant planning and tasks according to the prevailing needs at the time. In respect of the site mentioned by Ms EU earlier, just as I said, the site is divided into two parts, the eastern part and the western part. To the east, is a larger area, as per the description we have made, stretching from the Statue Square to the new Star Ferry Pier, linked by a low-rise garden deck and an at-grade landscaped walkway. The two-storey garden deck which adopts a cascading design is comprised of retail shops at basement and a shopping arena at the ground level. The underground, at-grade and elevated pedestrian linkages expose pedestrians to a host of experience. Therefore, it is a low-rise building, relatively speaking, but not an office/commercial building. Such buildings are situated in the western part, and most of them fall on the completed reclaimed land.

PRESIDENT (in Cantonese): A total of eight Members are waiting to ask questions. As Ms Audrey EU's questions and the Secretary's replies have already taken up 15 minutes, I will try to allow a few more Members to ask questions.

MR ALAN LEONG (in Cantonese): *The Secretary must be aware that discussions regarding the approach to be adopted for the construction of the Central-Wanchai Bypass are underway. But the Secretary stated in his reply to Ms Audrey EU that since land was created in the course of reclamation, the authorities would thus take the advantage and fill up the site. Is such a practice not illogical, setting the cart before the horse? May I ask what the logic is? I am in fact going to raise the supplementary question asked by Ms Audrey EU earlier. In what way is the development stated in items (i), (ii) and (iii) of part (a) of the main reply compliant with the judgement of the Court of Final Appeal, that is, the principle of overriding public need?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): The overriding need is the needs of the project, and as I have just said, we do have the need to do so for the project. In respect of land created as a result of reclamation, I have already said that for land created near the Phase I and Phase II reclamation, the Central District OZP has already been drawn up and it has undergone the required statutory procedures, it is a statutory zoning plan. With regard to OZPs, unless alterations are made, we will definitely follow the plan.

Certainly, some people may query whether such an approach is in compliance with the Protection of the Harbour Ordinance, and we think that it complies with the Ordinance, for the site which only takes up a small part is made available as a result of previous reclamation and is not the main purpose of our plan. For the site reclaimed under the present Central Reclamation, which I have already pointed out covers an area of over 18 hectares, the bulk of it will be used for road construction. It also meets our criteria that reclaimed land should by all means be used for low density and harbourfront-related commercial activities.

MR PATRICK LAU (in Cantonese): *President, I wonder if the Secretary and you have ever seen the model made by the PlanD showing the entire plan of Central. The TPB had not seen the model at that time. But now, after seeing that model, I very much share the concerns of Ms EU and Mr LEONG. I find the "groundscraper" looks like a ship as huge as the Titanic that berths there, and that is a really colossal development. I wonder if Mr SUEN will request the TPB or the PlanD to improve the design. I think that building is a mammoth structure and is posing a huge problem of air circulation to the entire Central*

District. May I ask the Secretary whether he will take a look at the model again and request improvement?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): I certainly have seen that model, and I also have the photo of that model here. If Members regard that building as a mammoth structure, then I think all buildings in Central are mammoth structures, for not a single building in the district is in fact small in size.

However, that model is not the final mode of development. The model is only made according to the current development parameters, so that the public may know about the possible development and hold discussions on it. Actually, in the pamphlet introducing this model and the planning concept, we have already set out clearly the next step forward: The PlanD will undertake an Urban Design Study to further refine the existing urban design framework and to prepare planning and design briefs for the these sites to guide future developments. This is a proposed design made according to the current development parameters. As for the future mode of development, the setting of parameters and other details, studies have to be conducted. Moreover, we have also stated clearly that in the course of study, we will invite the public to participate.

MR PATRICK LAU (in Cantonese): *President, I would like to point out that there is no such massive structure in Central. In fact*

PRESIDENT (in Cantonese): This is not part of your supplementary question.

MR PATRICK LAU (in Cantonese): *I know*

PRESIDENT (in Cantonese): It is now Question Time, and we must follow the rules on Question Time stated in the Rules of Procedures.

MR PATRICK LAU (in Cantonese): *I just want to make this known to the Secretary.*

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

DR RAYMOND HO (in Cantonese): *Regarding the New Central Harbourfront project, in part (b) of the main reply, the Secretary stated that though there would be an increase in traffic flow, the completion of Road P2 and the Central-Wanchai Bypass would be able to cope with the traffic flow. Does it mean that by 2016, the VC ratio (vehicle/capacity ratio) will not exceed one? Does it mean that even if the implementation of electronic road pricing is not to be considered, there will not be any problem? The implementation of electronic road pricing has been debated for over 20 years, is the implementation of this plan no longer deemed necessary by that time?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Regarding this question, I have to discuss this with the Transport Department and listen to the views of experts after the meeting. I hope I can reply this question in writing. (Appendix II)

PRESIDENT (in Cantonese): Fifth question.

Environmental Impact Caused by Eucalypts

5. **DR RAYMOND HO** (in Cantonese): *It has been reported that some studies have found that eucalypts are ineffective in retaining subsoil water and conserving soil, poor in self-regeneration, inhospitable to the local species planted on foreign lands and easily turn lands barren; and the areas surrounding the upstream of Dongjiang are densely planted with eucalypts. In this connection, will the Government inform this Council of:*

- (a) *the areas in Hong Kong where eucalypts are planted, and whether such trees have adversely affected the vegetation and ecology there;*
- (b) *the ecological benefits and harms caused by eucalypts, and whether the authorities will consider excluding eucalypts from their future afforestation programmes; and*

- (c) *the measures taken by the authorities to monitor if the pesticides for eucalypts have affected the quality of Dongjiang water supplied to Hong Kong?*

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

- (a) and (b)

Eucalypts are exotic species in Hong Kong. We have been planting eucalypts in Hong Kong since 1950s. Some studies in the Mainland indicate that eucalypts, when used as economic crops in the agriculture and forestry industry, may adversely affect other vegetation or crops in the areas they are planted. However, the situation in Hong Kong is different, because eucalypts are used for afforestation, not as economic crops, and they will not be harvested after planting.

Because of their fast-growing characteristics and adaptability to harsh environment, eucalypts are planted in Hong Kong as pioneer trees to control soil erosion and washout on barren hills. They could improve the overall environment, facilitate the growth of local vegetation and enhance the habitats for local fauna. Eucalypts have been used as afforestation species in Hong Kong for over 50 years. We normally use eucalypts for mixed planting with other native species, which is an effective approach to control soil erosion. We have not found any adverse impact on the local vegetation or ecology caused by eucalypts. We therefore have no plan to plant fewer eucalypts.

- (c) The Hong Kong Water Supplies Department conducts close and stringent monitoring on the quality of Dongjiang water by collecting water samples regularly at the Muk Wu Pumping Station. These water samples are tested for 33 pesticides, including DDT, Chlordane, Atrazine, according to the World Health Organization (WHO) Guidelines for Drinking-water Quality. The monitoring results indicated that the pesticide contents of Dongjiang water were either far below the WHO guideline values or remained at undetectable level, thereby proving that Dongjiang water has not been contaminated by pesticides.

DR RAYMOND HO (in Cantonese): *President, according to overseas and mainland experience, eucalypts are planted for paper-making; but their experience also indicates that eucalypts are very fast in absorbing water and drawing nutrients, leading to massive soil erosion and hence slope instability. In other words, the downstream of rivers and streams will become heavily polluted. From the information I have obtained from the mainland authorities, the situation is, in fact, the exact opposite of part (b) of the Secretary's main reply, that is, the planting of eucalypts is not for controlling soil erosion and washout on barren hills. I do not know where the Secretary has obtained her information which is poles apart from the experience in other places. Does the Secretary know any overseas experience which dovetails with part (b) of the main reply?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *President, the professional knowledge in this respect is provided by the Hong Kong Agricultural, Fisheries and Conservation Department (AFCD). We have more than 50 years of experience in planting eucalypts but never did we find eucalypts having adverse impacts on the ecological environment. The main purpose of planting eucalypts is to prevent soil erosion. The draught-resistant and fast-growing characteristics of this tree species can increase the organic substances and nutrients in soil, and thereby improve the environment and facilitate other plant species to grow there at the same time.*

DR RAYMOND HO (in Cantonese): *President, my follow-up question is: According to my information and newspaper reports in Hong Kong, the experience in the Mainland is the opposite of part (b) of the Secretary's main reply, that is, on the part concerning drawing water and nutrients. Why is the Secretary's information different from theirs? I wish to know where the Secretary has obtained such information and whether such information can be validated. This is my follow-up question.*

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

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *President, I wish to point out that the purposes of planting*

eucalypts in Hong Kong and in the Mainland are different. Eucalypts are planted in the Mainland as an economic crop. Since they want the eucalypts to grow quickly to provide wood pulp for making paper, different fertilizing and irrigation schemes are used; while we are only planting eucalypts for afforestation and conserving subsoil water and retaining soil, so our planting methods are different from theirs. I can only explain it this way, but I believe the experts have their justifications. We have planted eucalypts in a number of places, including the Pat Sin Leng Country Park where none of those problems have arisen.

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, the Secretary stated in the main reply that we have over 50 years of experience in planting eucalypts and we have also used this species in mixed planting. Over the past few years, has a review been conducted in relation to the number of eucalypts or others plant species in each district with the prevention of adverse impacts on the natural habitats as the criterion for review?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, we do, in fact, constantly review the planting cycle in Hong Kong. I have mentioned on many occasions that one of the purposes of planting trees is to fill up the places with insufficient vegetation cover. We have a set of planting methods in place for vegetation loss due to hill fires, and soil erosion. With respect to the growing process, since many trees have a short lifespan, such as Flame of the Forest (*Delonix regia*) which only has a life cycle of 50 years, we have to constantly renew the schemes to ensure that trees grow sustainably and will not, all of a sudden, vanish from the vegetation cover. The first batch of plant is called pioneer plant, which can be trees or scrubs. Only after the first batch is planted, can it be replaced by native plant species. Attention should also be given to the fact that trees have a life cycle and are seasonal. Our botanist experts are charged with this duty and we definitely intend to maintain our vegetation cover on a long-term basis.

MR HOWARD YOUNG (in Cantonese): *Madam President, there is a point of dispute between the supplementary question of Dr Raymond HO just now and the reply of the Secretary over whether planting eucalypts is theoretically beneficial to ameliorating soil erosion. I believe facts speak louder than words, as I noted*

that landslides often took place in the countryside in times of torrential downpours each year or once every few years in Hong Kong. When such situations arise, if the Government can make a record, during their site surveys of slopes, of the tree species that lead to soil erosion, it will be able to document whether eucalypts can help solve the soil erosion problem.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, we have conducted studies on slope maintenance for the prevention of topsoil or subsoil erosion of slopes. In the selection of plant species, the Civil Engineering Department will only select species that can help prevent soil erosion on slopes. As to eucalypts under discussion, it is not planted on slopes. Moreover, in cases of rainstorms of one in 50 or 100 years, many plant species, I believe, will not be able to withstand such a strong force as there is a threshold to every species. Therefore, even if they are washed away, they are only very exceptional cases. Generally speaking, all of our works departments as well as the AFCD will surely make use of their professional knowledge to select suitable plant species to prevent soil erosion.

MR LAU KONG-WAH (in Cantonese): *President, the Government has planted many exotic tree species, one of which, for instance, is eucalypts mentioned just now; while other species, such as Taiwan Acacia (Acacia confuse), will turn the soil acidic. Will the Secretary consider conducting an assessment before the introduction of exotic species, and what is the status of the current assessment?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, the exotic tree species that we have introduced are species suitable for growing in places with the same climate and topography in Southern Asia. Although Taiwan Acacia will turn the soil acidic, it serves an important function of turning nitrogen into the absorbable form of nitrogen — the atmosphere contains lots of gaseous nitrogen which can be converted into nitrogen oxide by trees. Taiwan Acacia is a leguminous plant which can combine atmospheric nitrogen into useful nutrients. Thus, we often plant Taiwan Acacia on slopes particularly those burnt by hill fires. This tree species, however, has a relatively short lifespan and belongs to the more fragile type of trees, and thus will be replaced gradually by the second layer of plant. As to Taiwan Acacia growing at the roadside, they are maintained by our special

efforts so as to keep the canopy there. As far as Mr LAU's supplementary question is concerned, we have given due consideration to and will constantly review the selection of species. We also exchange experience with the South China Institute of Botany and their experts will often come to Hong Kong to observe the plants growing here.

MISS CHOY SO-YUK (in Cantonese): *President, in reply to part (c) of the main question, the Secretary seemed not to have ruled out that pesticides are used in planting eucalypts in the Mainland by stating that the pesticides will not affect the water quality in Hong Kong. According to the explanation given by the Secretary, eucalypts is a tough plant that can grow even on barren land, so there is actually no need to apply pesticides. However, as Dr HO has also mentioned just now that there are two different views, may I ask the Secretary, if the problem does occur, whether she can urge the relevant departments to conduct serious research and survey again on the problem so as to find out whether pesticides are really applied in the Mainland? If pesticides are administered, and the same problem, as identified by other reports, occurs, whether this defeats the original government intention of planting eucalypts?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, I have not ruled out that pesticides are applied in planting eucalypts in Guangdong Province, but we have not probed into this problem. However, eucalypts are planted in many places in the Mainland, not only in Guangdong Province, but also in Guangxi Province and farther inland. If eucalypts is used as an economic crop, its growing process has to be expedited. As to the question of whether or not pesticides should be administered, from a pure environmental protection point of view, of course we should let trees grow naturally. However, out of economic reasons, human beings may administer a large amount of fertilizers to make trees grow faster. I will not deny their application of chemical fertilizers, but our concern is whether the quality of the water supplied to us will be affected after the application of chemical fertilizers. We can only strengthen our work on protecting the water quality, such as by carrying out stringent control measures on the use of different types of chemicals along the river banks of the Dongjiang catchment area, and by liaising with the Mainland for regular provision of their monitoring results on the water quality. We will continue our daily monitoring at the Muk Wu Pumping Station, while our liaison with the South China Environment Institute will study the problem from another angle.

DR RAYMOND HO (in Cantonese): *President, in recent years, many eucalypts have been planted in the Mainland. The situation of subsoil water and nutrients being drained by eucalypts, as they have discovered, is very serious. It is said that the planting of eucalypts has been prohibited in certain places in the Mainland. There are 57 000 slopes in Hong Kong. Before we can ascertain the impacts of eucalypts on soil, will the Administration stop the planting of eucalypts on slopes?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *President, we are indeed very careful in the selection of every tree species before they are used. We know that several tree species are especially suitable for planting on slopes. We have not planted any eucalypt on slopes, and I believe neither will we deliberately choose eucalypts for planting on slopes.*

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, in her reply just now, the Secretary stated that studies and liaison were carried out with the Mainland. In relation to Dr HO's concern about the fast water-draining and nutrient-absorbing ability of eucalypts, will the Secretary strengthen studies with the Mainland, so as to improve the strain of eucalypts and the situation of eucalypts draining water and absorbing nutrients too quickly?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *President, in terms of funding priority, we will not select eucalypts for study as we do not have the intention of planting this species en masse, and it is not a cheap species either. We will keep an eye on studies in this area around the world, such as the report published by the United Nations Development Programme in 2005 on the social and environmental impacts of a raw material forestry project in Guangxi Province. On the whole, we are concerned about the possible impacts these methods for expediting tree growth will have on the environment, and we are interested in this respect. As to selecting eucalypts for study, as mentioned by the Member, I am afraid, resource-wise, we cannot conduct immediate research on a certain subject whenever concern is aroused over it.*

MR LAU KONG-WAH (in Cantonese): *President, actually I do not know what is eucalypts, neither have I seen it before. However, Dr Raymond HO seemed very anxious and seemed to find something very wrong about it, while the Secretary stated that it is fine because we have over 50 years of experience in planting eucalypts in Hong Kong. Yet, she also mentioned that eucalypts cannot be planted alone, but have to be planted together with other plant species in order to achieve the desired results. May I ask the Secretary whether eucalypts has been used for mixed planting all along? Have the undesirable situations, as mentioned by Dr Raymond HO, ever happened if eucalypts are not planted together with other species?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): President, it is, in fact, difficult to plant a single species alone. Some trees grow particularly well in shade. Despite "no grass can grow under a large tree", as the saying goes, there is, nevertheless, grass there, such as some climbers. Save for plucking them all deliberately, as long as seeds are carried by wind and with appropriate growing environment, they will germinate naturally.

I originally do not wish to read this to Members, but I, at the end of the day, have to do so. It is stated in a report released by the United Nations that "Eucalypt plantation can conserve water and soil. It will not, generally speaking, affect local water resources and quality.....There is no evidence indicating that eucalypts will have direct impacts on the biodiversity of plant species." I have not read the report and thus do not plan to quote from it originally. If Members are interested, they can refer to the report.

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

MISS CHOY SO-YUK (in Cantonese): *President, the Secretary stated that eucalypts are planted as pioneer trees. I am aware that the Government very often will plant pioneer trees on slopes, after which local species will be planted. I think this is a very good practice, but may I ask the Secretary when the Government will, which has more than 50 years of experience planting eucalypts,*

replace them with other species? Or will it let them grow with other tree species perpetually? The Secretary mentioned just now that local tree species will be used to replace the original pioneer species.

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, for all trees planted, we intend to maintain them for as long as they can. As long as they do not cause adverse impacts on the natural habitat, there is no reason for us to fell them. In the planting process, pioneer plants serve to bind soil together so that other trees will be able to grow there. Sometimes, we need to plant other trees, sometimes we do not need to do so. As eucalypts has a 50-year lifespan, it generally can grow sustainably for 50 years. As there are spaces in the soil, eucalypts can improve soil quality, after which other plants can grow in a stable soil body.

PRESIDENT (in Cantonese): Last question seeking an oral reply.

Mainland Women Giving Birth in Hong Kong

6. **MR CHAN KAM-LAM** (in Cantonese): *President, according to the information from the Census and Statistics Department (C&SD), the number of mainland women who gave birth in public hospitals in Hong Kong increased from some 8 700 in 2003-04 to 12 300 in 2004-05, and its percentage in the total number of child deliveries in public hospitals increased from 25% to 31% correspondingly. In this connection, will the Government inform this Council:*

- (a) *whether all the children born in Hong Kong to these mainland women have applied for the Hong Kong Certificate of Registration of Birth over the past two years;*
- (b) *whether it has assessed the impact on our society such as housing, education needs, and so on, of an increasing number of children born in Hong Kong to mainland parents; if it has, of the impact; and*
- (c) *whether it will take measures to prevent mainland women from coming to Hong Kong for child birth?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) According to section 7 of the Births and Deaths Registration Ordinance (the Ordinance), the father or mother of every child born alive in Hong Kong shall, within 42 days after the day of such birth, give information to a registrar according to the best of his or her knowledge and belief of the several particulars required to be registered (such as the name of the baby, date and place of birth). Moreover, section 10 of the Ordinance provides that it shall be the duty of every registrar to procure by all means in his power the best and most accurate information respecting any birth which may have occurred within his district and to cause the same to be registered. In accordance with section 22(2)(a) of the Ordinance, any person shall be entitled, on payment of the relevant fee, to require a copy of any entry in the register, certified under the hand of a registrar as a true copy of the entry (commonly known as birth certificate); or in accordance with section 9(4) of the Ordinance, any person obtaining registration of any birth shall be entitled at the time of registration to receive free a certificate of such registration (namely the Hong Kong Certificate of Registration of Birth) in the prescribed form.

The Immigration Department (ImmD) does not have detailed statistics on whether all the children born in Hong Kong to mainland women have applied for the Hong Kong Certificate of Registration of Birth.

- (b) As the mothers of the relevant babies born in Hong Kong are not Hong Kong residents but mainland residents, we believe that many of such babies return to the Mainland with their mothers soon after birth. If these babies remain in the Mainland for a long period, statistically they will not be counted as part of Hong Kong's population. If they come to Hong Kong to live afterwards, they will be counted towards our population figures based on their immigration records. In compiling population projections, the C&SD will take into account the trends in births and deaths as well as the trends of passenger movements in and out of Hong Kong, and make reference to advice from various relevant bureaux and departments in coming up with the most appropriate assumptions for projecting future population changes. Hence the C&SD updates

the population projections of Hong Kong once every two to three years to incorporate the latest demographic data and trends. Population projections provide a common basis for planning of housing, education, social welfare, medical and health services, and so on. As regards short-term operational planning, individual government bureaux/departments will frequently examine the actual latest population figures in detail.

- (c) Subject to the meeting of normal immigration requirements (for example, adequate funds for visiting Hong Kong) and there being no suspicion as to their intention of visiting Hong Kong, visitors who hold a valid travel document (including those from the Mainland) may be allowed to enter Hong Kong. The ImmD will not refuse the entry of a visitor solely because it suspects that the visitor may be pregnant. There are also enforcement difficulties. Even if the ImmD may refuse the entry of pregnant women, those who intend to give birth in Hong Kong may choose to come to Hong Kong at an early stage of pregnancy and overstay in Hong Kong to give birth.

The Government of the Hong Kong Special Administrative Region (SAR) is concerned about the issue of mainland women giving birth in Hong Kong. It should be noted that, according to the figures of 2005, the fathers of over 50% of babies born in Hong Kong to mainland mothers are Hong Kong residents. Therefore, even if these babies were not born in Hong Kong, they might still apply to come to Hong Kong under the One-way Permit Scheme. Relevant bureaux/departments of the SAR Government will continue to closely monitor the situation of mainland women coming to Hong Kong to give birth.

MR CHAN KAM-LAM (in Cantonese): *President, not only does the coming of mainland women to Hong Kong to give birth make it difficult for Hong Kong society to pursue long-term development, the introduction of the "one-stop" service for women wishing to come to Hong Kong for child delivery is quite dangerous to the women too. Has the Government imposed certain requirements on local hospitals in respect of problems arising in this area by, for instance, requiring local hospitals to conduct certain assessments when expectant mothers from the Mainland are found to have no antenatal check-up records?*

PRESIDENT (in Cantonese): Which Secretary is to answer?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): First of all, Madam President, all hospitals in Hong Kong will not watch a patient dying without making an effort to save him or refuse to attend to an expectant mother who is about to give birth. Therefore, sometimes we still have to attend to those who are prepared to give birth in Hong Kong, on humanitarian grounds. Of course, we hope that they can have adequate antenatal check-up before coming to Hong Kong.

I remember two years ago, many expectant mothers waited until they were about to give birth, that is, there were signs of "breaking water" (rupture of membranes from vagina) or abdominal pain, that they came to Hong Kong and presented themselves at hospitals. Even if they have received any antenatal check-up on the Mainland or elsewhere, we could not necessarily obtain their records. Nonetheless, as we have now introduced a three-day package fee, they will present themselves at hospitals earlier for examination. We will also require them to provide, as far as possible, records of their antenatal check-up conducted in or outside Hong Kong. Although the medical practitioners and maternity departments in Hong Kong will require pregnant women to do so, not every one of them can meet the requirements. We consider it necessary to communicate with the Mainland, particularly the health care sector of the Mainland, about this. If some pregnant women are really prepared to come to Hong Kong for childbirth, full communication must be conducted or some of their records must be sent to the responsible obstetricians in Hong Kong.

DR JOSEPH LEE (in Cantonese): *Madam President, the Secretary mentioned in the main reply that section 10 of the Ordinance provides that it shall be the duty of every registrar to procure by all means in his power the best information respecting any birth which has occurred within his district. According to the main question, 21 000 babies were actually born in Hong Kong between 2003 and 2005. May I ask the Secretary why it is said in the second paragraph of part (a) of the main reply that the ImmD does not have detailed statistics on the number of Hong Kong Certificate of Registration of Birth issued to children born in Hong Kong to mainland women? Have any persons responsible for performing duties in this area failed to perform this duty?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, this is not the case. It is because mainland and local women will not be categorized or treated separately during the registration of birth for their babies. This is why we do not have a breakdown of the statistics on this.

MRS SELINA CHOW (In Cantonese): *It is indicated in the last paragraph of part (c) of the main reply that the fathers or mothers of nearly 50% of the babies born in Hong Kong were not permanent residents in Hong Kong. Are these mothers charged as non-permanent residents at the moment? Meanwhile, is there any scope for collaboration between the public and private sectors to alleviate the pressure on public hospitals in this respect?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): At present, Madam President, expectant mothers who are not Hong Kong people are now charged as Non-Eligible Persons for a three-day package fee of \$20,000, under an arrangement introduced in September 2005.

As regards whether this arrangement can reduce the number of expectant mothers in public hospitals, we can note from the statistics that the pressure on public hospitals in this area has been slightly alleviated as a result of the admission of more of such expectant mothers by private hospitals.

MRS SELINA CHOW (in Cantonese): *President, the Secretary has not answered the questions concerning, first, whether these expectant mothers have paid the fees if they are required to do so, or whether the hospitals have received the payment from them; and second, the failure of the Secretary to provide relevant statistics. I believe it will be more helpful to us if the Secretary can provide us with the statistics after the meeting.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): First of all, Madam President, I would like to add that the so-called default rate has dropped after the fees increase. The number of people who defaulted on payment in the past was, on the contrary, greater than that at present. If we calculate in terms of percentage, the default rate was 20% in 2003-04. After the fee increase or the introduction of the package, the default rate has now been slightly reduced to 14%. Of course, I am still not satisfied, for we should have received full payment.

PRESIDENT (in Cantonese): Secretary, the follow-up question raised by Mrs Selina CHOW comprises two parts, and yet you have not answered any of them. Her question is: Can you provide a written reply?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): I can provide Members with the relevant statistics on government and non-government hospitals. (Appendix III)

DR JOSEPH LEE (in Cantonese): *Madam President, the Secretary stated in his reply to my supplementary question that there is no breakdown on the registration. I am therefore interested to know, under such circumstances, how he can assist the C&SD in updating its population projections every two or three years. How can we know the exact number of mainland children preparing to come to Hong Kong or eligible to come to the territory? How can we find out? If we have no idea of the relevant circumstances, how can we help the authorities formulate long-term programmes and make planning for policies in such areas as housing, education, social services, health care, and so on? Without these registration statistics, I have great doubts about how the Government will be able to accomplish its task.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as I stated earlier, we do have registration, only that we have no breakdown on the registration. In other words, the birth certificate will not state that the mother of the baby is a mainland woman. However, we will register when the father or mother of the newly born approaches us for application of the Hong Kong Certificate of Registration of Birth. Based on the registration information — the parents might bring the newly born out of Hong Kong even after the registration — and coupled with the information on the trends of passenger movements in and out of Hong Kong, the C&SD will not, upon consideration, include these children into Hong Kong population. In other words, they will not be included in our *de jure* population until they return to Hong Kong, as reflected by our immigration records that they have returned to the territory. Hence, when conducting the territory-wide census every two or three years, the C&SD will, based on the birth records and the information on the passenger movements in and out of Hong Kong, project the population distribution of Hong Kong.

MRS SOPHIE LEUNG (in Cantonese): *President, I would like to raise a follow-up question. Given the large number of pregnant women coming to Hong Kong and the fact that they have already been charged the required fees, as stated by the Secretary earlier, will the Government collaborate with the private sector in a flexible manner, as suggested by Mrs Selina CHOW earlier, to prevent public hospitals from being subject to such a tremendous pressure and refer the pregnant women to private hospitals or tackle this problem in another manner instead? Has the Government considered these issues and enable the pregnant women to give birth in private hospitals?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the three-day package fee of \$20,000 charged by the Hospital Authority at present is very close to the fees charged by other private hospitals. Of course, depending on individual circumstances, some hospitals will charge exorbitant fees because of the exceptionally exorbitant fees charged by certain obstetricians. We really have no intention to encourage expectant mothers to give birth at public hospitals. But to a certain extent, due to the brand name effect, some mainland pregnant mothers will spread the news and, as a result, an exceptionally large number of expectant mothers will choose to give birth at certain hospitals. A similar situation has also been encountered by some private hospitals. Therefore, we are not deliberately trying to refuse helping these expectant mothers. However, if they are offered sufficient options, I believe we will see a more even distribution sooner or later.

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, the Secretary pointed out in part (b) of the main reply that the relevant people will return to the territory later. Such being the case, can the Secretary provide the figures indicating the number of people who will return to the territory, as well as their age, and whether they will have reached the age of attending primary schools by then?*

PRESIDENT (in Cantonese): Which Secretary is to answer? Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, we do not have information in this regard for the time being.

MR LAU KONG-WAH (in Cantonese): *President, despite the clear fees charged by the Government, such services of enabling mainland women to give birth in Hong Kong are still extremely attractive. I wonder if the Secretary has taken note of the provision of the so-called "one-stop" services and whether these services are in breach of the laws of the two places. However, it has been observed that the pregnant women might, after their arrival in Hong Kong, settle mainly in places of a poorer environment. Has the Secretary noticed this situation and what measures will be taken to cope with this trend?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, Hong Kong is a land of freedom. Even if they settle mainly in a certain place, we cannot intervene by investigation or by other means unless they have broken Hong Kong laws or they live in the so-called unlawful guesthouses. Regarding the supplementary question raised by Mr LAU Kong-wah earlier, if he can provide our enforcement authorities with the relevant information to let us see if someone has breached the laws of Hong Kong, we will be pleased to take follow-up actions.

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

MISS CHOY SO-YUK (in Cantonese): *President, according to my knowledge, children born in Hong Kong to parents who are not Hong Kong residents may apply to the Social Welfare Department for social welfare assistance provided they can find a guardian in Hong Kong. May I ask the Secretary how many children have applied for such assistance, regardless of the amount of income of their parents?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have on hand information in this regard for the time being. If I do, I will share it with Members. (Appendix IV)

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Enhancing Mainland-Hong Kong Co-operation in Financial Infrastructure**

7. **MR JEFFREY LAM** (in Chinese): *President, the Hong Kong Monetary Authority (HKMA) and the People's Bank of China held a seminar in Beijing earlier to explore ways for reforming China's financial system and enhancing its financial services under the country's 11th Five-Year Plan. In this connection, will the Government inform this Council:*

- (a) *as the Governor of the People's Bank of China has advised that subject to further enhancement of cross-border co-operation in financial infrastructure, the Renminbi (RMB) business in Hong Kong is expected to expand within this year, including settlement of cross-border trading transactions, of the supporting measures the Government will implement to complement the enhancement of co-operation between the two places in this respect; and*
- (b) *as the Chief Executive of the HKMA has advised that the financial infrastructure of Hong Kong, including its transaction, payment, clearance and custodian systems, allows multi-dimensional participation at the wholesale, retail, international and local levels both directly and indirectly through intermediaries, whether the Government has any plans to encourage the participation of all parties concerned; if so, of the details?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): *President, with regard to payment and settlement arrangements in Hong Kong, the HKMA is actively promoting the development of a multi-currency, multi-product payment and clearing platform. The aim is to develop Hong Kong into a payment and clearing hub for the region and a prime location for financial intermediation between the Mainland and the rest of the world.*

- (a) *Following the approval by the People's Bank of China on 1 November 2005 for the gradual expansion of RMB banking business in Hong Kong, the Bank of China (Hong Kong), the clearing bank for RMB business in Hong Kong, launched the*

Renminbi Settlement System (RSS) with the support of the HKMA on 6 March 2006. The RSS supports the existing scope of the RMB business in Hong Kong. Should the need arise in future, the system can be upgraded, within about five weeks, into a fully fledged Real Time Gross Settlement (RTGS) system with the same payment and clearing capabilities as the existing Hong Kong dollar, US dollar and Euro RTGS systems.

- (b) The HKMA is actively developing various forms of financial infrastructure and has launched several initiatives at the institutional and retail levels, including the RTGS Liquidity Optimizer and Central Moneymarkets Unit Bond Price Bulletin. To promote Hong Kong as a regional payment and clearing hub, the HKMA has also devised marketing plans and will work closely with settlement institutions, central banks and industry associations, in organizing various marketing activities. These include seminars, technical discussions and specialized programmes targeting specific user groups. The aim is to promote the use of our financial infrastructure by financial institutions in Hong Kong, the Mainland and the Asian region. These efforts have already met with some success. The link between Malaysia's Ringgit RTGS system and Hong Kong's US dollar RTGS system is scheduled to go live later this year and the foreign currency leg of some foreign exchange transactions on the Mainland is now being settled in Hong Kong.

Retail Links and Open-air Bazaars with Special Characteristics

8. **MR VINCENT FANG** (in Chinese): *President, in the past, because of the Government's redevelopment projects, many shops in retail links and open-air bazaars with special characteristics in Hong Kong, such as the "Cloth Alley" of Wing On Street, the "Bird Street" of Hong Lok Street and the "Wedding Card Street" of Lee Tung Street, dispersed upon their relocation or closed down, resulting in Hong Kong losing many of such retail links and bazaars. In this connection, will the Government inform this Council:*

- (a) *of the number of existing retail links and open-air bazaars with special characteristics in Hong Kong, their names and locations;*

- (b) *whether it knows if the current redevelopment projects or town plans involve relocation or demolition of the above retail links and bazaars, including the "Sports Shoe Street" in the older district of Sai Yee Street and Fa Yuen Street at Mong Kok, and whether there are plans to retain such retail links and open-air bazaars with special characteristics; and*
- (c) *how shops operating in such retail links and bazaars affected by redevelopment projects will be resettled?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Chinese):
President, my reply to the three parts of the question is as follows:

- (a) We understand that the Hong Kong Tourism Board (HKTb) publicizes among visitors various thematic retail links and open-air bazaars through its publications and websites, and so on. Thematic retail links include Hollywood Road (Antiques Street), Des Voeux Road West (Dried Seafood Street), Ko Shing Street (Herbal Medicine Street), Bonham Strand West and Wing Lok Street (Ginseng and Bird's Nest Street), Canton Road (Jade Street), a section of Tung Choi Street between Prince Edward Road West and Mong Kok Road (Goldfish Market), Mong Kok Flower Market Road (Flower Market), a section of Tung Choi Street between Argyle Street and Dundas Street (Ladies' Market) and a section of Fa Yuen Street between Argyle Street and Soy Street (Sportswear Street), and so on. Open-air bazaars include Stanley Bazaar, Tai Yuen Street Bazaar, Jardine's Crescent Bazaar, Apliu Street Bazaar, Bowring Street Bazaar, Temple Street Night Bazaar, a Bazaar in the section of Fa Yuen Street between Prince Edward West and Mong Kok Road and Bird Market in Yuen Po Street, and so on.

The HKTb mainly selects thematic retail links for promotion where there is a high concentration of shops selling a particular type of goods. For open-air bazaars, there should be a certain number of shops or stalls operating in an open-air environment. Both the retail links and open-air bazaars should also be easily accessible by public transport. The views of the District Councils will also be taken into account in the selection process.

- (b) The Urban Renewal Authority (URA) adopts a holistic "4R" urban renewal strategy, comprising redevelopment, rehabilitation, revitalization and preservation of buildings of historical value within its urban renewal projects. Specifically, when considering the development modes for individual urban renewal projects, the URA will take into account the actual circumstances and widely consult the affected residents and relevant stakeholders, including gauging their views on the need and the way to preserve streets which are perceived by the public to be of special characteristics as well as existing vibrant economic activities. For example, the previous "Cloth Alley" at Jubilee Street/Queen's Road Central project in Central and the "Bird Market" at Argyle Street/Shanghai Street project in Mong Kok (now become "The Centre" and the "Langham Place" respectively) were relocated to the Western Market and Yuen Po Street Bird Garden respectively. The URA is also conducting community and building condition surveys for the Sai Yee Street project in Mong Kok with a view to working out a way forward for the project.
- (c) In taking forward urban renewal projects, the URA will provide appropriate cash compensation to shop operators affected by redevelopment in accordance with the compensation policy formulated by its Board, including providing the market value of the premises and *ex gratia* payments to cover possible losses arising from the relocation of their businesses. Shop operators may start their businesses again at locations of their choice with the cash compensation. The URA will handle individual cases flexibly taking into account specific circumstances of each case.

Government Rescue Teams

9. **MR DANIEL LAM** (in Chinese): *President, it was reported that the persistent torrential rain in May and June this year had caused serious flooding in many rural areas in the New Territories, and the residents in those areas had to call the police for assistance. In this connection, will the Government inform this Council:*

- (a) *in respect of each of the past four years, of the respective numbers of cases in which residents in the nine regions in the New Territories had to call the police for assistance due to flooding, the locations*

and the flooding situation involved in such cases, and the respective longest and shortest time taken by the rescue teams of the relevant government departments to arrive at the scenes in those regions (please set out the information separately according to the nine regions in the New Territories);

- (b) whether the time taken by the abovementioned rescue teams to arrive at the scenes met the performance targets set by their respective departments; if not, of the reasons for the delays;*
- (c) whether there were cases in which rescue operations were delayed due to unsatisfactory rural roads;*
- (d) whether it is necessary to provide the departments responsible for rescue operations with additional funding, manpower and equipment in order to avoid the late arrival of rescue teams at the scenes; and*
- (e) whether other measures are in place to ensure that the rescue teams arrive at the scenes in accordance with the performance targets set by their respective departments?*

SECURITY FOR SECURITY (in Chinese): President,

- (a) From 2002 to May 2006, there were 26 flooding cases in the New Territories requiring the Fire Services Department (FSD) to carry out rescue operations. The related figures, by year and by district in the New Territories, are as follows:

<i>District Year</i>	<i>Yuen Long</i>	<i>North</i>	<i>Tuen Mun</i>	<i>Tai Po</i>	<i>Sha Tin</i>	<i>Kwai Tsing</i>	<i>Tsuen Wan</i>	<i>Sai Kung</i>	<i>Islands</i>	<i>Total</i>
2002	3	1	-	-	-	-	-	-	-	4
2003	3	5	1	-	1	-	-	-	-	10
2004	1	-	-	-	-	-	-	-	-	1
2005	-	1	4	2	-	2	-	-	-	9
2006 (up to May 2006)	1	-	-	-	1	-	-	-	-	2
Total	8	7	5	2	2	2	-	-	-	26

Please also see the attached table for the locations involved in the flooding cases. The FSD does not have details of the flooding

situation of each case. Regarding the time needed for the FSD personnel to arrive at scene, generally speaking, it would be affected by the geographical location, surrounding environment and traffic condition, and so on. From 2002 to May 2006, for cases requiring the FSD's rescue, the FSD personnel could arrive at scene within three to 14 minutes. There was only one case in May 2003 which took the FSD personnel about 31 minutes to arrive at the village hut calling for assistance because of the inclement weather and traffic conditions.

- (b) At present, the FSD has set graded response time for building fire calls and target response time for emergency ambulance calls. No performance pledges for other rescue calls have been set, and as an important principle of rescue operations, the FSD will arrive at the scene as soon as possible.
- (c) In responding to calls for assistance in flooding cases, the FSD has not experienced delay in its rescue operations because of unsatisfactory rural roads.
- (d) and (e)

The Government attaches great importance to emergency rescue services on which people's lives depend. The Government will inject sufficient resources as required and appropriate to ensure that relevant departments can provide swift and efficient emergency rescue services. Currently, the FSD's manpower and equipment are sufficient for handling different kinds of flooding incidents. The FSD will review its practices from time to time to further enhance the efficiency of rescue operations.

Table

Location of Flooding Cases Requiring FSD Assistance
from 2002 to May 2006

<i>Year</i>	<i>Number of Cases</i>	<i>District</i>	<i>Location</i>
2002	4	Yuen Long	Tung Ping Lane, Nam Pin Wai
			Ha Ko Po Tsuen
			Ko Po Tsuen
		North	Sui Pak Villa

<i>Year</i>	<i>Number of Cases</i>	<i>District</i>	<i>Location</i>
2003	10	Yuen Long	Hung Tso Tin Tsuen
			Tai Kei Leng Tsuen
			Ma Tin Road
		North	Ping Che Road
			Lin Ma Hang Road
			Shui Lau Hang
			A hut rear of Sui Pak Villa
		Tuen Mun	Tsiu Keng
Tuen Mun	Tai Ling Chuen, So Kwun Wat		
Sha Tin	Lung Ma Road, Ma Liu Shui Tsuen		
2004	1	Yuen Long	Cheong Shing Path
2005	9	North	Pei Tsuen, Ko Po Tsuen
			Yeung King Road, Yeung Siu Hang
			Chung Uk Tsuen
			Yeung Siu Hang
		Tuen Mun	Tsoi Yuen Tsuen
		Tai Po	Hong Chi Pinehill No. 3 School
			Fung Yuen Lo Wai Tsuen
		Kwai Tsing	Lo Wai Village
Sheung Kok Shan Village			
2006 (up to May)	2	Yuen Long	Kam Chun Yuen, Ng Ka Tsuen
		Sha Tin	Outside The Sir Yue Kong Pao Centre for Cancer, Prince of Wales Hospital, Sha Tin Wai Road

Encouraging PRD Business Operators to Implement Air Quality Improvement Measures

10. **MR JAMES TIEN** (in Chinese): *President, it has been reported that the United States Environmental Protection Agency has launched a five-year programme offering loans to business operators in the Pearl River Delta (PRD) Region, including those from Hong Kong who set up their plants there, for purchasing machinery or implementing emission reduction measures for the purpose of reducing pollution and conserving energy, while the annual costs saved as a result can be used to repay the loans. In this connection, will the Government inform this Council:*

- (a) *whether it knows the details of the above programme and the response of the business sector;*
- (b) *whether it will implement measures to tie in with the programme; and*
- (c) *whether it will, in the light of this programme, implement the measures to improve air quality as proposed in the motions passed by the Legislative Council on 15 December 2004 and 7 December 2005 respectively, including providing tax relief on depreciation of the relevant systems for business operators from Hong Kong who have installed air pollution control systems in their plants in the PRD Region?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President,

- (a) According to the information from the United States Commercial Service in Hong Kong, the United States Commercial Service has started to promote a Pollution Prevention and Energy Efficiency (P2E2) environmental financing programme since May 2005. The programme originates from the Joint Commission on Commerce and Trade between the United States and the Mainland, and takes advantage of the Mainland/Hong Kong Closer Economic Partnership Arrangement. It facilitates loan financing by Hong Kong commercial banks for environmental equipment projects, using the loan guarantees of the Asian Development Bank (ADB) or the International Finance Corporation of the World Bank Group, and the credits of the United States Export-Import Bank. A project includes the following main elements — A Hong Kong-based environmental service company will first conduct a study (without pay) for a mainland factory, power plant or real estate development company on how to reduce pollution and save energy; and then seek a loan from a Hong Kong commercial bank for purchasing or leasing the necessary equipment. The bank will evaluate the application with a view to providing the loan, having regard to the performance contract prepared by the company, mainland commercial credit risks and the loan guarantees from the ADB, and

so on. The loan will be repaid through cost savings from reduced energy and raw material usage as measured and verified by an independent technical audit body.

As at early June 2006, nine Hong Kong commercial banks and two investment funds have expressed interest in participating in the programme. Some 20 Hong Kong-based environmental and energy service companies are pursuing opportunities in the Mainland and at least eight firms are interested in providing measurement and verification services.

- (b) The P2E2 programme operates on a commercial basis and puts in place financial and technical arrangements for helping enterprises operating in the Mainland to install energy efficient and pollution control equipment, thereby reducing pollution to the environment. The Administration welcomes this programme. We will continue to liaise with the business community, the United States Consulate General and related organizations so as to know the progress of the programme and the feedback from the business community. We will also support the promotion of the programme to the factories in the PRD by the related organizations.
- (c) In line with our general taxation principle, expenses incurred in the production of taxable profits are allowed as deductions. Similarly, depreciation allowance can be deducted for plant and machinery used to produce those profits. If a Hong Kong-owned factory's operation in the PRD forms part of the activities that produce taxable profits in Hong Kong, the expenses for installing pollution control equipment in that factory can at present be deductible as depreciation allowance. However, if the proposal were to allow tax deductions on expenses irrespective of whether the expenses are incurred in producing profits taxable in Hong Kong, the proposal would depart from the above principle, be prone to abuse and create enforcement difficulties.

Handling Domestic Violence Incidents

11. **MR ALBERT HO** (in Chinese): *President, early last month, two elderly men allegedly murdered their wives. One of the victims was a woman in the*

Mainland married to a Hong Kong resident, and the other had sought police's assistance on numerous occasions. In this connection, will the Government inform this Council:

- (a) as the authorities have introduced a number of measures to implement the recommendations made by the Review Panel on Family Services in Tin Shui Wai in its report in respect of the Tin Shui Wai family tragedy which occurred in April 2004, whether the authorities have, in the light of these two cases, reviewed these measures to identify possible areas for improvement;*
- (b) whether it will follow the practice of the United Kingdom by establishing a mechanism for professionals to review incidents of domestic violence, with a view to enhancing the effectiveness and efficiency of the work done by various parties to tackle domestic violence;*
- (c) among the persons coming from the Mainland to Hong Kong to join their spouses, of the number of those who received marriage or family counselling services last year, how the percentages of divorce or separation among these persons compare to those of the persons of other categories, and whether the authorities will consider strengthening the support for families involving cross-border marriages; and*
- (d) of the number of retirees who received marriage counselling services last year, whether the authorities will look into the pressure faced by the retired elderly in relation to their livelihood, families, psychology and social life, as well as the factors triggering domestic violence, and explore means to improve support services?*

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

- (a) Since 2004, the Government has adopted enhanced measures and provided additional resources to support and strengthen family functions and to tackle family crisis. These include the addition of two teams of Family and Child Protective Services Units (FCPSUs),

increasing the manpower of social workers in Integrated Family Services Centres (IFSCs) and FCPSUs, strengthening clinical psychological support services and the support of refuge centres for women, increasing the number of places of children's home and foster care, enhancing public education on the prevention of domestic violence and training for social workers and professionals, as well as launching of two two-year pilot projects of Batterer Intervention Programme, and so on. These measures have helped improve the Government's services and support for victims of domestic violence.

In the current financial year, the Government has put in additional resources and made more effective use of the community resources to strengthen family education and launch a Family Support Programme to reach out to families that have not sought help to address their problems and to assist them at an early stage. The Government will continue to collaborate with various sectors to enhance the prevention and handling of domestic violence.

- (b) The Government notes that the United Kingdom is in the process of setting up a Domestic Homicide Review mechanism. We will keep in view the development and make reference to the United Kingdom's experience in developing the review mechanism.

In Hong Kong, the Social Welfare Department (SWD) has proposed a review mechanism to conduct post-event multi-disciplinary review of fatal child abuse cases with a view to identifying improvement measures for prevention and intervention. The SWD is in the process of setting up the review mechanism, which is expected to commence operation in late 2006.

- (c) Currently, the IFSCs across the territory provide a continuum of preventive, supportive and remedial services for people in need (including new arrivals and retired persons with marriage problems) and their families to assist them in tackling their personal and family problems. Of the new/re-activated cases taken on by the IFSCs in 2005-06, 1 043 cases are related to new arrival families (or about 2.8% of the total number of new/re-activated cases), among which 177 involved marriage problems or relationship problems among the

couples. However, the SWD does not maintain separate statistics concerning the percentage of divorce or separation among the service users.

- (d) As mentioned above, the IFSCs provide marriage counselling to retired persons. The SWD however does not maintain a breakdown of the number of such cases. Furthermore, the Government has provided a safety net for the needy elders through social security assistance and a range of heavily-subsidized services (including public health care, elderly care and public housing) so as to assist them in meeting their financial and daily needs. On the other hand, over 200 government-subsidized elderly centres across the territory provide a wide range of services and activities for the elderly, which help them to widen their social networks and integrate into the society. We believe that the above services will serve the needs of and render appropriate support to the elderly. The SWD will keep in view the situation of domestic violence and will make adjustments to its services in accordance with the changing circumstances.

Promoting Development of Creative Industries

12. **MISS CHAN YUEN-HAN** (in Chinese): *President, about promoting the development of creative industries, will the Government inform this Council:*

- (a) *of the respective numbers of applications received and approved under the DesignSmart Initiative (the Initiative) last year, and the amount granted;*
- (b) *of the subsidy schemes other than the Initiative which are available for application by persons engaged in creative industries (such as artists and inventors), so that they can launch their creative products in the market; and*
- (c) *as the cultural department of Shenzhen has recently proposed to set up a "Shenzhen-Hong Kong Entertainment Economic Zone" to attract Hong Kong companies engaged in creative and cultural industries to the Mainland, whether the authorities have evaluated the impact of such proposal on Hong Kong's creative industries?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): President, my response to Miss CHAN's questions is as follows:

- (a) In 2005, 14 applications for funding under the Initiative were received. In the same year, 15 projects, including applications that were submitted in 2004 and examined in 2005, were approved, involving a total funding of \$22 million.
- (b) Apart from the Initiative, there are other schemes available for application by persons engaged in creative industries. Please refer to Annex for details.
- (c) In November 2002, Guangdong, Hong Kong and Macao jointly set up a collaboration framework to enhance cultural collaboration in the Greater Pearl River Delta (GPRD) Region (the collaboration framework). The Guangdong Provincial Department of Culture (together with the Municipal Bureaux of Culture in Guangzhou, Shenzhen, Zhuhai, Foshan, Dongguan and Zhongshan), the Home Affairs Bureau of the Hong Kong Special Administrative Region Government and the Cultural Institute of the Macao Special Administrative Region Government take turns to hold meetings and have set up six working groups to implement and follow up collaboration proposals in various arts and creative areas. The purpose of the collaboration framework is to help enhance the cultural literacy of the GPRD and thereby boost cultural and economic developments of the region through complementary development, resources sharing, efficiency enhancement, cost reduction, brand name creation, talents grooming, information exchange, and arts and cultural promotion, and so on. At the seventh meeting held in February 2006, a Working Group on Research for the Development of Cultural and Creative Industries was set up to discuss relevant researches and explore the scope of further collaboration. We will continue to enhance collaboration between Shenzhen and Hong Kong in the cultural and creative industries under the existing collaboration framework.

In April 2006, the Shenzhen Municipal Government proposed co-operation between the cultural and entertainment industries of Shenzhen and Hong Kong by the development of a "Shenzhen-Hong

Kong Entertainment Economic Zone" with a view to achieving complementary development and a win-win environment. The Home Affairs Bureau will explore ways for collaborating with the Shenzhen Municipal Government in this aspect under the existing collaboration framework.

Annex

<i>Funding Schemes</i>	<i>Abstracts</i>
Incu-Tech Incubation Programme for Technology Start-ups	This programme is run by the Hong Kong Science and Technology Parks Corporation to nurture technology start-up companies in their initial three years, which are critical to their future development, by providing low-cost accommodation as well as management, marketing, financial and technical assistance.
Incubation Programme for Design Industry	This programme is run by the Hong Kong Science and Technology Parks Corporation to nurture design start-up companies in their initial two years, which are critical to their future development, by providing low-cost accommodation as well as management, marketing, financial and technical assistance.
Cyberport Digital Entertainment Incubation-cum-Training Centre (CDEIC)	The CDEIC incubates companies in the digital entertainment and multimedia industries, with initial focuses on game development and film animation production. The CDEIC nurtures new game developers, game masters and digital entertainment entrepreneurs through organizing professional training courses and seminars. The CDEIC also provides an ideal environment for start-ups and returning overseas experts to develop commercially viable products and business models suitable for the digital entertainment industry.
Small Entrepreneur Research Assistance Programme (SERAP)	The SERAP supports small entrepreneurs (with less than 20 employees) in Hong Kong to conduct innovative and technological R&D with commercial potential.

<i>Funding Schemes</i>	<i>Abstracts</i>
Patent Application Grant	The Grant aims to encourage local companies and inventors to capitalize their intellectual work through the provision of funding support on patent registration. Locally incorporated companies or Hong Kong residents who have never owned any patent in any country or territories are eligible to apply.
The SME Export Marketing Fund (EMF)	The EMF aims at encouraging small and medium enterprises to promote their products to China and overseas markets, and provides funding support to business-related export promotion activities.
The Film Development Fund and the Film Guarantee Fund	The Film Development Fund supports projects conducive to the long-term development of the film industry, for example, technical training; while the Film Guarantee Fund offers loan guarantee to participating lending institutions to assist the film industry in obtaining loans and to develop the film financing infrastructure in Hong Kong.
Project Grants of the Hong Kong Arts Development Council	The Grants aim at supporting individual arts practitioners and organizations in Hong Kong to hold or organize non-profit-making activities that have direct contribution to the promotion and development of the arts in the territory. Art activities in line with the objectives of the Hong Kong Arts Development Council can apply for grants, namely, performances, exhibitions, publications, educational programmes, community promotion projects, creation of artworks, research/archival works, arts criticism, training, conferences/seminars/talks, cultural exchange, film and media production, artist-in-residence projects, and so on.

Measures to Help Ethnic Minorities

13. **MR MA LIK** (in Chinese): *President, some ethnic minorities have complained to me that certain notices put up by government offices are in Chinese only, which they cannot understand. They also encounter difficulties when seeking emergency services from front-line staff, such as police officers or nurses, who indicate that they do not speak English. In this connection, will the Government inform this Council:*

- (a) *whether it has received any complaints in the past two years from the public about the failure of government departments or front-line staff to provide services or information in English; if it has, of the number of cases received in each year and their details, and whether any government officers have ever refused to provide services on the ground of their inability to speak English;*
- (b) *of the circumstances under which notices put up or released to the public are written in Chinese only, and the policy and guidelines on assisting ethnic minorities in accessing government information;*
- (c) *of the percentage of front-line staff, in particular those providing emergency services, who are not competent enough to communicate with others in English;*
- (d) *whether it has drawn up any measures to provide English language training for such front-line staff and to encourage them to communicate with ethnic minorities in English; if so, of the details; and*
- (e) *whether it will set up a telephone helpline for ethnic minorities who encounter difficulties in the course of seeking government services?*

SECRETARY FOR THE CIVIL SERVICE (in Chinese): President, on part (a) of the question, as we do not maintain a central register on complaints received from the public, we are unable to provide the information sought. We wish to take this opportunity to re-state, for the record, that both Chinese and English are the official languages of Hong Kong. Our policy is to maintain a fully biliterate (Chinese and English) and trilingual (Cantonese, Putonghua and English) Civil Service to ensure effective communication with all sectors of the community.

On part (b) of the question, it is the Government's policy that all written materials meant for the public, such as government reports, consultative documents, forms, pamphlets, booklets, posters, notices, signs, and so on, should be issued in both Chinese and English. Verbal and written government announcements intended for the general public should also be bilingual. Government homepages should be bilingual as well. It is only in exceptional circumstances where there are strong operational or financial reasons may written communications with the public be monolingual. In such exceptional cases, the monolingual materials issued should contain a bilingual caption, or a brief message in the other language directing the recipient to another source (such as a webpage or contact details of a subject officer) where further information in the other language can be obtained. The Civil Service Bureau reminds government offices regularly of the need for public communications to be bilingual.

On part (c) of the question, to ensure our Civil Service is proficient in both Chinese and English, we lay down appropriate language proficiency requirements for appointment to different grades in the Civil Service. Since January 2003, applicants for civil service posts at degree or professional level are required to have acquired a pass in the Use of English and Use of Chinese papers in the Civil Service Common Recruitment Examination. Applicants for other civil service posts are likewise generally required to have attained specified levels of proficiency in both Chinese and English. For example, applicants for the posts of Fireman, Ambulanceman, and Police Constable are required to have attained at least a Grade E in English Language (Syllabus B) and Chinese Language in the Hong Kong Certificate of Education Examination, or its equivalent.

On part (d) of the question, the Government strives to provide its staff with appropriate training, including English language training, so that they can better serve the community. For example, individual departments such as the Hong Kong Police Force, Social Welfare Department, Department of Health and Housing Department, arrange job-specific and customized English language training for their staff from time to time. The Civil Service Training and Development Institute (CSTDI) organizes general English language courses for staff. It also arranges courses on English speaking skills and the techniques of handling telephone calls and enquiries in English for front-line and other staff. Apart from classroom training, the CSTDI continuously enriches its online English language learning resources for use by government staff. There are

currently 40 online English language courses and reference kits available. Over the past five years, some 27 000 government staff have attended the English language courses organized by the CSTDI. Over 40% of them are front-line staff (such as clerks, nurses and police constables, and so on). Over 400 000 visitors have accessed the online English language reference materials, and some 30 000 staff have taken part in the online English language courses. Some departments with regular interface with ethnic minorities have put in place additional measures. For example, the Housing Department has guidelines to remind its staff that public notices in housing estates should be in both English and Chinese in order to cater for the need of the ethnic minorities. The Home Affairs Department has ensured that senior officers are available to assist front-line staff to serve ethnic minorities.

On part (e) of the question, members of the public, including ethnic minorities, wishing to make any enquiries or seek assistance in obtaining any government services may call the general enquiry hotline of the department concerned. Calls made in English will be answered in English. The public may also call the "1823" Citizen's Easy Link hotline which provides convenient 24-hour access for information on public services for 14 participating departments. For enquiries relating to services by other departments, the hotline will also provide the relevant contact details. Again calls made in English will be responded in English.

Reform on Professional Liability System

14. **MISS TAM HEUNG-MAN** (in Chinese): *President, at the meeting of the Panel on Administration of Justice and Legal Services on 27 March 2006, the Government indicated that no studies would be carried out into the proposals on limitation of liability during the remainder of the Chief Executive's term of office. However, according to a circular issued in June by the Hong Kong Institute of Certified Public Accountants, at a meeting with the President of the Institute, the Chief Executive was positive to the proposed systems of limited liability partnerships and proportionate liability. In this connection, will the Government inform this Council:*

- (a) *whether it has changed its position in March 2006 on the reform on professional liability system; if so, of its current position;*

- (b) *whether it will refer the subject to the Central Policy Unit, Commission on Strategic Development or other relevant advisory bodies for deliberation; if so, of the details and timetable; if not, the reasons for that; and*
- (c) *whether it will hold regular discussions with the accounting, legal and other professional service sectors on the subject; if so, of the schedule of such discussions; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, the Administration's responses are as follows:

- (a) and (b)

The Administration's position on the proposals for limiting liability put forward by some professional organizations, including the Hong Kong Institute of Certified Public Accountants, is set out in the paper presented by the Department of Justice to the Panel on Administration of Justice and Legal Services on 27 March 2006 (at Annex). In essence, having regard to all relevant considerations, including the statutory recognition of the concerned professional sectors as well as the interests of consumers and services users, the Administration takes the views that it will not at this time consider upsetting the balance of the present liability regime and that no further studies will be carried out into the proposals for limitation of liability during the remainder of the Chief Executive's term of office.

- (c) Nonetheless, the Administration will, as always, continue to maintain dialogue with professional organizations over issues relevant to the development and regulation of the professions concerned. The Chief Executive's meeting on 30 May 2006 with representatives of different professional organizations was one such occasion. The Chief Executive has taken note of the views expressed, including those put forward by the representatives on the subject of limiting liability.

Annex

LC Paper No. CB(2)1371/05-06(01)

For information
27 March 2006

Legislative Council Panel on
Administration of Justice and Legal Services

Limitation of Liability

Introduction

At its meeting on 31 March 2005, the Panel considered the Research Report on "Limited Liability Partnership and Liability Capping Legislation for the Practice of Law in Selected Places" (RP04/04-05) and a submission made by the Hong Kong Institute of Certified Public Accountants on professional liability reform in Hong Kong.

2. The Panel continued discussion on the relevant issues at its meeting on 23 May 2005, with particular reference to the report prepared by the Law Society's Working Party on Limited Liability Partnership. DoJ advised the Panel that the Government would consider internally whether to carry out further studies, and undertook to report back to the Panel.

Proposals for limiting liability

3. The Government has considered proposals for the limitation of liability to pay compensation put forward by organizations representing various sectors including the legal, accounting and medical professions.

4. The proposals included introduction of proportionate liability, either generally or in some modified form; the introduction of limited liability partnerships; and the introduction of caps on the amount of compensation to be awarded.

5. An argument common to the representations by the organizations representing the three professions was that levels of compensation and the cost of professional indemnity insurance impose onerous burdens on those professions.

6. On the other hand the proposals to introduce proportionate liability and to introduce caps on compensation awarded would depart from the long held common law principle that the full cost of wrong doing should be borne by the wrong doer. All of the proposals would have the effect (to a greater or lesser extent) of shifting liability from the professional service providers to the consumers.

7. The professional sectors have been given recognition and a degree of protection under the law. This must be balanced against the need to safeguard the interests of consumers and service users.

No further study of proposals to limit liability

8. After consideration the Government has concluded that it will not at this time consider upsetting the balance. No further studies will be carried out into the proposals for limitation of liability, during the remainder of the Chief Executive's term of office.

Department of Justice

March 2006

Development of New Cruise Terminal in South East Kowloon

15. **MR CHEUNG HOK-MING** (in Chinese): *President, regarding the development of a new cruise terminal in South East Kowloon, will the Government inform this Council:*

- (a) *of the estimated cost as well as the earliest commencement and completion dates of developing the new cruise terminal on a self-financing basis; when the authorities will decide and announce if such an approach will be adopted;*
- (b) *whether the authorities will consider adopting alternative development approaches in delivering the project, such as by way of open tender or public-private partnership; and*
- (c) *of the measures to ensure that the berthing fees charged by a new private-funded cruise terminal are reasonable and competitive?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in the absence of Secretary for Economic Development and Labour) (in Chinese): President, Kai Tak has always been the Government's preferred location for the development of cruise terminal facilities. The Government has reserved land in Kai Tak for the development of cruise terminal facilities. The Planning Department is consulting the public on the planning of Kai Tak, which includes the proposed cruise terminal development.

In order to develop new cruise terminal facilities as early as possible, the Government invited interested parties to submit Expressions of Interest (EOI) at the end of last year. The EOI seeks to ascertain whether there are suitable and feasible locations other than Kai Tak for the development of new cruise terminal. We received six suggestions. The Government is actively considering the suggestions from different aspects and other related issues, including the construction method for the cruise terminal, the authorization procedures, the mode of development and the implementation timeframe. We will inform the Legislative Council and the public of our position once we are ready.

Maintaining Competitive Edge of Hong Kong's Tourism

16. **MR HOWARD YOUNG** (in Chinese): *President, Hong Kong is now facing competition from other places in attracting mainland visitors, and the number of mainland visitors to Hong Kong during the Labour Day Golden Week this year fell short of expectation. Moreover, new tourism facility projects put forward by the Government, such as the cruise terminal, spa resort and fisherman's wharf, are yet to be materialized. In this connection, will the Government inform this Council whether it will expedite the development of tourism infrastructure so as to maintain the competitive edge of Hong Kong's tourism industry; if so, of the details of the development plan; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in the absence of Secretary for Economic Development and Labour) (in Chinese): President, we have always strived to develop new tourist attractions as well as enhance existing ones. The Hong Kong Disneyland was opened in September last year. It helps strengthen Hong Kong's position as the preferred destination in Asia for family visitors. "A Symphony of Lights" was awarded the world's

largest permanent light and sound show by Guinness World Records last November. Phase II of the show was launched last Christmas covering 33 buildings on both sides of the Victoria Harbour. The Hong Kong Wetland Park, a nature conservation, education and tourism facility, was just opened in May this year. Besides, the Hong Kong Disneyland will launch three new attractions (Autopia, Stitch Encounter and UFO Cool Zone) this summer. These diversified tourism products and new facilities will help enhance Hong Kong's attractiveness to visitors. The redevelopment works of the Ocean Park will commence this year, which will turn the park into a world-class marine-themed attraction.

We will also continue to implement the Tourism District Enhancement Programme. The Tsim Sha Tsui Promenade Beautification Project is expected to complete within the next few months and the improvement works at the Stanley waterfront and the Peak will be completed next year. Other projects in the pipeline include the Tsim Sha Tsui Piazza and the Lei Yue Mun Waterfront Enhancement Project. Apart from the abovementioned projects in the planning or being implemented, we are also planning for other new tourism projects such as the Aberdeen Tourism Project to complement the Ocean Park's redevelopment, and the development of new cruise terminal facilities.

To conclude, in order to maintain Hong Kong's position as the premier tourism destination in Asia, the Government will continue to attract visitors to Hong Kong through planning and developing new tourism infrastructure as well as improving existing facilities.

Government Revenues Brought to Credit in April Each Year

17. **MR SIN CHUNG-KAI** (in Chinese): *President, will the Government inform this Council of the following items brought to credit in April in each of the financial years from 1997-98 to 2006-07:*

- (a) *total amount of government revenue;*
- (b) *revenue from salaries tax; and*
- (c) *the top four items, apart from salaries tax, of revenue in that month and their respective amounts?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, the government revenue data required for the month of April in each of the financial years from 1997-98 to 2006-07 are given below:

(\$ billion)

<i>Financial year</i>	<i>Total amount of revenue</i>	<i>Revenue from salaries tax</i>	<i>Top four revenue items apart from salaries tax</i>
1997-98	17.3	3.1	Stamp duties 3.4 Profits tax 2.9 Bets and sweeps tax 1.2 General rates 1.0
1998-99	24.9	3.1	Land premium 4.2 Interest 3.9 Profits tax 3.5 Residual capital returned by the Sewage Services Trading Fund 2.5
1999-2000	13.3	2.8	Profits tax 2.3 Bets and sweeps tax 1.3 Repayments of housing loans 1.0 Stamp duties 0.9
2000-01	15.5	2.9	Profits tax 2.2 Land premium 2.1 General rates 1.8 Bets and sweeps tax 1.4
2001-02	16.0	3.6	General rates 2.5 Profits tax 2.3 Repayments of housing loans 1.6 Bets and sweeps tax 1.2
2002-03	13.4	3.9	Profits tax 2.3 Bets and sweeps tax 1.1 General rates 0.9 Government rents charged at 3% of rateable values in accordance with the Government Rent (Assessment and Collection) Ordinance (Cap. 515) 0.8

(\$ billion)

<i>Financial year</i>	<i>Total amount of revenue</i>	<i>Revenue from salaries tax</i>	<i>Top four revenue items apart from salaries tax</i>
2003-04	12.8	3.4	General rates 1.9 Profits tax 1.7 Bets and sweeps tax 1.1 Government rents charged at 3% of rateable values in accordance with the Government Rent (Assessment and Collection) Ordinance (Cap. 515) 0.7
2004-05	15.9	3.5	General rates 2.4 Profits tax 2.1 Stamp duties 1.3 Bets and sweeps tax 1.2
2005-06	20.5	3.9	Land premium 4.0 General rates 2.9 Profits tax 2.5 Stamp duties 1.8
2006-07	29.7	4.0	Land premium 12.7 General rates 3.1 Profits tax 2.8 Stamp duties 1.6

Admission of the Sick and Wounded by Public Hospitals

18. **MR LI KWOK-YING** (in Chinese): *President, it has been reported that since around mid-May this year, in accordance with instructions given by the Fire Services Communication Centre through the Third Generation Communication and Mobilizing System, ambulances have been conveying all the sick and wounded in areas around Shek Kip Mei of Sham Shui Po District to the Accident and Emergency (A&E) Department of Queen Elizabeth Hospital (QEH), rather than the nearer Caritas Medical Centre (CMC), for medical treatment. In this connection, will the Government inform this Council:*

- (a) *of the current average daily number of the sick and wounded in Sham Shui Po District conveyed by ambulances to the A&E*

Department of QEH for medical treatment, and how the figure compares with that prior to the adoption of the above practice;

- (b) of the impact of the above practice on the deployment of ambulances in Kowloon West Division and the A&E services at QEH; and*
- (c) whether it will revise the divisional delineations under which A&E departments of public hospitals admit the sick and wounded in Kowloon West Division; if so, of the criteria to be adopted for revising the delineations; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, the Third Generation Mobilizing System (TGMS) of the Fire Services Department (FSD), which commenced full operation in mid-2005, does not involve the delineation of the service areas of hospitals. The ambulances of the FSD will convey the patients to the appropriate hospitals for medical treatment according to the service areas of the A&E departments jointly drawn up by the FSD and the Hospital Authority (HA). Under the HA, there are 15 hospitals with A&E departments. Their respective service areas, as drawn up by the FSD and the HA, are set out in the Ambulance Command Standing Order of the FSD.

(a), (b) and (c)

The areas in Kowloon mentioned in the Honourable Member's question involve the service areas of the A&E Departments of QEH and CMC under the HA. The FSD and the HA have jointly delineated the service areas for years, and ambulances will convey the patients to the relevant hospitals in accordance with the prescribed service areas. Regarding the situation of 19 June as reported in the press, the main contributing factor was that during the period from 1.00 pm to 3.00 pm on that day, the number of ambulance calls for conveying patients to QEH was 65% higher than the daily average. As a result, the A&E Department of QEH experienced difficulty in handling these cases during the said period. In fact, the FSD and the HA review from time to time the service areas of the A&E departments. In setting the service areas, the FSD and the HA will consider various relevant factors, including the geographical location, road networks, population densities, the

hospital's facilities and resources, and the number of emergency cases in the past. In view of the recent increase in the number of patients conveyed by ambulances to QEH (the average daily figure from mid-May to mid-June has increased by 12% compared with the previous period), the FSD and the HA have reviewed the service area of the CMC and have temporarily included Shek Kip Mei and Tai Hang Tung in its service area with effect from 23 June. In the longer run, the FSD and the HA will review the respective service areas of QEH, Kwong Wah Hospital and CMC to ensure that the patients are treated as soon as possible.

Operational Safety of Non-franchised Buses

19. **MR LAU KONG-WAH** (in Chinese): *President, regarding operational safety of non-franchised buses, will the Government inform this Council whether:*

- (a) *there has been an upward trend in the numbers of traffic accidents involving non-franchised buses and the resultant casualties in the past three years;*
- (b) *it has assessed if the current safety equipment for passengers in non-franchised buses is adequate; and*
- (c) *the authorities will, by making reference to the existing regulations regarding safety equipment on public light buses, consider introducing legislation to require that all passenger seats installed on newly-registered non-franchised buses are high-back seats fitted with seat belts; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Chinese): *President, the numbers of traffic accidents and casualties involving non-franchised buses in the past three years are as follows:*

<i>Year</i>	<i>Number of Accidents</i>	<i>Number of Casualties</i>
2003	378	779
2004	491	1 151
2005	436	997

The figures do not indicate an upward trend of such accidents and casualties. In 2003, because of the impact of the Severe Acute Respiratory Syndrome on the activities of the general public, the number of traffic accidents in general and that of different vehicle types are both at a low level.

Non-franchised buses are subject to the passenger safety requirements stipulated in the Road Traffic (Construction and Maintenance of Vehicles) Regulations, which include security of seats and tilting stability.

Accident statistics indicate that the accident rate of non-franchised buses is lower than those of other public transport modes. Also, there are no consistent practices regarding the protection installations for bus passengers in overseas countries. We will continue to keep in view the number of accidents as well as overseas standards and practices. We will also examine with vehicle manufacturers and the trade on the feasibility of extending the seat belt and high-back seat requirements to non-franchised buses.

Poverty Indicators

20. **MR FREDERICK FUNG** (in Chinese): *President, regarding the compilation and application of poverty indicators, will the Government inform this Council:*

- (a) *as the authorities have not, contrary to their estimation in the end of March this year, made available in the latter part of April the whole set of updated poverty indicators covering the fourth quarter of 2005 and the whole year, of the current progress of the work in this respect; the reasons for their failure to make available the relevant information as estimated; and when such information is expected to be available;*
- (b) *whether it will compile poverty indicators on a district basis and release the current preliminary data;*
- (c) *whether it will consult the public on the scope and specific figures covered by poverty indicators, with a view to compiling such indicators in different areas; and*
- (d) *whether it will formulate policies to deal with the situation in which the poverty indicators reflect that poverty is worsening?*

FINANCIAL SECRETARY (in Chinese): President,

- (a) Since we had taken more time to collate all the district-based data required for updating Indicators 19 to 24, the updated set of poverty indicators for the whole year of 2005 could not be finalized until very recently. Analysis of these updated indicators was completed in June. We are now seeking experts' comments and advice on the results of our analysis, as has been done for the last set of indicators. We would announce (in about two weeks' time) the updated set of poverty indicators and the analytical results. In line with the practice, the relevant information will be submitted to the Legislative Council and the Commission on Poverty (the Commission). They will also be uploaded to the Commission's website for access and comments by the public.
- (b) The current set of poverty indicators includes six district-based indicators. In the information paper to be issued, we would give an analysis of the performance of the 18 districts in these six indicators of poverty. The preliminary results indicate a general improvement in the indicators across many districts in 2005.
- (c) Compiling poverty indicators is one of the important tasks of the Commission. The current set of poverty indicators has been compiled after consultation with a number of academics and representatives of non-governmental organizations, as well as after rounds of discussions in the Commission. The compilation process is transparent, and the relevant discussion papers can be downloaded from the Commission's website. The Commission also welcomes the public's views on this issue.

Members of the Commission agree that the compilation and updating of poverty indicators is a continual process. We will continue to listen to the views of various parties. If necessary, we will conduct more detailed studies on specific issues, and consider whether there is a need to amend or supplement the indicators in different areas, taking into account other relevant information and data.

- (d) The preliminary results of the analysis of the updated poverty indicators show a general improvement in the performance of them.

These macro poverty indicators are meant to give a broad indication of how the poverty situation evolves over time. By identifying the key areas for more focused study, these indicators provide useful reference in policy formulation. Nevertheless, bureaux and departments are at the same time drawing reference to other relevant information for policy formulation and evaluation, including more detailed and specific indicators at district level, relevant research and analyses, and feedbacks from consultation, and so on.

For example, according to the data of the Social Welfare Department, although the total number of Comprehensive Social Security Assistance (CSSA) recipients has dropped slightly, there is an increasing trend of youths receiving CSSA in both absolute and proportionate terms. The duration of unemployed able-bodied persons receiving CSSA is also increasing. The Commission and the relevant bureaux are very concerned about these trends, and have undertaken to conduct more detailed research and analysis on the relevant data. It is also agreed that "My STEP" and District Employment Assistance Trial Projects should be targeted at those youths and adults who are harder to employ with a view to facilitating their employment and self-reliance.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

RAIL MERGER BILL

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL 2006

CLERK (in Cantonese): Rail Merger Bill

Prevention of Cruelty to Animals (Amendment) Bill
2006.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

RAIL MERGER BILL**SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS**

(in Cantonese): President, I move the Second Reading of the Rail Merger Bill (the Bill).

The Government announced the package for merging the Mass Transit Railway (MTR) and Kowloon-Canton Railway (KCR) in April 2006. Since then, we have had five meetings with the Legislative Council Panel on Transport and Panel on Financial Affairs. We have discussed the details of the merger package with the public, answered Members' questions and provided supplementary information to the Legislative Council. We have also briefed the Transport Advisory Committee and the Traffic and Transport Committee of a number of District Councils. I am pleased to note that public response is in general favourable. We are now proceeding with the legislative amendment exercise to provide the legal framework to implement the rail merger.

The rail merger will bring overall benefits to the community as a whole. The MTR Corporation Limited (MTRCL) and Kowloon-Canton Railway Corporation (KCRC) can supplement each other with their respective strengths to bring us a world class rail operator, which will enhance the competitiveness of Hong Kong both in the mainland market and the international arena. Besides, the passengers will get immediate benefit out of the rail merger through fare reduction from the first day of the merger and more convenient interchange arrangements. Besides, an objective and transparent fare adjustment mechanism will also be introduced to replace fare autonomy currently enjoyed by the two corporations. We believe the merger package is a fair and reasonable package which balances the interests of all stakeholders.

Under the merger package, the KCRC would enter into a service concession agreement with the MTRCL to grant MTRCL the right to use its assets to operate the existing KCR railway lines and the new KCR railway lines currently under construction when they are completed, as well as other transport-related businesses. The MTRCL will maintain its listing status and will be the legal entity of the post-merger corporation (MergeCo).

The Bill proposes to amend the Kowloon-Canton Railway Corporation Ordinance (KCRCO) and the Mass Transit Railway Ordinance (MTRO) to provide the necessary legal framework for the merger. It empowers the KCRC to grant a service concession to the MTRCL and expands the scope of MTRCL's franchise for taking up the operation of the KCR system. The franchise period will be re-set to 50 years from the date of implementation of the rail merger. The amended MTRO will be the governing legislation for MergeCo.

To better reflect the expanded scope of the MTRCL's business after the merger, the Chinese name of the MTRCL will be changed to "香港鐵路有限公司". The English name of the MTRCL will be retained.

The Bill contains provisions to modify the existing provisions in the MTRO on revocation, suspension and expiry of franchise to cater for the expanded scope of the MTRCL's franchise. If the MergeCo is in default in the operation of KCR or MTR leading to a serious disruption of service, for instance, it would be a ground for triggering revocation of the entire franchise of the MergeCo. On the other hand, failure of the MergeCo to fulfil its obligations under its Service Concession Agreement with the KCRC in respect of its payment obligation and the restrictions against disposal of concession assets and creation of security over its rights in the Service Concession Agreement would be a ground for triggering revocation of the part of the MergeCo's franchise as it relates to the KCR.

We envisage that there will be a progressive integration of the MTR and KCR systems in future and as a result, there would be some common properties used for the operation of both rail systems. Therefore, the Bill also proposes that the Government should have the right to access where necessary such common properties upon franchise revocation, suspension, or expiry. Similarly, the MergeCo should also have similar rights to access the common properties under specified circumstances where necessary to maintain its operation of the MTR.

To enable the MergeCo to operate the KCR system, relevant rights and liabilities under some KCRC's contracts would need to be transferred to the MergeCo. The Bill provides for a mechanism to vest these rights and liabilities in the MergeCo.

Under the existing regulatory regime governing the MTRCL's operation, there is, outside the MTRO, the Operating Agreement (OA) between the Government and the MTRCL stipulating the performance standards and matters concerning MTR fare such as the procedures for implementing fare adjustments under fare autonomy. The same regulatory framework will be adopted for the regulation of the MergeCo. The existing OA will be expanded into an integrated OA which will stipulate the performance standards and the details of the fare adjustment mechanism applicable to the MergeCo.

Under the merger package, all serving staff of the two corporations will be employed by the MergeCo on their prevailing terms and conditions upon rail merger. There are specific provisions in the Bill for transferring the employment contracts of all serving KCRC staff at the time of the rail merger to the MergeCo with continuity of their prevailing retirement benefits. As regards other staff-related matters to be addressed outside the Bill, such as job security for front-line staff as it relates to the merger integration process and the studies by the corporations on the employment terms and conditions, and so on, there are continued discussions between the corporations and the staff side. The corporations will consult the staff before making any final decision.

After the merger, the KCRC will cease to have any railway operating function, whilst it would retain certain administrative, accounting and treasury functions. The Bill provides that during the concession period, the KCRC would cease to exercise its power under the KCRCO to operate railways and bus services or to construct any new railways and that the KCRC will not be required to appoint a new chief executive.

Madam President, I believe early implementation of the rail merger will benefit the community as a whole. The introduction of the Bill to the Legislative Council today is an important milestone towards implementation of the rail merger. I hope Members will support the Bill. Thank you.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Rail Merger Bill be read the Second time.

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

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL 2006

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I move the Second Reading of the Prevention of Cruelty to Animals (Amendment) Bill 2006 (the Bill). The Bill proposes to increase the maximum penalty under the Prevention of Cruelty to Animals Ordinance (the Ordinance) from the existing fine of \$5,000 and a term of imprisonment of six months to the level 6 fine, that is, \$100,000 and an imprisonment for 12 months in order to enhance the deterrent effect and to curb animal abuse. At the same time, we propose to increase the maximum penalty under the Prevention of Cruelty to Animals Regulations (the Regulations) from the existing fine of \$2,000 to the level 4, that is, \$25,000.

According to the existing provisions of the Ordinance, any person who beats, kicks, brutally tortures, or by wantonly or unreasonably doing any act, causes any unnecessary suffering to an animal, or causes the fighting of any animal, is guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for six months.

Besides, the Regulations provide that any person who keeps an animal in a substandard crate or basket or has failed to supply sufficient fresh water to such an animal shall be liable to a fine of \$2,000 or in the case of a continuing offence, a fine of \$200 for every day during which the offence continues.

The existing penalties as mentioned above came out of an amendment in 1979. Owing to the changes in economic conditions and other factors, the penalties then laid down are already outdated and not deterrent enough to curb these offences in our present-day society. Therefore, we are of the view that it is necessary to raise the penalties for animal abuse to the existing levels. Besides, when formulating the proposed penalties, we made reference to the local situation as well as overseas countries such as the United States and Japan. The penalties we now propose are similar to those in foreign countries.

After years of efforts, our community is attaching greater and greater importance to animal welfare which has actually improved a lot. As a result, the number of abuse cases in Hong Kong has remained at a low level.

Having said that, cases of intentional animal cruelty have occurred from time to time in recent days. Earlier on, there was a spate of brutal animal abuse cases which had aroused public concern as to whether it was necessary to formulate more effective penalties under the Ordinance so as to combat animal abuse. Therefore, we propose to raise the maximum penalties under the Ordinance and the Regulations in order to reflect the seriousness of such offences and enhance the deterrent effect on the offenders. Meanwhile, we will spare no efforts in combating animal abuse and bringing prosecution against offenders.

However, in order to combat animal abuse, apart from enhancing statutory penalties, the participation of all sectors of the community is also very important. So, in order to tie in with the proposal of raising penalties, we will, through publicity, educate the pet owners and the industry on their responsibility to pets and further promote people's awareness of caring for animals and respect for life.

From January to June 2006, the Agriculture, Fisheries and Conservation Department (AFCD) issued over 800 suggestions and advice to members of the public to urge them to be responsible dog owners and carry out sterilization to their pets. In February 2006, the AFCD published two Announcements of Public Interests (APIs) and soundtracks over 27 television channels and 12 radio channels to educate the people to be responsible pet owners and pointed out the seriousness of animal abuse. Besides, the AFCD has also distributed CD-ROMs of these APIs to all schools in the territory in order to educate the students on well-treating of animals.

Madam President, the Government attaches great importance to animal abuse and I hope the Bill can be passed as early as possible.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Prevention of Cruelty to Animals (Amendment) Bill 2006 be read the Second time.

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

MOTIONS

PRESIDENT (in Cantonese): Motion. Proposed resolution under the Interpretation and General Clauses Ordinance to amend the Security and Guarding Services (Fees) (Amendment) Regulation 2006.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR SECURITY (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed. The purpose of the resolution is to amend the Security and Guarding Services (Fees) (Amendment) Regulation (Amendment Regulation) laid on the table of the Legislative Council at the meeting of 24 May 2006.

It is government policy that fees charged by the Government should in general be set at levels adequate to recover the full cost of providing the goods or services. Costing reviews are conducted periodically in line with this policy. An updated costing review of the various security company licences and security personnel permits stipulated under the Security and Guarding Services (Fees) Regulation was completed in 2005, which has shown that the cost for the issue and renewal of permits is higher than the present fees, and the cost for the issue, replacement and renewal of various licences is lower than the present fees. The existing fees should therefore be revised upward or downward accordingly in accordance with the policy of full-cost recovery. The proposal to increase the security personnel permit issue and renewal fees from \$110 to \$120 is essentially attributable to increased staff cost incurred by the police in conducting more supervisory and random checks as recommended by the Independent Commission Against Corruption. As a permit is normally valid for five years, the proposed fee revision would only mean an increase of \$2 per year.

At the meeting of the Subcommittee to study the Amendment Regulation, members have put forward their views on the objection to upward adjusting the permit issue and renewal fees. After careful consideration of members' concern, we have agreed to not proceed with the proposed fee increase at this stage. I move that the resolution be passed to delete provisions concerning the increase in permit issue and renewal fees.

Thank you, Madam President.

The Secretary for Security moved the following motion:

"RESOLVED that the Security and Guarding Services (Fees) (Amendment) Regulation 2006, published in the Gazette as Legal Notice No. 104 of 2006 and laid on the table of the Legislative Council on 24 May 2006, be amended -

- (a) by repealing section 2;
- (b) in section 3(1), by adding "to the Security and Guarding Services (Fees) Regulation (Cap. 460 sub. leg. A)" after "Schedule 2"."

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

MR KWONG CHI-KIN (in Cantonese): Madam President, in my capacity as Chairman of the Subcommittee on Security and Guarding Services (Fees) (Amendment) Regulation 2006, I wish to comment on the motion moved by the Secretary for Security.

The aim of amending the Regulation is to increase the prescribed fees for the issue and renewal of security personnel permits from \$110 to \$120 and decrease various fees in respect of security company licences according to the updated costing review of the various permits and licences stipulated under the Security and Guarding Services (Fees) Regulation. Members have raised no queries on the proposed fee revisions for security company licences, however, members have expressed objection to the proposed fee increases for security personnel permits.

The Subcommittee understands that the fee proposals are put forward according to the government policy of full-cost recovery. The Administration has explained to the Subcommittee that in view of a series of recommendations on corruption prevention made by the Independent Commission Against Corruption, the Police Licensing Office has adopted the recommendations and increased the number of higher-ranked clerical officers and the number of supervisory checks performed to handle applications submitted by applicants who have records of criminal conviction(s), which has resulted in an increase in staff costs.

However, members consider it questionable whether anyone would resort to bribery to get a low-pay job such as a security guard. They also queried the need to tighten up the vetting process to prevent corruption. Members also pointed out that while the Administration considers it necessary to conduct stringent vetting of applications for security personnel permits because the work of security guards is very important, the low salary level of security guards fails to reflect such importance attached to their work. Furthermore, it is unfair for the Administration to transfer the extra costs for vetting the applications for security personnel permits to the security guards who are low-pay employees.

Having considered members' views, the Administration has agreed not to proceed with the fee increases of the security personnel permits at this stage. The Subcommittee welcomes the Administration's decision.

With these remarks, I support the Government's motion.

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

MR WONG KWOK-HING (in Cantonese): President, that this amendment is effected without any event makes me feel that the Government is amenable to public opinion. I hope that in the future, the Government will be just as amenable to public opinion as on this occasion. In this way, a harmonious society will naturally be created.

Although the sum amounts to only a paltry \$10, there is a great deal of significance in it. First, why is it that the fees for operators can be lowered but those for the people actually doing the work have to be increased? I think it is commendable that the Government could finally understand Members' viewpoint and withdrew its proposal.

However, the second point that I wish to raise in passing is that as a Government for the people, it is necessary to give some thoughts to the workers in the security services industry. Their income is indeed paltry. On another front, we are lobbying the Government to legislate on a minimum wage and standard working hours. We are talking about two areas and one of them is building management and security. The pay of those who work in these services is really humble. In these circumstances, not only should the fees not

be increased; quite the reverse, as a Government for the people, it should consider how the fees can be lowered to reduce workers' burden, or even consider taking this burden off their backs.

Thirdly, I hope that in future, when the Secretary has the opportunity to consider this issue again, he can exercise his discretion to lower the fees, so as to assist workers in the industry to cope with the plight caused by their low pay. Although the amount involved is small, it will reflect whether the Government truly understands public sentiment and public opinion and whether it truly appreciates the hardships of the public.

I so submit. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Security to reply.

SECRETARY FOR SECURITY (in Cantonese): President, I am grateful to Mr KWONG and Mr WONG for their views. As I have already explained, the charging policy of the Government is to recover the full costs of providing the goods and services concerned. As regards the income of and employment protection for security personnel, since they involve the policy areas of other Policy Bureaux, I believe the relevant departments will duly consider the views of the two Members.

Thank you, President.

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

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

PROPOSED RESOLUTION UNDER THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

MRS SOPHIE LEUNG (in Cantonese): Madam President, I move that the resolution proposed by me on amending the the Rules of Procedure (RoP) of the Legislative Council of the Hong Kong Special Administrative Region, be passed.

In response to the recommendations of the House Committee in June last year, the Committee on Members' Interests (CMI) conducted a study on expanding the existing terms of reference of the CMI, so that complaints relating to Members' operating expenses reimbursement (OER) can be brought into its ambit. The CMI held a total of eight meetings to examine how it may perform this function. In the interim, Members in the CMI consulted the political parties to which they belong on matters under discussion from time to time. Subsequently, the CMI issued a paper to all Members in May this year setting out its deliberations and the recommendations it intended to make to the Legislative Council on a mechanism for handling complaints. The CMI also invited all Members to attend its special 9th meeting held on 2 June 2006 so that they could offer their views to the CMI.

After completing the study and listening to the views expressed by Members, the CMI decided to amend its Procedure for Handling Complaints

Received in Relation to the Registration and Declaration of Members' Interests (the Procedure) and to recommend the following amendments to the RoP to the Legislative Council:

- (1) to add a new subrule (1)(ca) to Rule 73 to enable the CMI to handle complaints concerning Members' OER claims and applications for advance of operating funds in addition to considering and investigating any complaint made in relation to the registration and declaration of Members' interests;
- (2) in view of the fact that the CMI may decide that it is unnecessary to conduct an investigation after considering a complaint, the CMI recommends amending the original subrule (c) to Rule 73(1) to stipulate that if the CMI thinks fit after consideration, it can investigate such complaint;
- (3) to add Rule 73(1A) to specify that in considering or investigating a complaint relating to Members' OER claims or applications for advance of operating funds, the CMI shall have regard to the provisions of A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council;
- (4) to add Rule 83AA to specify that when making a claim for reimbursement of operating expenses or applying for advance of operating funds, a Member shall ensure that any information provided or any declaration or certification made is true, accurate and complete; and will act according to any undertaking that he has given; and
- (5) to amend Rule 85 to specify that any Member who fails to comply with Rule 83AA may be admonished, reprimanded or suspended by the Council on a motion to that effect.

The foregoing amendment proposals are set out in the resolution.

The CMI submitted its report to the House Committee on 16 June this year setting out the amendments to the RoP and the Procedure as proposed by the CMI. The House Committee has accepted these proposals.

Madam President, if the amendments to the RoP are passed today, this will represent a new milestone for the self-monitoring system established by Members of the Legislative Council to monitor behaviour that has a bearing on their personal reputation and that of the Legislative Council. I am most gratified to see that Members have managed to reach a consensus on establishing a mechanism to handle complaints relating to Members' OER in a fair and impartial manner. I believe Members of the Legislative Council will remain vigilant at all times and use the public funds provided by taxpayers cautiously to fulfil their pledge of serving the public.

I wish to express my gratitude to Members in the CMI for the efforts they have made in the past year. I also wish to take this opportunity to express my appreciation to the Clerk to the CMI and the Legal Adviser. They have provided professional services of a high standard to the CMI to enable it to accomplish this none-too-easy task.

Madam President, I again call on Members to pass this resolution designed to keep a good watch on ourselves. Thank you, Madam President.

Mrs Sophie LEUNG moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended -

(a) in Rule 73 -

(i) in subrule (1)(c), by repealing "and investigate";

(ii) in subrule (1)(c), by adding "and, if it thinks fit after consideration, investigate such complaint" after "to do so";

(iii) in subrule (1), by adding -

"(ca) to consider any complaint made in relation to the conduct of Members referred to in Rule 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) and, if it thinks fit after consideration, investigate such complaint;"

(iv) in subrule (1)(e), by adding ", Operating Expenses or Operating Funds" after "Interests";

(v) by adding -

"(1A) In considering or investigating a complaint referred to in subrule (1)(ca), the committee shall, in addition to any other matter that the committee may consider relevant, have regard to the provisions of A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council.";

(b) by adding after Rule 83A -

"83AA. Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds

When making a claim for reimbursement of operating expenses or applying for advance of operating funds in accordance with A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council, or acting for purposes related thereto, a Member shall -

(a) ensure that any information provided or any declaration or certification made is true, accurate and complete; and

(b) act according to any undertaking that he has given.";

(c) in Rule 85 -

(i) in the heading, by adding ", **Operating Expenses or Operating Funds**" after "Interests";

(ii) by adding ", 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds)" after "(Personal Pecuniary Interest to be Disclosed)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Sophie LEUNG be passed.

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

MS EMILY LAU (in Cantonese): President, I speak in support of the motion moved by Mrs Sophie LEUNG. I myself am also a member of the Committee on Members' Interests (CMI). President, we have been walking on this road for many years and today, I find that not many Members have spoken, so we can be cautiously optimistic that this motion will be passed. However, from 1997 to now, Members have had at least several major wrangles.

I myself always support that the drawing up of a code of conduct for Members. If we look at other parliaments, they also have such codes, however, Honourable colleagues are opposed to drawing up such a code for a host of reasons and some people even said that if stringent control was to be introduced, it might become a tool for some sort of political persecution. I am not saying that their concerns are totally unfounded, however, we also have to balance this against the expectations of the public for us. I hope and also believe that this can be accomplished without any hiccup. Members all know that some time ago, the CMI conducted an investigation into an incident involving Mr James TO and a debate was also conducted. At that time, the public did not understand why, when there were queries on the sums relating to a Member's operating expenses, it was not possible for us to conduct any investigation. However, it is true that we could not conduct any investigation because the RoP did not permit us to do so.

It is set down very clearly in the existing RoP that we can do so, however, this is only limited to the registration and declaration of Members' personal interests (such as their positions as company directors) and the scope is very narrow. This has been the case for many years. Regarding other sums relating to operating expenses, there is no need to register or declare them, so even when problems have occurred, the only thing that the Secretariat can do is to ask the Member concerned whether something of this sort has indeed occurred and whether additional funds have been obtained and spent. Alternatively, he will be asked to return the money. It is possible to conduct an investigation only by establishing a select committee, otherwise, there are no established rules that we can follow.

President, the public may ask how much the sum which is the subject of investigation or which has been used amounts to. Our monthly remuneration is \$54,390 and President, yours is double because you are the President. The expenses for staff remuneration and rent are \$111,374 monthly. This amount covers all expenses such as remuneration for employees, rent, utility bills, printing, and so on. The total is \$1,336,490 each year and it is reimbursed on an accountable basis. In addition, we are also granted expenses for entertainment and transport and they amount to \$12,563 per month and \$150,760 each year. They can be reimbursed on a non-accountable basis and Members can apply for reimbursement against certified claims of expenses. We have also had discussions on introducing changes to this arrangement. However, the Secretariat also allows us to use half of this amount to meet staff expenses, for example, if it is not possible to hire employees by offering a monthly salary of \$10,000, we are allowed to use half of the amount as staff remuneration, so when it is necessary to do such things as laying off employees or the like in the future, more money can be paid out to them. In addition, if Members intend to set up offices, each Member is entitled to \$150,000 in each term and he can claim another \$100,000 for expenses relating to information technology such as purchasing computers but they are all reimbursed on an accountable basis. However, if anything goes wrong in the use of these funds, up to now, we do not have the power to conduct any investigation.

Therefore, I strongly support Mrs Sophie LEUNG's proposal today to authorize the CMI so that in future, if any complaint concerning the use of these funds is received, we can activate the mechanism to conduct an investigation. I am not going to repeat the details therein, since all the points have been set out in the paper. In adopting this mechanism, it is hoped that a Member who is the subject of investigation will receive fair treatment, whereas we can also be accountable to the public. Therefore, I hope very much that Honourable colleagues can support this and if Members are still concerned that this mechanism may become a tool for persecution, they should voice their concern today so that it can be put on record and we will see if instances of this kind will really occur in the future. Should your concern really turn into reality, then you can say in future that on 5 July 2006, you already said in the debate that this mechanism was designed to persecute us — however, I wonder if the party persecuted would be the pro-democracy camp, the royalist camp or what camp. Of course, I hope this sort of things will not happen.

President, you can see that among the members in the CMI, four of them belong to the pan-democratic camp and three of them do not. However, there is nothing strange about this composition, since recently, a committee of a similar nature from Ireland came to visit us and its members said that in Ireland, nobody was willing to join the committee either. Nobody wants to do this sort of work but when the occasion arises, the committee will serve its functions. I do not know if this will be the case, nevertheless, we all hope very much that some explicit rules which will not be used as a tool to target some Members can be set down.

Therefore, in the course of discussions, some Honourable colleagues were very concerned that various political parties and groupings should continue to be represented in the future composition of the CMI. Although this is not explicitly stated in the RoP, I believe we would all agree to this. President, in fact, the present situation in the CMI is quite odd. In other committees, we from the pan-democratic camp are always the minority but in the CMI, we are the majority. Of course, this is because the membership of the CMI is little sought after that we became the majority. However, even though we are the majority, the chairmanship is held by Mrs Sophie LEUNG, so it can be seen that in the scheme of things, a lot of things are carefully counterbalanced.

We hope that the present proposal put forward by us can strike a balance with the public's demand for accountability from us. Of course, I hope this mechanism will not have to be activated, however, if it is really necessary to do so, President, as one of the Members in the CMI, I will definitely perform the task vigorously and resolutely and I know that we will not shield anyone at fault. On being vigorous and resolute, the first party involved is the Secretariat — our Assistant Secretary General is present — it is necessary for staff members of the Secretariat to man the gate because they have to assist in monitoring. We often commend staff members of the Secretariat for their industry and I encourage the Secretariat to take a very stern attitude on this matter. Sometimes, if it is very stern, some Members may not be pleased because they do not like to be asked about this and that all the time. However, I prefer their inquisitiveness to the extensive coverage in the lead stories on the front pages of newspapers. Therefore, I am grateful to the Secretariat and hope that the Secretariat will continue to exert its utmost.

I hope that in the future, there will not be any need to activate the mechanism to deal with such matters, however, I still want to say that Members

will find the arrangement we made to be fair and worthy of support. President, if a Member breaks the rule, as Mrs Sophie LEUNG said just now, what will happen? He will have to come to the Legislative Council to accept punishments such as admonition, reprimand or suspension by the Council on a motion to that effect, and this sort of motion only requires a simple majority for its passage.

However, there is one thing which should not be raised today, yet I also wish to talk a little about it in passing. What I want to talk about is Members' conduct because there is one type of conduct that I take great exception to and, I believe, has serious impact on our reputation, although it has nothing to do with expenses. President, it has to do with leakages. President, you know that when some of our committees were deliberating certain issues, sometimes, it would be found all of a sudden that the details of the discussions had been made public for no apparent reason. I really find this a disgrace. I hope the Committee on Rules of Procedure can handle the matters in this regard because the Honourable colleagues concerned have asked the Committee on Rules of Procedure to discuss whether a mechanism can be established to investigate instances of leakage. Of course, some people would say that nothing can be found even if there is such a mechanism. This is another matter and what matters most is that there is a mechanism to deal with such matters. We are also talking about a mechanism today and the most important function of such mechanisms is to safeguard the reputation of the Legislative Council. When an incident happens and people have doubts about us, it is necessary to have a mechanism to conduct investigations and this time, it is a mechanism related to the use of funds. I hope that the proposal today will be passed, and I also hope that there will soon be a mechanism to handle instances of the leakage of the details of closed meetings for no apparent reason.

When instances of leakage really occur, I hope they will not be dealt with simply by such methods as admonition. President, I am in favour of dealing with this type of conduct as "misbehaviour" under Article 79(7) of the Basic Law, that is, if the person concerned is censured by a vote of two thirds of the Members of the Legislative Council, he will no longer be qualified for the office of a Member of the Legislative Council. This is because I believe this kind of behaviour is very serious and a lot of Honourable colleagues have been troubled by this for innumerable times. After some details were publicized, the Honourable colleagues who were targeted had a really miserable time. I find this is very, very outrageous.

Today, we have handled one matter but there are others on which decisions have not yet been made. Therefore, President, we face a great deal of pressure and I hope we can address them as soon as possible. However, today, I strongly support the motion proposed by Mrs Sophie LEUNG and hope that Members can support it unanimously. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Mrs Sophie LEUNG, do you wish to reply?

MRS SOPHIE LEUNG (in Cantonese): President, I do not find it necessary to reply.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Sophie LEUNG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

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

First motion: Women in poverty.

WOMEN IN POVERTY

MR FREDERICK FUNG (in Cantonese): Madam President, I move the motion concerning the Report on Women in Poverty.

The Report on Women in Poverty is the second report of the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee). The first report on a study of the working poor was tabled before the Legislative Council on 15 February 2006 and a relevant motion was also passed by the Legislative Council.

In order to study the subject of women in poverty, the Subcommittee gauged the views of non-governmental organizations (NGOs) and the Equal Opportunities Commission (EOC), and had discussions with the relevant bureaux/departments.

The Subcommittee carried out an analysis on the statistics of the Census and Statistics Department and found that in the fourth quarter of 2005, the labour force participation rate of women was 48.4%, far lower than the 71% of men. As regards the economically inactive, the number of women was double that of men and 45% of women in this category were home-makers.

As regards female employed persons, those earning a low income (that is, less than \$5,000 a month) numbered at about 225 000 persons, which is nearly double that of their male counterparts. As regards employment earnings, the median monthly employment earning of men was \$11,000, as compared to \$9,000 of women. In some sectors and occupations, there was an even greater difference in earnings between men and women employees in non-supervisory and non-technical jobs.

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

On educational attainment, although more women among the younger generation have received tertiary education, a large proportion of middle-aged or more elderly women only have finished secondary education or below. Among new arrivals and single parents, about 30% have no schooling or only primary education.

From the analyses of the foregoing figures, it can be seen that full-time women home-makers, women earning low incomes and working part-time jobs and those who have low educational attainment and low skills, in particular, single parents and new arrivals, tend to fall into poverty more easily.

The Subcommittee is of the view that the phenomenon of women in poverty is the result of many social, cultural and institutional factors. The following are some major causes of women in poverty:

- (i) globalization and economic restructuring;
- (ii) gender prejudice and stereotyping;
- (iii) lack of opportunities of education;
- (iv) discrimination in employment and difference in earnings;
- (v) insufficient social security and retirement protection for women; and
- (vi) inadequate assistance to single parents and new arrivals.

Manpower requirement has shifted towards the higher end of the educational attainment ladder and professionals in tandem with Hong Kong's economic transformation, so people with low educational attainment and low skills have great difficulties in finding employment. In particular, the relocation of Hong Kong's manufacturing industries to the Mainland since the 1980s has led to a loss of jobs in the traditional manufacturing industries in Hong Kong. As a result, many experienced women workers previously working in these industries have lost their jobs. As they do not possess other skills, some of them have shifted to low-skill jobs with low pay and it is difficult for them to make ends meet.

On the other hand, traditionally, women are responsible for taking care of the family and married women often have to forego their jobs and careers after marriage or can only accept part-time jobs to enable them to take care of their families, thus affecting their employability and financial independence. When a crisis occurs in a family, for example, in case of illness or unemployment of their spouse or if marital problems occur, these women will have to face great difficulties.

At present, there is insufficient social recognition for the contribution made by women in taking care of their families. Housewives devote their whole lives to the family but are not paid for this and women working part-time jobs or who have a monthly income of less than \$5,000 are not covered by the Mandatory Provident Fund schemes. If these women do not have the support of family members in their old age, they will fall into a helpless plight. Since women live longer than men, the situation of women in old age is even more worthy of our concern.

The Subcommittee considers that the authorities and the EOC should review their policies and measures which might give rise to discrimination against women and poverty among women by targeting the causes and propose relief measures accordingly. In this regard, the Subcommittee has made 21 recommendations which I have summarized into the following seven major areas:

- (i) gender mainstreaming and empowerment of women;
- (ii) enhancing the employability of women;
- (iii) protecting women against discrimination in employment;
- (iv) enhancing social and economic participation of women;
- (v) providing financial assistance to women in poverty;
- (vi) providing support services to disadvantaged women; and
- (vii) providing retirement protection for women.

Since the 21 recommendations are set out in detail in the Report, I only wish to stress the following points here:

- (i) the reduction of gender inequalities and empowerment of women are necessary measures for eliminating poverty among women. The Government should take into account women's needs and perspectives in the formulation and implementation of policies and enhance women's participation in advisory and decision-making bodies in the government structure;

- (ii) given the limited market demand for low-skill labour, women with low educational attainment and low skills inevitably encounter difficulties in finding employment. To enhance their competitiveness in the labour market, the Government should consider providing 12-year universal education. The Government should also allocate more resources for adult education courses including the provision of evening secondary school courses, to enable those women who have missed the opportunity to receive formal education to continue education and provide more targeted employment training for women to enhance their employability;
- (iii) to foster self-reliance of women who may not be able to find employment, the Government should consider establishing a fund to provide seed money to women intent on starting their own business in their local community. The Administration should formulate a family-friendly policy and encourage practices in both public and private sectors to facilitate sharing of family responsibilities between the two sexes and women's participation in the labour force and community activities;
- (iv) to provide practical assistance to women in poverty, some members propose that the Government should increase the amounts of Disregarded Earnings under the CSSA Scheme, provide child care services and implement the proposed transport subsidy to low-income employees as soon as possible. These measures will encourage women on CSSA and low-income women to stay in employment;
- (v) the Subcommittee also suggests that the Government should consider establishing centres to provide one-stop services for single parents and new arrivals to cater for the special needs of these groups of women; and
- (vi) to assist new arrivals in integrating into the community and finding employment, some Members are of the view that the Government should step up assistance for new arrivals and relax the seven-year residence rule for new arrivals to apply for CSSA and public housing.

Deputy President, I wish to stress that the elimination of poverty cannot be achieved within a short time. It is necessary for the Administration, NGOs and various sectors in society to work together, engage in sincere co-operation in providing opportunities to the disadvantaged in society and eliminate and prevent unfairness in policies and measures, so that various sectors of society can give play to their abilities in various areas and promote social and economic progress. The elimination of poverty is not a distant and impossible dream. To eliminate the man-made and social causes of poverty is the goal that all advanced societies are striving towards unrelentingly. It is my hope that the Administration and various sectors in society will not remain at the stage of "helping" the poor but will be more far-sighted and bold in eliminating the various unfair situations leading to poverty.

Deputy President, next I wish to add the views held by the Hong Kong Association for Democracy and People's Livelihood (ADPL) and me.

Deputy President, I specifically request the Government to read this report seriously because for one thing, this report has incorporated the cross-party, cross-segment and cross-sector consensus in the legislature, and for another, the Administration has never addressed the problem of women in poverty squarely. Since the causes of women in poverty are complicated and involve various areas and levels of social policy, this issue is handled by various bureaux separately and they often take actions individually without addressing the causes of the problem of women in poverty and formulating strategic solutions. In view of this, I suggest that the Government request the Commission on Poverty to assume an inter-departmental role in the work relating to women in poverty and play an active and leading role in co-ordinating various government departments, so as to solve the problem of women in poverty.

Women in poverty is not a phenomenon unique to Hong Kong. In the Fourth World Conference for Women held in Beijing 10 years ago, eliminating the problem of women in poverty was included as one of the 12 work focuses. Therefore, we can draw on successful experience overseas in eliminating poverty. In September last year, a delegation of the Subcommittee visited the United Kingdom and Ireland to study the anti-poverty strategies there.

One of the strategies to resolve inter-generational poverty in the United Kingdom is to establish Children's Centres in each district to provide integrated services to children and parents, including childminding, pre-school education,

health care services, training and employment counselling. What impressed me most was our meeting with the parents. After joining the programme, they can learn how to take care of their children properly and also seek professional assistance. At the same time, they can serve as volunteers in the centres which also organize Neighbourhood Parents' Forums so that parents can provide mutual support as well as expressing their views on the Government and the services of these centres. Parents who have joined these centres found that serving as volunteers in them can enhance their confidence and give them work experience. After enrolling in the computer courses offered by these centres, some parents succeeded in finding work and their family incomes have thus increased.

It is obvious that the United Kingdom Government provides support to poor families and opportunities to parents to take part in the operation of these centres and recognizes that parents' experience in working as volunteers can help them find work in society. The approach of the Hong Kong Government is a direct opposite. All that it does is to turn a blind eye to the difficulties faced by parents, force single parents to go out and find work and it does not recognize the value and role of volunteer work. Not only does this approach make the life of underprivileged groups more difficult, it also cannot truly solve the problem of poverty.

Deputy President, I suggest that the authorities can draw on the experience of the Children's Centres in the United Kingdom and establish one-stop women's centres in districts where the problem of women in poverty is more serious to provide support services to women, including childminding, family education, physical checkup for women, home visits, training and employment counselling. First, this will build up social capital in local communities and re-establish the mutual help network in them; second, women at the grass-roots level can get mutual support and their confidence can be enhanced; and third, training can be provided to women whose children have grown up and who want to re-enter the workforce. In the long run, this can solve the problem of poverty as well as preventing their children from falling into the poverty cycle again.

Deputy President, in this Chamber two months ago, I asked the authorities an oral question on whether the authorities would follow the example of the Women and Work Commission in the United Kingdom by helping women with low skills find work in sectors experiencing a shortage of talents and providing training to them. It is estimated that 10 000 women will benefit from such a

measure. Although the Government replied that at present, the sectors with the largest number of job vacancies include the retail, import and export, catering and commercial services industries and there are a total of 18 000 posts, the Government has no intention of providing training with a gender emphasis. In fact, these industries are mainly service industries and provided that sufficient training is provided, they should be able to absorb a lot of low-skill women. The question is whether the Government has the determination to formulate a more proactive strategy, so that on the one hand, the problem of women in poverty can be eliminated, and on the other, the problem of a lack of talents can be addressed and an all-win situation for those assisted, the relevant industries and society can be achieved.

In addition, I do hope that the Government will consider issues relating to retirement as soon as possible. I have said that in fact, most home-makers and women working part-time will face financial problems when they retire. This is because when they were young, they did not hold any full-time job, nor could they earn reasonable wages. When they retire, if family problems such as the death of their spouses or marital problems occur, this group of women will become helpless. I hope that on this issue, the Government will consider introducing universal retirement protection at an early date to prevent women from falling into the poverty cycle in their old age.

Deputy President, I beg to move.

Mr Frederick FUNG moved the following motion: (Translation)

"That this Council endorses the Report on Women in Poverty by the Subcommittee to Study the Subject of Combating Poverty and urges the Government to implement the recommendations therein."

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

MR WONG KWOK-HING (in Cantonese): Deputy President, at the beginning of this term in 2004, this Council established the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee) and subsequently, the Government also established the Commission on Poverty. This is because

everybody has sensed that poverty in Hong Kong society has reached a very serious dimension. For this reason, the Subcommittee of this Council has conducted studies on the problem of poverty in several social groups and the Report today focuses on women in poverty.

Deputy President, according to the statistics of the Census and Statistics Department, at present, the number of female in the population of Hong Kong stands at more than 3.6 million and we simply cannot neglect the problem of low income and poverty facing women. According to the Report of the Subcommittee, between 2001 and 2005, the number of low-income women earning less than \$3,000 a month increased drastically from 62 500 to 101 700 and the number of low-income women in the monthly income bracket of \$3,000 to \$4,999 also saw a rising trend. This situation is definitely a cause for concern.

This time, the Subcommittee has made a total of 21 recommendations concerning women in poverty. Of these, I will try to elaborate on the following areas:

Firstly, on ensuring that contractors of government services must strictly abide by the terms of contract and reviewing outsourcing arrangements, in recent years, the Government has continuously sold various types of public assets and outsourced its services. Often, after a service is outsourced, workers will then become the subject of exploitation. In the past, the Hong Kong Federation of Trade Unions (FTU) has followed up many cases seeking assistance and all of them had to do with the contractors of outsourced government services. I have also reflected to the Government a number of times that to protect workers, it is necessary for the Government to take the lead, starting with the terms of contracts, and set terms that will protect workers' wages. At the same time, it is also necessary to strictly enforce these terms, since the problem of poverty will only deteriorate further if workers are subjected to constant exploitation that reaches unacceptable proportions, to the extent that they cannot live from hand to mouth.

Secondly, on formulating a family-friendly policy, although men and women often play different roles in the family, they also share a lot of common family responsibilities. In recent years, a number of surveys found that Hong Kong people commonly face the problem of long working hours and do not have the time to take care of their home or family members. Therefore, the Subcommittee, in proposing a family-friendly policy, seeks to encourage the

public and private sectors to take measures to prevent workers from working long hours and hence suffer from a lack of family life. Meanwhile, women should be given more opportunities to play a part in the labour market and in doing so, they should be able to obtain reasonable wages and should by no means be subjected to further exploitation, otherwise, the problem of poverty will only be aggravated.

Furthermore, in respect of offering transport subsidy to low-income employees, the Government has begun to provide small amounts of transport subsidy to residents living in remote areas only from this year's Budget onwards. However, there are a number of restrictions in the conditions for application, as a result, the number of eligible applicants is reduced to a minimum. However, the number of people on low income is increasing. According to the Report of the Subcommittee, at present, the number of women with a monthly income of less than \$5,000 in Hong Kong stands at more than 220 000 and a survey by the FTU also found that the number of women with a monthly income of less than \$5,000 exceeds their male counterparts by 100 000 people, so it can be seen that the situation is very serious. Therefore, the recommendation made by the Subcommittee to offer transport subsidy to low-income employees must be implemented without further delay.

In addition, concerning a universal retirement scheme, the FTU has all along proposed a social insurance programme with tripartite contribution by the Government, employers and employees. For people without work, they can also receive subsidies at a level that meets their basic daily needs. In addition, if the pension of low-income people cannot meet their basic needs of living, they can also receive the subsidy. In March this year, the Women Affairs Committee of the FTU urged the Government to introduce universal retirement protection to address the working poverty and employment problems encountered by women.

Deputy President, the FTU believes that it is only by implementing a social insurance scheme in addition to the Mandatory Provident Fund (MPF) schemes that true universal retirement protection can be provided to all members of the public. Otherwise, if we rely on the present MPF schemes, the retirement protection provided to the general public will remain very limited. Finally, if the MPF payment that one receives turns out to be insufficient, how can one get by after retirement? Eventually, the buck will only be passed back to the Government again. In view of this, why does the Government not provide for rainy days?

Deputy President, I am really grateful to the Subcommittee for tabling this Report and hope that the Government can attach importance to the Subcommittee's Report, formulate policies accordingly and adopt its recommendations. The elimination of poverty requires real actions, not just lip-service.

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

MR ALBERT HO (in Cantonese): Deputy President, today, the Report on Women in Poverty (the Report) prepared by the Subcommittee to Study the Subject of Combating Poverty, in which the casues of women falling into poverty in Hong Kong are analysed and a series of recommendations are made, is presented in this motion debate sponsored by Mr Frederick FUNG. The 21 recommendations in the Report were made after lengthy discussions by Members from various parties and groupings and most of them have secured the consensus of Members. If the Government implements the recommendations in the Report, I trust it will have the support of the legislature and better results can be achieved with less effort. Therefore, we hope that the Government can be amenable to our advice and implement the recommendations of the Report actively.

First of all, I wish to talk about the underlying beliefs. The views and recommendations put forward in the Report are relatively practical in nature, however, we must sort out some basic underlying beliefs so that we can truly understand the significance of various social phenomena and policy recommendations at a deeper level. Only in this way will we know where the emphasis is when implementing policies. Therefore, I wish to add a few words in this regard.

A lot of feminists have pointed out that the gender-based division of labour is the root cause of women in poverty. Our society requires women to assume the role of home-makers and often, their efforts are not rewarded in any way. As a result, they are considered to be a financially dependent member in the family. Since in traditional Chinese marital relationships, men generally enjoy greater and even absolute power and wealth, therefore, even in the same family, when there are financial difficulties, women often take the brunt and sustain the immediate impact of poverty. However, we commonly think that the financial situation of women can be equated with the circumstances of their family or spouse. For this reason, in most cases, the problem of women in poverty is

hidden. When a marital or family relationship experiences changes such as divorce, extra-marital relationships or the death of the spouse, the problem of women in poverty will surface immediately.

This perspective accounts for the cause of the majority of cases of women in poverty in Hong Kong. According to statistics, the participation rate of married women in the workforce in Hong Kong is 42% and that of unmarried women is 64.5%, that is, more than 20% higher. Women who do not take part in any economic activity stands at 45% and about 670 000 of them are full-time home-makers. Since they are not paid for their home-making responsibilities, they stand a greater risk of falling into poverty.

Elderly women

Among women in poverty, elderly women and single parents are two major categories. Most elderly women have been responsible for household chores for long periods of time and are financially dependent on their husband and children and usually, their husbands and children have priority in using family resources. Many of them cannot keep any savings in preparation for their old age, nor are they entitled to any retirement protection. A lot of families, and women in particular, descend into impoverished circumstances following the death or retirement of their husband, so they have to rely on government assistance and live the rest of their lives in lower quality. With the provision of universal retirement protection, the eligibility to benefiting from a retirement protection system will no longer be limited to working people only — what I mean is working people recognized by the retirement system. This is very important. We have to recognize the value of the labour provided by housewives who are full-time home-makers.

Women who are single parents

Regarding women who are single parents, the number of single parents increased from 61 200 in 2001 to 76 900 in 2005 and about 80% of them are women. Of the 40 000 single-parent CSSA cases at present, 83% of these households are headed by women. It can be seen that after marital problems have occurred, women will lose their financial support but their roles as carers do not change. After divorce, the bulk of the responsibility of raising children is borne single-handedly by these women who are single parents. Similarly, their roles as financial dependents also continue, as a result, these women switch from being dependent on their spouses to on the Government.

One of the recommendations of the Report is to establish a body to administer maintenance payments to ensure that a couple will assume the responsibility of raising their children after divorce. The provision of child care service or subsidy, employment training and placement service to assist women in entering the workforce can reverse this established trend in gender-based division of labour, help women gain financial independence and prevent them from descending into poverty.

The female perspective

Since the problem of women in poverty is rooted in the different social roles played by the two sexes, to solve the problem of women in poverty, it will not do to just let various government departments adopt piecemeal support measures without being underpinned by a principle of governance. Instead, a co-ordinating unit should be responsible for a systematic examination of how corresponding measures can be taken in such various areas as system and policy. Originally, the Women's Commission should assume this responsibility to ensure that gender mainstreaming will be put into practice. In the past, the work in this area was inadequate. Therefore, we believe that if the Government is really sincere about ameliorating the problem of women in poverty, it should establish a strong central framework to co-ordinate women affairs.

I so submit.

MS AUDREY EU (in Cantonese): Deputy President, the Civic Party is very pleased that the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee) has made women in poverty a focus of its studies. The problem of women in poverty is not just about helping the poor. It is linked to an underlying problem of great concern to the Civic Party, that is, the social problem of domestic violence. The poverty experienced by some women has made them financially dependent on men, so even when they are subjected to domestic violence, they can only put up with it quietly and live in fear day in day out, not daring to seek outside help. The family tragedies arising from this situation have caused great reverberations in society, so it can be seen that poverty among women is in fact an accomplice to domestic violence. In order to root out domestic violence, it is necessary to root out poverty among women first. According to the figures in the study on child abuse and spouse battering conducted by the University of Hong Kong in 2005, the conservative estimate is

that about 160 000 families are facing the problem of spouse abuse. This is a shocking figure because Members must bear in mind that there are hundreds of thousands of children in these families. Therefore, this problem should be a cause for concern to the Government and Members.

In recent years, many women in Hong Kong have made great achievements. This has made a lot of people think that the two sexes in Hong Kong now enjoy equal opportunities and some men even think that feminine power or dominance is on the rise. However, the Report of the Subcommittee points out that among women, there are quite a number of underprivileged groups such as single parents, new arrivals, CSSA recipients and even pregnant women. They are all subjected to unfair treatment, desperately in need of a helping hand from society.

The Subcommittee has made 21 recommendations but failed to reach a consensus on six of them, which mostly have to do with basic labour protection. What arouses the greatest concern is instances of women being dismissed on return to work after childbirth. According to the figures of the Equal Opportunities Commission, cases of women being subjected to unfair treatment after giving birth account for 40% of the complaints lodged according to the Sex Discrimination Ordinance and this is most regrettable. The birth rate in Hong Kong is already on the low side and even the Chief Executive has called on Hong Kong people to have three children each. However, society still condones the stigmatization of and discrimination against pregnant women by employers. In addition, I wish to point out that maternity leave is not something that is relevant just to women. Two weeks ago, in the Legislative Council, the issue of whether statutory paternity leave should be introduced was discussed. The Civic Party strongly supports this. Should lobbying for statutory paternity leave turn out to be successful and men and women become equal one of these days, I believe the discrimination against pregnant women should see some improvement. Therefore, the Civic Party will continue to lobby for a review of the Sex Discrimination Ordinance and Family Status Discrimination Ordinance to ensure women's job security. Meanwhile, the Government should also step up publicity to make clear that it does not condone the stigmatization of childbirth.

The Civic Party is very concerned about the compulsory requirement on single parents receiving CSSA who have young children aged between 12 and 14

to take part in the Active Employment Assistance Programme (called the New Dawn Project) under the Support for Self-reliance Scheme. Although the Civic Party has always agreed that the fundamental principle in helping the poor is to help them become self-reliant, this proposal has really disregarded the plight facing single-parent families. At present, there are about 40 000 single-parent families receiving CSSA and their greatest hope of escaping poverty does not lie in being able to find work but in their children becoming useful people. Children at 12 years of age have just entered the rebellious stage of adolescence, yet the Government is forcing single parents to work in society at this crucial stage without putting in place adequate complementary measures, thus reducing the time they spend with their children. This is to effectively rob them of their greatest hope. Furthermore, this group of women can mostly succeed only in finding part-time work and they are not employed under continuous employment contracts, therefore, they are not entitled to the benefits under the Employment Ordinance. The Government is effectively forcing them to become cheap labour that can be exploited legally. Furthermore, the youth problem spawned by this measure may have an even greater impact on society. The Civic Party calls on the Government to face the cost of implementing this measure squarely, as well as reviewing the Employment Ordinance, so that women holding temporary jobs are also entitled to the full range of employment benefits pro rata.

Another rather controversial issue is to introduce a universal retirement scheme for all elderly people, including home-makers, self-employed people and people with a monthly income of less than \$5,000. At present, there are about 675 000 woman home-makers and 224 500 women with a monthly income of less than \$5,000. These 900 000 women are not covered by the MPF schemes and the situation of home-makers among them are particularly a cause for concern. Dictated by the thinking of "men work outside; women work at home", these women work quietly seven days a week and what they get is just fatigue, yet they cannot enjoy the most basic employment benefits or protection. They are not even paid wages, still less can they keep any savings. The Civic Party believes that since a universal retirement scheme has not been put in place, the Government has to pay particular attention to the motion debate held recently in this Council, which demanded that a better policy on the elderly be formulated to provide a safety net to people not covered by the MPF schemes, and not just women for that matter, in view of the fact that the existing CSSA system evidently cannot serve this purpose.

A special feature of the Report is that its recommendations are not biased in favour of women but advocates protection for all people in Hong Kong. Thank you, Deputy President.

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

MS LI FUNG-YING (in Cantonese): Deputy President, the problem of women in poverty in Hong Kong is nothing new. Last year, a debate was also held on this issue in the Legislative Council. At that time, the Secretary for Health, Welfare and Food said in reply that there were mainly two causes for poverty among women in Hong Kong: Firstly, the jobs held by women in the workforce are concentrated mainly in those with lower pay and secondly, women have to take care of their families and the proportion of women holding part-time jobs, temporary jobs or casual jobs is higher. These two points are also mentioned in paragraphs 3.17 and 3.18 of the Report on Women in Poverty (the Report). Moreover, I believe that these two factors have directly caused poverty among women in Hong Kong.

If we want to ameliorate the problem of women in poverty in Hong Kong, the most effective way can only be to tackle it at root. One of the fundamental causes of women in poverty is that they mainly hold low-pay jobs in some trades. The least that the Government can do is to prescribe a minimum wage and standard working hours in these trades. Only in this way can the impoverished conditions of women working in these trades be improved. This recommendation is not included in the Report. As far as I understand it, the reason is not that the majority of members of the Subcommittee do not support this recommendation, but they wanted to ensure that a minority of Members from the business sector will not oppose the Report.

Another recommendation that can address poverty among women is to offer the protection provided in accordance with the Employment Ordinance to women who have to take care of their families and who can only hold part-time jobs. The labour sector has all along demanded that the Government amend the Employment Ordinance to bring part-time jobs into its scope of protection, so as to improve the lot of part-time workers, who are not entitled to any protection in the labour market. The present recommendation in the Report "to enable employees not engaged on a continuous employment contract to be entitled to the

full range of employment benefits on a pro rata basis" is already a very moderate one. The mode of hiring temporary and hourly-rate workers is now increasingly common in society. In view of this, a comprehensive review of labour legislation should be carried out to provide for protection for part-time workers and not just providing employment benefits to them on a pro-rata basis.

It is obvious that the plight facing woman workers can be improved by first working on the Employment Ordinance. This is also the most concrete and effective way. Item (f) in the Report addresses the issues of dismissal upon return from maternity leave and age discrimination facing women. This actually reflects two areas in which woman workers face difficulties. Not only is the dismissal of woman workers upon return from maternity leave by their employers tantamount to rubbing salt into a wound since these women have to shoulder a heavier burden of living, it is also at variance with the SAR Government's present direction of encouraging reproduction by various means. In addition, middle-aged women also want to re-enter the labour market since their children have grown up. However, as they are no longer young, they meet many hurdles in searching for work and in the end, they can only find low-pay jobs with long working hours or even part-time jobs that offer no protection whatsoever. All these factors have contributed to poverty among women.

In addition, the Report recommends the provision of retirement protection to full-time home-makers and this is also the point raised by a number of Members when this Council had a debate on a universal retirement protection scheme sometime ago. The Government's failure to provide retirement protection to home-makers is creating man-made poverty among the elderly.

Recently, the Women's Commission and the Equal Opportunities Commission jointly commissioned the Lingnan University to conduct a survey on Family-Friendly Employment Policies and Practices (FEPPs). The survey found that an overwhelming majority of employers in Hong Kong do not implement any FEPPs. Sometime later, a debate will be conducted on this issue in this Council, so I do not intend to say anything more here today. However, I am not in the least surprised by the findings of this survey. If woman workers in the labour market are concentrated in certain types of low-pay jobs and women who have to take care of the family can only work part-time or temporary jobs, such an employment situation is not conducive to the idea of family-friendliness at all. It will be difficult to make improvements to the situation of women in poverty, whereas the Government's refusal to provide retirement protection to

home-makers has in fact set a very bad example in implementing a family-friendly policy.

Deputy President, it is regrettable that even the very moderate recommendations in this Report cannot win the approval of the business sector. If it is so difficult for a subcommittee of the Legislative Council to reach a consensus on relieving poverty among women in its report, how possibly can this Council spur the Government on in solving the problem of women in poverty?

I so submit.

MS EMILY LAU (in Cantonese): Deputy President, I speak in support of Mr Frederick FUNG's motion.

Deputy President, on the 10th of next month, the United Nations Women's Convention Committee will conduct a hearing in New York and I trust that the Secretary has tasked the Permanent Secretary, Ms Sandra LEE, to head a delegation. I wonder if the rights of women in Hong Kong will be advanced on that occasion. The United Nations will hold a hearing on that occasion, so a lot of civil groups and I plan to fly to New York. I believe women in poverty will definitely be one of the issues raised by these groups and the relevant Subcommittee is also very concerned about this.

Just now, Ms LI Fung-ying mentioned towards the end of her speech that this motion is intended to urge the Government to implement the recommendations made, however, it is odd that there is no amendment to this motion. As we all know, usually, a lot of things are hung onto motions as if they were Christmas trees, so why is there no amendment to this motion this time? Ms LI Fung-ying did talk about this and it is because, as stated clearly in paragraph 5.2 of Chapter 5, "Members belonging to the Liberal Party agree to the above recommendations, except items (e), (f), (m), (n), (o) and (u). Mr Abraham SHEK agrees to the recommendations except items (e), (f), (m), (o) and (u)." What exactly are they? Ms Audrey EU and Ms LI Fung-ying have both talked about them just now.

In fact, on one issue, the Subcommittee has been very accommodating and that has to do with ways to solve the problem of poverty. Poverty means not having enough money and why do people have insufficient money? Because

they have little income. Therefore, the most important thing is to set a minimum wage, and we do not want the working hours to be so long, so it is also necessary to prescribe maximum working hours. However, if we look at the recommendations in Chapter 5, we can see that these points are not included. This also shows that the Subcommittee wants everyone to work in concert and hopes that an agreement can be reached in some areas, otherwise, when the Secretary speaks later on, he will also say, "Since you disagree on (e), on (f), on (n) and on (m), so I can only support those recommendations that you will agree on." However, I believe that leaving those items aside, he will not necessarily agree with all the other recommendations either. For those recommendations on which no consensus could be reached, there is no need to even think about them.

During the discussion by the Subcommittee at that time, Mr Frederick FUNG was so accommodating that he almost found himself making his last concession, however, what he got in return was only those disagreements. If there are so many items after the "excepts", of course there is no need to propose any amendment, since almost all items have been excluded. So what are we supposed to do? This is an internal matter for the Legislative Council and also a matter for the authorities. The Secretary must not think that the misery of those several million people is not a problem for the authorities because it definitely is. At present, there are 180 000 households with a monthly income of less than \$4,000. I wanted to see how many families have high income and the answer I got was: No, we do not collect figures on high-income families; we only collect figures on those with a low income. What I wanted to see is how many families have a monthly income of over \$150,000, \$200,000 or \$300,000, and so on.

Therefore, whenever we talk about such problems concerning the wealth gap, it really drives us up the wall. Why can a unanimous agreement not be reached? As Ms LI Fung-ying has said, we are only requesting that the authorities review the Employment Ordinance and we are not seeking to do something inordinate. We only hope that after a review, employees on contract terms can be entitled to the same rights. What are these rights? Why are they so concerned? Deputy President, it turns out that rest days are involved. At present, civil servants are even entitled to two rest days per week. Those rights also include paid sick leave, paid maternity leave and severance pay. How many tens of thousands of workers are not entitled to these rights? Although the Secretary is not in charge of labour affairs, he can still tell us if this is considered a problem.

In addition, on reviewing anti-discrimination legislation, originally, the Equal Opportunities Commission proposed that the Sex Discrimination Ordinance be reviewed. The discussion was concluded several years ago, so it will be necessary to raise this issue in the United Nations. There are a lot of recommendations but none of them has been implemented during all this time. Deputy President, why were they not implemented? The authorities said they would accept some of them but not necessarily all of them. However, those recommendations that have been accepted will be dealt with in the anti-racial discrimination legislation. That means there will be several years of delay, so everything has ground to a halt and come to nought. Concerning the review, several Members have mentioned that apart from the problem of women being dismissed by employers on return from maternity leave, there is also the problem of age discrimination. Many problems about the grassroots are involved. When it comes to the problem of age discrimination, it has to do not just with women and many grassroots are also very concerned about this. However, all of them have come to nought.

There is another recommendation which is in fact not any big deal and it was proposed by Mr TAM Yiu-chung. He said that consideration should be given to offering insurance protection to the 10 000 local home helpers registered with the Employees Retraining Board. Why? Because they want to work. Some employers are unwilling to take out insurance for these workers and they will not hire job-seekers who have not taken out any insurance policy, as a result, they cannot get the jobs. In that case, is it very difficult to provide insurance protection to them? Why should the Liberal Party and The Alliance oppose this?

There is also a recommendation which Honourable colleagues have not talked about earlier, that is, to consider establishing an intermediary body for the collection and enforcement of maintenance payments. Why is it necessary to do so? Deputy President, you may be more familiar with this than I am. That is because an attachment of income order cannot be applied to self-employed people such as taxi-drivers or people working in certain trades, however, why can this not be done?

Mr Frederick FUNG, after reading this Report, I found that after doing so much, what we got in return is the exposure of a deep-seated contradiction within the Legislative Council. However, I believe the Secretary cannot just sweep

these problems under the carpet, instead, he has to address them on behalf of the authorities. Since half of our population are women and a lot of them are in dire straits, I hope the authorities can try their best to do something.

With these remarks, I support the motion.

MR ALAN LEONG (in Cantonese): Deputy President, recently there were two television drama series, one was called "It is Never Easy to be a Woman" to that effect and the other was called "The Pains of being a Man" to that effect. These two television drama series intimated the pressure felt by both sexes under different circumstances in Hong Kong society at present. The motion debate today can be considered a gender-related issue and it is aimed at discussing various recommendations addressing the subject of women in poverty made by the Subcommittee to Study the Subject of Combating Poverty.

According to statistics for the fourth quarter of 2005, the median income of women is \$2,000 less than that of men. Women employees with a monthly income of less than \$5,000 and less than \$3,000 are some 220 000 and about 100 000 respectively while the figures for men with the same income levels are about 110 000 and about 50 000 respectively. From these it can be seen that the number of women with a low income is double the number of men with a low income. Findings of a survey on social participation of women undertaken by the Hong Kong Council of Social Service and Oxfam show that more and more women have to work long hours and the number of women who work for more than 60 hours a week is close to one quarter of the female working population.

It can be seen from the above figures that it is really never easy to be a woman, especially a grass-roots woman, these days. It is imperative for the authorities to devise a poverty eradication policy which meets the needs of women. The United Nations Fourth World Conference on Women proposed that gender mainstreaming be adopted as a strategy to achieve gender equality. Gender mainstreaming means the adoption of a gender-based point of view as a factor of consideration in various aspects of policies or laws, thereby formulating policies or laws that will meet the needs of both sexes. Put simply, when gender mainstreaming is adopted as a tactic to eliminate poverty among women, it means that in the process of formulating all policies, the empowerment of women and their extrication from poverty are made the principal objectives.

Deputy President, despite the continual efforts made by the Women's Commission (WoC) to promote gender mainstreaming and its introduction of a Gender Mainstreaming Checklist to serve as a tool of analysis to help government officials evaluate the different effects of a policy on both sexes, figures from the WoC show that up to now only 19 policy areas or programmes have used or in the process of using this Checklist. Hence the use of this Checklist has never been popular. Nor has it been institutionalized as a mandatory procedure in policymaking.

The implementation of gender mainstreaming means much more than using the Checklist, it means applying it to broader contexts. An example is Australia. As early as in the 1980s, the country put forward the idea that "gender sensitivity" should be factored into the compilation of budgets. Now there are more than 40 countries in world which use gender-responsive budget analysis when compiling their budgets. I cannot help but ask: To what extent has Hong Kong adopted a gender perspective when compiling a budget? The Commission on Poverty headed by the Financial Secretary does not place poverty among women as a key item on its agenda and only includes women in a rather vague manner as one of the socially disadvantaged groups. This is being blind to the unique condition of women. It can be seen that the Government is insensitive to gender perspectives and neglects the seriousness of the problem of poverty in women.

If gender mainstreaming is to be adopted as a strategy to eradicate poverty among women, the first thing that should be done is to target at the situations faced by different women groups and offer the right solution. With respect to single parents, the Government should take into account their need to care for their children. Since there is a shortage of full remission places in after-school care service, single-parent CSSA recipients should not be required to look for a job. For the middle-aged unemployed women, the Government should undertake a review of the Co-operative Societies Ordinance and relax the requirement that there must be 10 members before a co-operative can be formed. This will enable women to form co-operatives more flexibly and enhance their social capital and financial means. Owing to the time constraint, Deputy President, I am afraid I cannot list each different situation of women in poverty and the measures proposed. However, I would like to point out that gender mainstreaming is not an abstract concept, it is a tool that enables us to arrive at a realistic understanding of various facets of poverty among women.

To enable a full reflection of the feminine perspective in various policies, efforts must be made to boost women's participation in consultations and policymaking initiatives undertaken by the Government. As of October 2005, only 24.5% of the unofficial posts in advisory bodies and statutory bodies are held by women. The rate is far lower than the standard of not less than 40% as recommended by the United Nations Commission on Elimination of Discrimination against Women. The Government must take positive steps to enlist more women, especially those from among the grassroots, to participate in the formulation of its policies. This will make poverty eradication measures better answer practical needs.

Deputy President, when television drama series have such a high degree of gender sensitivity, I hope the Government can include a feminine perspective in formulating poverty eradication measures, address the acute problem of poverty in women squarely and adopt the various recommendations set out in the Report on Women in Poverty by the Subcommittee to Study the Subject of Combating Poverty.

Deputy President, I so submit.

MISS CHOY SO-YUK (in Cantonese): Deputy President, three women killed themselves in a suicide pact in Tin Shui Wai yesterday. The outbreak of this tragedy shows for yet another time age-old problems like the acute shortage of support services in the district which fails to cope with practical needs. It also exposed another fact, and that is, these three women lived either in single-parent families or they were single. Due to the rise in divorce rates in recent years as well as other reasons, there is a surge in single-parent families, most of which have mothers playing the part of a father as well. These mothers have to work and care for their children. When women especially those from the grassroots with a low educational attainment and low skills find themselves in such a situation, they will sink into a vicious cycle of poverty and cannot get out of it. This is also the reason for the deterioration of the problem of impoverishment of women.

At the same time, even if the factor of single-parent families is put aside, due to traditional gender stereotyping, many employers would think that a middle-aged man is the breadwinner of the family and hence he will need a job whereas a middle-aged woman may be regarded as someone who can expect care from her husband. Moreover, a woman is considered as someone who needs to

look after her children and hence cannot focus on her work. The result is many women would become out of touch with the labour market for a long time and when they want to rejoin the labour market later, they may be denied a job because of age discrimination. These factors have made many women from the grassroots unable to find any job or they may be forced to accept a despicably low wage.

The impoverishment of women is a problem affecting the whole world, but women living in Hong Kong which is marked by an extremely wide wealth gap certainly live under much greater pressure. Findings of a survey on the cost of living in the major cities of the world show that Hong Kong ranks the fourth most expensive city in the world after Moscow, Tokyo and Seoul. This shows that the poor people in Hong Kong, especially the poor women, are leading an increasingly difficult life.

The worst outcome of poverty among women is not only that the women will be unable to get rid of the curse of poverty but also their next generation will also suffer. Hence the problem of inter-generational poverty remains unsolved. To prevent this, the Government must give assistance to the poor women expeditiously and formulate a policy to eliminate poverty in their midst. The pressing tasks at hand include those at the following three levels:

The first level, with respect to employment, many grass-roots women face problems like equal work but unequal pay and discrimination in employment. An example is that a female worker in a post not related to production in the manufacturing industries will get about \$6,330 a month whereas a male worker will get \$7,867. The difference is close to 24%.

In many cases, women are not employed because they have children or because they are pregnant. The Equal Opportunities Commission once pointed out that the number of complaints they received in respect of discrimination against pregnancy was as much as 40% of the total number of complaints lodged under the Sex Discrimination Ordinance.

Therefore, the Administration must introduce occupation protection for women, conduct a review of the anti-discrimination laws expeditiously and identify effective measures to eliminate employment discrimination faced by women. Besides, in view of the fact that many mothers work part-time or engage in casual work because they have to take care of their children, the authorities should review the existing Employment Ordinance so that employees not employed on a continuous employment contract may enjoy such employment

benefits pro rata. Also efforts should be made to study into the issue of equal work, equal value and equal pay and to introduce minimum wage in certain work types, and so on. These will ensure women will be given a fair wage in employment.

The second level is to enhance the competitiveness of women in the job market. This applies especially to women with a low educational attainment from the Mainland and those middle-aged women with low skills who have lost their jobs because of economic restructuring in Hong Kong. These women have difficulty finding a reasonable job because they have a low educational attainment.

It follows that it is very important to upgrade their educational level and vocational skills. Apart from providing universal free education for 12 years, the Government should also focus on the special characteristics and skills of women and offer them specialized training in areas like working with children and infants, and care for the elderly. This will enable them to acquire special skills and hence their job opportunities and competitiveness will be enhanced.

The Government should also take matching actions in other areas to help women get a job so that they can become financially independent and that their self-esteem can be enhanced. The authorities should strengthen the existing child care and after-school care services, extend their service hours and subsidize low income families in paying for such services. All these will serve to allay women's worries when they go out to work.

The third level is that the Government should step up public education in this respect and include a gender perspective when formulating policies. As early as in 2001, the DAB submitted a proposal outlining various recommendations to the Women's Commission (WoC) which had just been set up at that time. The proposal urged the Government to undertake a gender equality assessment and comply with certain principles when formulating policies and laws. Subsequently, the WoC and the Government compiled a Gender Mainstreaming Checklist to help public officers consider the needs of women and incorporate the feminine perspective when formulating or implementing policies and laws. The DAB considers that the Government should continue to enforce this Checklist in government departments and also promote the Checklist in other private-sector organizations, thus really popularizing the concept of gender equality.

Deputy President, I so submit.

MISS TAM HEUNG-MAN (in Cantonese): Deputy President, the word "poverty" may mean, in the wider context, poverty in money terms and also poverty in the mind. When someone is overwhelmed with failures and has no one to turn to, it is like that the person has a time bomb tied to his body and the bomb may go off at any time, hurting himself and the people around him.

Tin Shui Wai is a community full of time bombs. I have no intention to stigmatize this place, but family tragedies have broken out one after another in it. Yesterday, there was a suicide pact case in Tin Shui Wai. We cannot pretend that we do not see such things. The Civic Party hopes that the Commission on Poverty, the Social Welfare Department and the NGOs in Tin Shui Wai can take concerted actions to devise targeted measures based on the demographic profile and needs of this highly vulnerable community, thereby enabling those in need to get help and fostering mutual care and support among neighbours. Besides these incidents in Tin Shui Wai, there was another unfortunate case which happened a few months ago when a mother who worked all on her own to raise her five children collapsed and died of over-fatigue on the street. These events presented the reality before our eyes..

The problem of poverty among women does not only lead to a host of social problems and impose a burden on society, it is more so a wastage of social capital. Women become poor because on the one hand they have to look after their family and so they cannot take up a job and earn money, and on the other, even if they work, they may not be able to earn enough money to make ends meet. The result is that the potential labour force of these women is wasted for no justifiable reason. This wastage is like pouring social capital down the drains.

According to figures from the Census and Statistics Department, in Hong Kong, only 52% of the females aged 15 or above are in the workforce whereas 70% of the males aged 15 or above are in the workforce. Obviously, the potential labour force of the women in Hong Kong has not been fully tapped. If various policies can be used to harness this latent labour force among women, then they can become self-reliant and hence the problem of women in poverty can be eased.

Of course, to enable women to become self-reliant, we should take a multi-pronged approach to foster a suitable environment for employment of

women. Efforts should be made in child care service, vocational training, equal opportunities, the working environment and family cohesion, and so on.

First, the reason why many women cannot go out to look for a job is their need to stay at home to look after their children, especially the very young ones. So to encourage women to work, there must be child care service of a good quality. The authorities may collaborate with the social service organizations in offering such service. The space in the community centres can be used and non-working women in the community can be encouraged to provide child care service to working women in the community free or at a nominal fee. As for the service hours, these can be extended into the evening to suit the current late working hours of women in Hong Kong. Women using this service will need to pay only a small fee and the aim of mutual help in the community can thus be achieved.

Second, many women may have left the labour market for a long time for reasons of giving birth to children and raising them. When these women want to rejoin the labour market, the trades in which they used to work may have declined or their skills may not meet the requirements of the present-day employers, hence they may encounter great difficulties if they want to look for a job. The authorities should therefore offer more retraining places specifically for women. Otherwise, they may not be able to get a job and in the end they may drop into the CSSA safety net. By then the Government will have to inject resources for these women all the same. Therefore, public resources in this aspect cannot be spared.

Third, as a member of the Equal Opportunities Commission, at times I would feel really dismayed. This is because even though the Sex Discrimination Ordinance has been enacted for so many years, there is still rampant sex discrimination in the manpower market. Women still suffer from equal work but unequal pay. It is still easier for men to get better paid and more senior posts than women. The authorities should consider undertaking a review of the Sex Discrimination Ordinance to see whether or not the current requirements of proof for an act of discrimination can be lowered to better ensure gender equality.

Fourth, the fact that the working environment does not suit the needs of women is also a reason for women being barred from taking up employment. The problem of excessively long working hours is to a certain extent more acute among women than men. Figures from the Census and Statistics Department

show that women who work for more than 55 hours a week take up a proportion of the female workforce similar to the proportion of men working such long hours in the male workforce. However, in addition to their employment, women are required by tradition to take care of the family. From this it can be seen that women face a greater pressure than men. The authorities should take immediate actions to tackle the problem of long working hours. Standard working hours can be imposed on certain trades, especially those requiring low skills and are labour intensive, such as cleaning and retail trades.

Lastly, for those women who are unable to get a job, they can only rely on financial support from the family to solve their problem of poverty. The problem is that there is little cohesion in Hong Kong families these days and support in this respect is not as reliable as before. Hence measures to improve family cohesion are a pressing task for the authorities.

Deputy President, helping women in poverty to become self-reliant will bring them out of the impoverished predicament. Offering them social welfare protection continually will not eliminate the problem at root. I hope every woman can lead a decent life and they can contribute to society from whatever position they are in. I so submit. Thank you, Deputy President.

DR FERNANDO CHEUNG (in Cantonese): Just now Miss TAM Heung-man has mentioned some cases in Tin Shui Wai, and I have two stories to tell. They are very typical examples that can be applied to any district. The first story is about a Ms HO who is now 50 years old. Many years ago she was in the garment manufacturing industry and she and her husband who is a construction worker have three young daughters. At the beginning of the 1990s when the economy was booming, the whole family made about \$10,000 a month. But good times were soon over and with the northward relocation of the factories, Ms HO lost her job like many other female workers in the garment manufacturing industry. Ms HO's husband has been underemployed for a long time. The family is in a predicament. Ms HO does not think she should apply for CSSA though she is eligible. She thinks that since she is able-bodied, she can work. She would rather toil day in and day out on two cleaning jobs and make some \$4,000 a month. She has two jobs and she has to finish her household chores before she goes to work. She also has to prepare two meals a day for the family.

Another story is about a Ms SIU. Her situation is even worse than that of Ms HO. Ms SIU is now 38 years old and she has emigrated from the Mainland to Hong Kong for five years. She has a hot-tempered husband. She and her seven-year-old son are often beaten up by her husband. Three years ago, Ms SIU decided to leave this family of violence. Since then her husband has never paid her any maintenance. Ms SIU wants very much to start a new life with her son, but since she has stayed in Hong Kong for less than seven years, she cannot apply for CSSA or public housing. Although she has finished senior secondary education, her qualification from the Mainland is not recognized in Hong Kong. As she has to take care of her young son as well, so in the past two years she could only change from one cleaning or dishwashing job to another frequently and make some \$2,000 a month, and out of this she has to use \$1,500 to pay for her rent.

These two stories are no cases of a very special kind. They are typical examples that happen among the female working poor whose number reaches some 300 000. Now the female working poor take up 77% of the total number of the working poor. According to government statistics for 2004, women account for 74.4% of the working people with a monthly income of less than \$5,000, and the proportion of women among those earning between \$3,000 and \$3,999 is as high as 87.6%. As a matter of fact, the proportion of women engaging in non-skilled and low value-added trades has always been higher than that of men. In 2004, the rate was 25.7% and that of men was only 13%. Even if men and women are doing the same kind of non-skilled work, the mean monthly income for women is \$5,000 while that for men is \$6,500.

Behind this deceptive façade of gender equality, the overall wage of the female working population is only 68.4% of the overall wage for men. As compared to the rate of 80% 10 years ago, things have become much worse now. Of course, we do not believe that women have inferior abilities. Actually, both our President and Deputy President are women. What then are the reasons? Are women less competitive in the labour market, or do they have inferior academic qualifications or outdated skills? The Government seems to think these are the reasons why women are poor and so the way to help them is to increase their competitiveness by retraining. Actually, the problem of poverty which women face is related to gender inequality and gender stereotyping. These make women more prone to impoverishment. It is unfortunate that the Government does not have any specific measures that will target at poverty among women and their difficulties in getting a job. There is even

institutionalized discrimination against women in many of the policies and laws and this has indirectly led to the predicament in which women find themselves nowadays.

Despite the drawing up of the so-called "gender mainstreaming" strategy by the Women's Commission, over the past five years, its effect seems to have been limited to the increase in female members in advisory and statutory bodies to 25% and this is considered as a great achievement already. Another example may be the increase of compartments in women's toilets in public places. All these are only piecemeal. The strategy has never been implemented by individual Policy Bureaux. There is no organization with solid powers in the public administration framework tasked with examining the formulation of major policies and laws to see if the feminine perspective has been included in the mainstream considerations. At times the Government even fails to produce some of the most basic kinds of data with gender differentiation.

Last year there was a case of a single parent mother who died of over-fatigue while scavenging useful items. The media depicted the life of the woman as one full of miseries. This is like simplifying the problem of poverty as a personal misfortune to the neglect of deep-rooted problems of an institutional nature. In the example of a former garment worker Ms HO which I have talked about earlier, she faces the threat of structural unemployment and the options open to her are very limited. At times of an economic downturn, many women who are forced to return to their homes because of economic restructuring have to rejoin the labour market later to make up for the shortfall in household income. They are forced to play the role of men in being the breadwinners of their families while also playing the traditional housekeeping role of women. They have to double as a home maker and become women with two jobs. As many of them have to take care of their family, so they can only pick up jobs like cleaning which offer very little protection. The result is that they will lead an even more miserable life when they are old and they are not helped in any way by the Mandatory Provident Fund system.

It follows that if we fail to address these structural problems and the gender inequalities faced by women, and if we cannot address their problems in the context of a policy on new immigrants, this problem of women in poverty will only perpetuate and remain unresolved. Therefore, Deputy President, the Subcommittee to Study the Subject of Combating Poverty has made many

specific recommendations on this problem and in my opinion, all of these recommendations must be put into practice at the soonest. I so submit and I hope that the Government will really lend a listening ear to these recommendations made by the Subcommittee and do its best to achieve the empowerment of women and gender equality.

Thank you, Deputy President.

MISS CHAN YUEN-HAN (in Cantonese): The topic of women in poverty has been discussed in the Legislative Council for a number of years and I have also proposed a motion debate on this topic before.

The Commission on Poverty headed by the Financial Secretary has proposed that this topic should be discussed and the Legislative Council Subcommittee has also done some work on it. As for the result of these, I share the same feeling with the few Honourable colleagues who have just spoken. There are some Honourable colleagues who do not support some very important issues and as Members of this Council, we should respect each other, but these issues should be regarded as very important. We the FTU are a labour organization and we will always come across many cases of women in poverty and we have conducted quite a number of studies. These studies show that gender inequality has led to some very serious problems.

An example is that although the Government recently stated that the unemployment rate of Hong Kong had dropped, we can see that other areas like underemployment have increased. The situation now is while there is a drop by two percentage points in some areas but there is an increase by two percentage points in some other areas and in the areas showing an increase, it is women who are most affected in the market. Women are prone to market changes. When the market conditions are good, they may fare a bit better. But when things turn bad, they may need to go. Women may not be hired to fill permanent posts. When there are vacancies in the market seeking permanent staff, we will find that women are often rejected. Therefore, in the latest unemployment rate released, on the part on underemployment, if the Government, that is, the Secretary, could look at it more carefully — the Secretary should take a look at this because he is in charge of this policy area — he would find that the unemployment rate as released of late has dropped by two percentage points, but the underemployment

rate has also increased by two percentage points. And many of the people affected are women. Why? It is because, as I have just said, when the market is looking for some permanent staff, it is natural that those casual workers, hourly-rated workers and piece-rated workers will be forced out of work. They will be sacked and rejected. This is how things have become as they are.

In my opinion, unless the Government turns a blind eye to the problem and pays no attention to it, otherwise, if it addresses the current situation squarely, it should be able to see that gender inequality is in effect very serious. This applies especially to married women or those women who have children. The discrimination they face is even greater. The studies undertaken by the Women's Affairs Committee of the FTU during these few years past showed the existence of this situation. We have talked with the Government including officials who are the subordinates of Dr York CHOW, the Secretary for Health, Welfare and Food, about this and expressed our views. We hope very much that the Government can do something to enable these people to affirm their worth in the market and play a part in the economy.

Deputy President, I would like to talk about item (e) among the many recommendations made by this Subcommittee of the Council. This recommendation points out the fact that if we face up to the problem of women in poverty squarely, we will find that in most cases this group of people are engaging in some underemployment jobs which I have just mentioned and the jobs they take up are those temporary and casual jobs. Under the labour laws in Hong Kong, there is a so-called "418" requirement whereby those who are not in continuous employment are not entitled to protection under the Employment Ordinance. So when there are changes made to the mode of work, I think that the Government or the Secretary — although some Honourable colleagues in this Council may disagree, I will tell the Secretary that he cannot help but consider this because it is precisely something which, if he does not do anything about it, we will ask Stephen IP to do. Because, from an objective point of view, this change in the mode of work will have a great impact on these employees to be hired. Its impact on women is especially great. Not only has it created poverty among women but also the painful realization, when labour disputes arise, that their hours of work do not meet the 18-hour requirement. This denies them of an employment relationship with their employers. I have handled a lot of cases like this. The Government must look into this situation which is critically important indeed.

In addition, just now I have talked about the problem of gender equality. Despite the efforts made by the Equal Opportunities Commission on promoting the so-called equal work, equal pay for men and women, I wish to point out that this has not been achieved. From an objective perspective, the statistics compiled by the Government and the figures we have obtained all point out that there is a difference in wages between men and women by about 30%. That is to say, when men can take \$100 home, women can only take \$70 or even some \$60. This is not made up by me. It is taken from the statistics compiled by the Government and also the figures obtained from our surveys. Therefore, do we not need to undertake a full-scale review of the relevant laws on gender and gender issues? I want very much to tell Honourable colleagues that with respect to the unfairness faced by women now, a review must be conducted on the so-called protection and equality laws. For if not, honestly, what is the point of having these laws? Those laws which have been enacted show the existence of loopholes, including those which result in the situation of women getting fired just a few days after they have given birth to children. Nothing is said in the law about problems like these. A review is badly needed and the Government must undertake such a review.

There is another thing and that is, very often women are poor not just because of gender reasons or the lack of protection under the law, but also because of another reason and that is, population ageing. What can be done about population ageing? The Government only tells the people to extend their retirement age. To be frank, I think it would be fine if extending the working age would make the old people, many of whom being women, happy. But more often than not, the problem is that there are not enough jobs available and what these women can take up are only jobs paying very low wages.

Now I wish to quote once again the remarks made by KWOK Kwok-chuen, the Government Economist, in this Council a couple of weeks ago. He said that in Hong Kong, of those with a wage less than \$4,000, 60% were the elderly. As Honourable colleagues have pointed out earlier, many of these elderly people are women. Well, it would be fine if these people have children who are nice to them. It would also be fine if they have savings. But if they have neither of these two, then they will have to go out to work. Has the Government ever thought about this? I hope Members and the Government will think it over. The universal retirement protection that we talk about is in fact not based on the idea that we strive to gain benefits for these people. Objectively speaking, if we do not care for them, at the end of the day, it would be society that will have to

take care of them. It is because when they are unable to work, they will have to get CSSA and they may end up leading a very difficult life. However, they have never wished to end up in such a life.

Therefore, I hope very much that the Government will seriously consider the problem of women in poverty. And at this time and age when there are so many working poor around, they are the ones who are most badly affected. And what causes this grave situation is gender, the loopholes in the existing law plus the problem of retirement they face. All these must be addressed.

Deputy President, we will support.....(*the buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Speaking time is up. Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese); Deputy President, it is really making an accusation of the most cruel and tragic kind to kill oneself for such purpose. The recent case of three women in Tin Shui Wai who killed themselves in a suicide pact is an accusation against the Government and society of the gravest kind. The problems these women faced are those in marriage and of an emotional nature. These are a factor leading to the tragedy. But the emotional distress and hardship in life caused by poverty are also an important factor. Although the Subcommittee to Study the Subject of Combating Poverty has undertaken many studies, little has been done on the predicament faced by many women in the new towns.

The problems confronting women in the remote new towns are in general more than those faced by people living in the urban areas. In the 1980s when family tragedies broke out in Tuen Mun, the Government said that it would pay attention and study into how assistance could be given to isolated groups to solve their problems. Unfortunately, the tragedy which occurred in Shan King Estate in Tuen Mun in the mid-1980s is constantly repeated in other new towns, especially in Tin Shui Wai on a number of occasions.

These poor families and women living in the new towns face a lot of problems. This is mainly because most of these women are not very well educated and they may also be affected by the problem of divorce. And many

of them are new arrivals to Hong Kong and, when besieged by the hardships of life, they have no one to turn to and lack the support of family members. There are particularly many suicide cases involving these lonely people when they can see no way out. For this reason, we have been calling on the Government for many years that it should provide more services in the new towns because, in the new towns, one of the causes contributing to isolation and helplessness is the exorbitant transport fares. As the people there cannot afford the transport expenses, they will be prevented from even paying a visit to a friend because of the transport expenses involved once they go out of the new town. And their friends and relatives will likewise be put off by the transport expenses and they will not like to come to the new towns too. Thus new town residents are made increasingly isolated.

In addition, there is the problem of the shortage of community facilities for which Tin Shui Wai is notorious. It does not have a central library, and the sports and leisure facilities there are simply not enough. It does not have any community hall and if one sings on the streets, one will only get complaints. So those kinds of entertainment which do not cost any money are prohibited and the venues provided by the Government are deplorably lacking in facilities. At first, the Government said that some schools would be open to the public and this has remained all thunder but no rain. The number of places that are actually available to the public to carry out leisure activities is very small indeed.

In this connection, I hope the Secretary will not just say that the Government is very concerned whenever a tragedy has occurred. The Financial Secretary wooed Members, when trying to solicit support for the passage of the Budget, by saying that a transport subsidy would be provided to those people living in remote areas. After the Budget was passed with an overwhelming majority vote, this subsidy is still at the stage of study. Those Members who gave their support to the Budget ought to feel ashamed, for they had not done anything to compel the Government to make this a reality in this financial year before voting for the Budget. So I hope Members will be alert to this and they should never allow themselves to be cheated by these sweet words of deceit and mistakenly support a budget that will deprive the grassroots of their rights.

I have been working in the Tin Shui Wai District for many years and I often come across women's cases. I now talk about some of these cases briefly. There is a public housing estate in Tin Shui Wai and some time ago many women

jumped to their death from the buildings there because of family problems or quarrels with their husbands. Also many women became very scared because they had witnessed other people jumping to their death. They requested a transfer to other estates because they were frightened or because of family reasons or because of the crowded condition in their flats. Even though they have made such a request many times, their application is not approved. Some women have to take sleeping pills every night before they can sleep.

There is a case about a woman whose husband has gambled excessively and owes the credit card company more than \$10,000. The wife has to support the family with the \$4,000 a month she gets from a cleaning job. She has to face debts, her husband is sick and she has to take care of a son who studies in a secondary school. She faces great distress in life. Just imagine how can a family live on \$4,000 each month?

In another case, the woman arrived in Hong Kong to join her husband not long ago and as they live in the public housing estate, the living conditions are poor. The living conditions are awful, for their flat is on a low floor and it is near the refuse chamber of the building. She has adjustment problems and so she has to receive psychiatric treatment. She has made a number of applications for a transfer while she is receiving psychiatric treatment but they were all turned down.

For this large number of cases, the Government could have done better in administration and if a flexible and compassionate approach were used, these problems could have been solved. I often ask government officials whether they can add in some feelings or tolerance in this thinking dominated by bureaucratic practices. This will enable the people to live a more comfortable life and many of these disasters could have been avoided. The Government should do something in matters regarding relocations, application for financial assistance or in planning for health care development.

The Secretary should know very well that for many years I have been fighting for the construction of a medical complex in Area 109A of Tin Shui Wai North and to this date there is no funding for this project. I hope that, after these tragedies have occurred, the Secretary can compel the Financial Secretary to agree in the coming financial year to funding the construction of a medical complex in Area 109A of Tin Shui Wai North, thereby improving the life of the residents there. Thank you, Deputy President.

MR ALBERT CHENG (in Cantonese): Deputy President, as a Legislative Council Member representing the New Territories West, Mr Albert CHAN is of course well versed in the conditions in Tin Shui Wai.

From the lead stories of the press today, I learn that the three women who committed suicide were all disadvantaged and poor members of disadvantaged social groups who had been cheated, and who were battered by unemployment and lack of care. What is more, they were all residents of Tin Shui Wai. This news story is heartrending, and not only this, it also fills people with indignation, making them wonder why such a tragedy should have happened in an affluent society like Hong Kong.

Women in Hong Kong are indeed battered by discrimination, and government policies cannot offer them adequate care. Mr Albert CHAN has talked about the exorbitant transportation expenses of Tin Shui Wai residents. There is one thing in the Budget this year which all Members support — the provision of a transport subsidy. Since Mr Albert CHAN has mentioned it, I shall make no repetition here. But I must remind him of a common social value in Hong Kong: To be poor is worse than being a prostitute. Actually there is also this problem cliché among Hong Kong people: Everyone is kin to the rich man, but no one claims kindred with the poor.

Actually, there is no problem with living in Tin Shui Wai. As long as a man is rich, others will certainly find the way to him. But the problem is that under the housing policy of Hong Kong, people in need of care and housing are relocated from the urban districts to remote areas, with the result that these people find Shenzhen even more accessible than Hong Kong Island. Very often, therefore, when we ask people to stage a petition outside the Legislative Council Building — Mr Albert CHAN should know this only too well — they will ask whether they will be given any transportation allowance. This is important to them because they must spend at least \$50 on transport and meals if they want to stage a petition outside the Legislative Council Building. But these people are not even given any allowance for staging a petition outside the Legislative Council Building.

For this reason, there was indeed some sort of rationale behind the proposal put forward by the DAB some time ago on relocating the Government Headquarters to Kowloon East, because this would at least give petitioners greater convenience. However, the most important problem still remains.

How are we going to help the underprivileged and all those women face age and sex discrimination? In the past, Miss CHAN Yuen-han frequently complained to phone-in radio programmes that only people in their early twenties would be employed as shop assistants in bakeries and jeans shops, and that even people aged 25 were considered too old. However, the Government has never squarely addressed the problem of age discrimination.

The underprivileged must work to earn a living, but the husband and the wife cannot both do so, because if they do, they will face the problem of having no money to employ a domestic helper. According to social traditions, the wife will naturally stay home to look after the children. But there will neither be any pension nor any provident fund for her. There was a recent debate on this topic in the Legislative Council, during which the establishment of a universal retirement protection scheme was discussed, but the motion was negated in the end.

I believe that this very significant motion will certainly be passed today because no one will dare to veto the recommendations on squarely addressing the problem of women in poverty put forward by the Subcommittee to Study the Subject of Combating Poverty. However, what will happen even if the motion is passed? This is a motion with no legislative effect. Will the Government implement the policy recommendations? All will just be like the case of the Budget this year — even if the provision of a transport subsidy has been passed, it will not be introduced this year. I can therefore predict that even if this motion is passed today, the Government will nonetheless do nothing at all. I can also predict what the Secretary will say in his reply later on. I hope he will not reprimand me, but I suppose he will give a whole list of examples, claiming that the Government has already put in place many policies. But the most important thing I want to say is that all is mere lip-service.

The Government often refers to "governance for the people". The essence of this should be care for the disadvantaged. But it keeps talking about the difference in closeness of relationship instead. Such differentiation is truly very important, but the Government's apologists are not necessarily its close friends and its nodding acquaintances are not always its opponents. Most importantly, it must regard the disadvantaged groups of society as its friends. Without the silent contribution of the underprivileged in the past, our society Several days ago, at the meetings of the Finance Committee and the Panel on Economic Services, we already pointed out that the cessation of

banking services in public housing estates was nothing but a profit-oriented commercial act. I hope that the Government can seriously consider how we should care for the underprivileged. I further hope that it can strictly enforce the laws on banning age discrimination and sex discrimination.

I once discussed this issue with Mr LEE Cheuk-yan, a representative of the labour sector, and Miss CHAN Yuen-han has also mentioned the garment workers. In the past, many women were garment workers, and Hong Kong owes its present affluence largely to these woman workers. However, with the economic restructuring nowadays, these women are faced with unemployment. Trade unions are prepared to accept the importation of workers at a ratio of 1:5 proposed by the Government. I frankly cannot understand why trade unions should agree to this. We have been discussing this topic for years, but they still support the request of the Government and manufacturers for labour importation at this very time when numerous women and countless garment workers are unemployed.

I see that Mrs Sophie LEUNG is nodding continuously. I of course understand what she means because I have discussed this topic with her quite a number of times. She thinks that labour importation can at least create some job opportunities. But I remain convinced that things cannot work out that way. This motion is in a way quite timely, though what is in the news today could not have happened with the intention of supporting the motion, and Mr Frederick FUNG certainly could not have foreseen such an unfortunate incident. But the deaths reported today are nonetheless an accusation against the current situation.

(THE PRESIDENT resumed the Chair)

If our Government still refuses to squarely address the problems of women in poverty and their being neglected and discriminated against, I must describe it as a government with no conscience. It will be useless for it to talk about "governance for the people" and any "people-oriented" policies. The most underprivileged members of society are forced by the Government's housing policy — I know that Secretary Michael SUEN is here today not for this motion but for the motion on the "Government Hill", a matter concerning the rich — to move to the remote areas. They are thus faced with a lack of care and community facilities. As rightly pointed out by Mr Albert CHAN, the

Government's assistance for these people is inadequate; the laws cannot give them enough support; and, they are not provided with any employment opportunities.

I think that even if this motion can be passed I reckon that this will be the case because I will render my support and no one will possibly raise any objection I hope that when Secretary Dr York CHOW gives his reply later on, he will refrain from offering mere lip-service. I can remember that on his very first day of assuming office following his appointment by Mr TUNG Chee-hwa, he promised to look after the elderly and the underprivileged. I hope that he can be true to his words because that is the promise he made to all Hong Kong people.

Therefore, although this motion does not carry any legislative effect, I must still make a sincere appeal to the Secretary and the Government, and I very much hope that after the passage of this motion, the Government can take some concrete actions to look after women in poverty. I so submit.

MRS SOPHIE LEUNG (in Cantonese): Madam President, having listened to the speeches of many Members on this motion topic, I must comment that their views are very grim. That is why I wish to look at this issue from a more positive angle. In the press today, there are reports on the three pieces of advice offered by the Samaritans to prevent suicides. To begin with, one must cultivate positive thinking. In times of adversities, one must tell himself that there is always a way out, that he must look at his problems from different perspectives, and that where there is a problem, there will be a solution. The second piece of advice is that one must confide one's miseries to the right persons, that is, people with a positive outlook on life. That way, one will be able to allay one's worries and anxieties. Confiding one's miseries to a pessimistic listener will only achieve the opposite result. I suppose it is really advisable for us to discuss this issue from a positive perspective.

Madam President, my responsibilities in the Women's Commission frequently require me to attend meetings of the United Nations. My job is to promote the development of women into a new economic impetus of the whole world in the context of globalization in the 21st century. We must help women bring out and give full play to their potentials. The Status of Women under the United Nations, which is a forum on women's development, is vigorously

following the precise direction of helping women to bring out and give full play to their potentials. We hope that such a trend can be spread to Hong Kong. We are now making strenuous efforts to enhance women's capacity of engaging in economic activities and assist them in upgrading their competitiveness, in the hope that they can create more economic prospects for themselves. In this regard, we are following the world trend and making progress.

According to survey findings, places where women's employment rate is high are usually marked by better economic growth. This has already been borne out by facts. We can thus see that in addition to empowering women, equality between the two sexes can also keep economic development. Can the social environment in Hong Kong help women manifest their potentials, thus bringing forth a new economic impetus? This is a question we must consider thoroughly. In the report on population policy recently published by the Council for Sustainable Development, there are some statistics that may be useful reference to us. The statistics quoted in the report indicate that the labour force participation rates of women are on the low side in Hong Kong. For example, in the case of women aged between 40 and 44, the labour force participation rate is just 66% in Hong Kong, in contrast to the rates of higher than 70% in the United States and Japan. As for the age bracket of 50 to 54, the rate is 74.5% in the United States, while that in Hong Kong is merely 52%. One of the reasons for this is that Hong Kong women face a lot of difficulties in balancing their career development and family obligations. But we must still ascertain whether it is indeed true that Hong Kong women have managed to cope with only one of these competing demands and have failed to strike a balance between them, that is, between career development and family obligations. In contrast to European and American countries, Hong Kong has failed to provide career women with adequate support facilities. In this connection, the Government should try to catch up with others, and policy support is utterly important. But should the wider community thus do nothing and simply wait for the introduction of government policies? If we really do so, we will even lag behind Japan because the women there have taken many steps forward.

Actually, we may mobilize people to introduce many support facilities. For instance, we may mobilize them to provide facilities that can foster the empowerment of women. One example is the development of child care co-operatives. In this regard, I have made many appeals in the community. The mass media of course know very well that I am a Member of low profile. I do not want too much media publicity, nor will I yell, rebuke the Government or

engage in any demagoguery. Consequently, there has been little media reports on all this. However, I am very delighted because Members belonging to the Democratic Party have recently approached me, enquiring whether there is any possibility of co-operation in this regard, whether they and I can join hands to provide services in Tin Shui Wai. I am very delighted at hearing this.

Actually, the idea of a child care co-operative is to pool together women in the community who have the same need, so that they can look after one another's children on a co-operative basis. In this way, it will not be necessary for them to put their children under the care of strangers. In addition, they can also voice their opinions and views on how far they want to take this service forward. For this reason, co-operative child care will not only promote neighbourhood ties but also enhance the development of social enterprises in the process of "community-based" economic development. In addition, I hope that the business community can be encouraged to introduce greater flexibility to working hours. I even think that we should not go on arguing about the pros and cons of half-time work. We must first implement half-time work no matter what. We must not stand there with folded arms and wait for government actions, arguing that there are various problems even before implementation. If we do so, we will achieve nothing at all. These are the words I wish to say to Members.

We should actively encourage the greater involvement of women in this kind of economic activities at the initial stage because women can participate in them without any worries. This is a feasible way of achieving women's empowerment.

Madam President, I have read a most popular book. And, I want to quote the words of authorities again. The book is entitled *The Creative Age*, meaning the age or era of creativity. It talks about (and I quote) "awakening human potential in the second half of life". This means that we can still be creative and achieve many things even in the second half of our life. The whole thing is a process of continuous learning, of enhancing our competitiveness and our ability to cope with adversities and challenges. At this juncture, I wish to say a few words on why we should champion lifelong learning in the 21st century. Over the past few years, the Women's Commission has been making many efforts to upgrade the capacity of women, one example being the Capacity Building Mileage Programme, which offers self-learning opportunities to women. Every

year, I would hope that Members can attend their graduation ceremony. Members will certainly be touched by their joy and enhancement in self-confidence. We also believe in the significance of ordinary people's wisdom. The Capacity Building Mileage Programme is not about the provision of any professional diploma courses. It transcends the self-imposed constraints of diplomas or even professional diplomas. We hope that women, especially those who are long past the school age, can acquire some knowledge and skills that can upgrade their quality of life and enable them to keep abreast of the outside world. Another significant aspect of the Capacity Building Mileage Programme is the promotion of self-learning.

Madam President, I do not think that any women would want to be stigmatized as the underprivileged. I believe that every disadvantaged woman would like to be given opportunities of developing her potentials. Thank you, Madam President.

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

MR LEUNG YIU-CHUNG (in Cantonese): President, speaking of women in poverty, I should say that poverty is not confined to women. In the last motion debate, the Government remarked that Hong Kong was faced with the polarization of employment. This actually tells of a hidden problem that we must consider deeply and try to tackle — the problem of working poverty.

Members can actually observe that women still face the problem of working poverty. President, why do I say so? Although there is already an equal opportunities law to ensure the elimination of sex discrimination, women's status has never been upgraded. Women are still unable to receive any serious consideration when applying for jobs nowadays. Difficulties in finding jobs aside, women's wages are also on the low side. This is evidenced by many statistics and I do not wish to repeat them here. Actually, the social reality is that women face many difficulties in securing employment. Consequently, women's choices of employment are extremely limited. As Members are aware, for example, in trying to tackle the most urgent problem of unemployment, the most the Government can do is just to train up women as domestic helpers. But Members all know that this can only serve as an ancillary measure. It can neither upgrade women's status nor tackle the problem of working poverty faced by them.

Members all know that the wages of domestic helpers are low and their working hours short. This means that the measure can only play an ancillary role. It cannot be relied upon as a major force of upgrading women's status. The situation of domestic helpers can actually show one problem — the Government does not have any noteworthy measures to tackle the polarization of employment. During our discussions last time, the Government could not put forward any sound solutions in terms of policy. The problem therefore still exists. For example, we mentioned last time that the prevalence of casual jobs and "flexible" employment terms was a rather serious problem, and that women were invariably the victims. The case of domestic helpers mentioned by me just now is a fine example. Cleaning workers are another example. The latter usually cannot secure long-term employment, nor can they get any regular or full-time jobs. They can only get a job every now and then. As a result, women are bound to face working poverty and even if they so desire, it will be difficult for them to upgrade themselves.

Therefore, if the Government is to tackle the problem of women in poverty, it must abandon its "piecemeal" approach. I hope that the Government can adopt a holistic approach, meaning that it should look at workers' employment from the overall perspective, instead of concentrating on any single aspects. As mentioned by some Honourable colleagues, the economy of Hong Kong has already transformed. In the past, it was easy for women to avoid unemployment, for they could always work as garment or sewing workers. But nowadays, the situation has changed. The emphasis is on retail services or a knowledge-based economy. It is no longer so easy for women to keep abreast of this development. For this reason, our most pressing task should be the upgrading of women's skills and knowledge.

The organization to which I belong also runs courses under the Capacity Building Mileage Programme. I have talked to some students and they have all told me that such courses are wonderful. Why? First, these courses can enable them to learn new things. Second, they can make new friends. Third, and most importantly, President, they can build up their self-confidence. The point is that when a woman succeeds in upgrading her knowledge, her self-confidence will increase. Once her self-confidence increases, she will have the courage to try new things.

Unfortunately, however, the Capacity Building Mileage Programme is hindered by many constraints. For instance, the courses are not long enough.

It will be much better if their durations can be lengthened. The students concerned have expressed to me the hope that the courses can be lengthened in duration and widened in scope. They think that they will be happier that way and they will participate more actively. In view of this, can the Government invest more resources in such courses? It is very important that women must be enabled to integrate into society and increase their self-confidence. This explains why I hope that the Government can give more thoughts to this and invest more resources. I think this is the first thing that the Government should do.

Second, I hope that the Government can make improvements in regard to two very important concepts. The first concept is positive non-intervention in the economic arena. Very often, this means a government policy allowing large enterprises to expand continuously. But small individual businesses will find it very difficult to develop in that case. For instance, many housewives very much want to start a small business. But they are barred from participating in any competition. Members can observe that many market stalls are operated by women. However, since they are not offered any rent concessions and the locations of their stalls are poor, they cannot compete with large corporations. Can the Government give more thoughts to this problem, with a view to assisting the development of small enterprises? Women face the competition from supermarkets even when they want to sell fruit, hell notes and candles. What are they going to do? Positive non-intervention is conducive to the development of large corporations only and it will hinder the development of small enterprises. This is undesirable.

The Government probably thinks that women may apply for Comprehensive Social Security Assistance (CSSA) if they fail to achieve anything in the end. This is the worst solution. To begin with, the burden of the Government will become heavier. Second, this will lead to discord, division and discrimination in society, thus dealing blows to women's self-confidence. I therefore hope that the Government can work out more measures to help women in particular. It must not think that if they fail to achieve anything in the end, they may apply for CSSA. I do not think that this is the best solution.

I hope that the Government can look at the issue holistically, so that we can really solve the problem of poverty faced by women and, more importantly,

increase their self-confidence. That way, poverty as a problem will be solved automatically.

President, I so submit.

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

MRS SELINA CHOW (in Cantonese): President, the Report of the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee) describes in detail the employment and income situations of both sexes in Hong Kong. It also analyses the causes of women in poverty and the problems they are facing, making a total of 21 recommendations on easing the problem of women in poverty. Actually, the Liberal Party agrees to most of these recommendations. For instance, we very much support the idea of enhancing public education, with a view to eradicating the social, economic and even political prejudices against women. Besides, we also support the idea of increasing the rate of women's participation in the Government's advisory and policymaking structure. We further think that women should be given assistance in starting their businesses, so that they can earn their own living.

The Liberal Party has always maintained that the most effective way to combat poverty should be to "help people stand on their own feet". In the case of those who cannot possibly do so, we must of course provide them with assistance. But for those who can already stand on their own feet and live a new life with just a little bit of support, we must, apart from assisting them in acquiring skills, create a greater number of "local" employment opportunities for them, so that they can extricate themselves from poverty. This is the only viable solution.

I must emphasize the importance of "local" employment opportunities to the work of assisting women in poverty. As Members all know, many women are unable to work in remote areas due to family obligations. If "local" employment opportunities are available, it will certainly be easier for women to find a job. At least, when they do not have to go to another district for work, they will not have to pay exorbitant transport fares. At the same time, they can also look after their families.

In practice, how can we create more "local" employment opportunities? I may refer to my constituency, the New Territories West, as an example. Members all know that more poor people are found in the vicinity of Tin Shui Wai and Yuen Long. The unemployment rate in these areas is comparatively high, so there are a greater number of poor women in need of our assistance. We may actually develop the local tourism industry by making use of the existing tourism facilities, with a view to creating job opportunities.

For example, the Hong Kong Wetland Park in Tin Shui Wai is a most attractive tourism spot. Inaugurated earlier this year, it is a highly popular spot, attracting as many as 5 000 visitors. It has indirectly "boosted" the development of neighbouring areas. The restaurants in Grandeur Terrace opposite the Hong Kong Wetland Park has thus benefited greatly. The reason is that many people will eat at these restaurants after visiting the Hong Kong Wetland Park. When there are greater flows of people, business will naturally increase. Restaurant owners will certainly employ more workers. In the end, more job opportunities will be created.

There are in fact many scenic spots in the vicinity of the Hong Kong Wetland Park, some examples being Lau Fau Shan and the Ping Shan Heritage Trail. Members can imagine that given comprehensive planning of tourism facilities covering the provision of feeder transport services and cuisine recommendations, people can always go to nearby places for further fun and meals after visiting the Hong Kong Wetland Park. For example, eating seafood at Lau Fau Shan is quite a good choice. In other words, simply by adding some support facilities, we can already boost the business opportunities in Yuen Long and Tin Shui Wai. That way, there will certainly be a greater number of suitable full-time or part-time jobs for local women. In this connection, I wish to inform Members that all the parties concerned — the Hong Kong Tourism Board, the Commissioner for Tourism and the Tourism Commission — have in fact worked out a very good plan on the tourism development of the New Territories West.

On the other hand, I admit that the employment difficulties faced by some women are caused by the fact that their knowledge and skills levels cannot meet the current occupational requirements of society. Consequently, apart from creating "opportunities" for them, we must, more importantly, "help them stand on their own feet" as I mentioned earlier. We must provide them with appropriate training to enhance their competitiveness.

For example, the Employees Retraining Board has been running courses for domestic helpers. I can remember that some 10 years ago, the then Legislative Council already discussed this proposal. In recent years, the authorities have also been organizing courses to meet market demands, including those on foot massage and health massage. Life in Hong Kong is very tense, so many people want to receive such services to relieve their tension. There is considerable market demand and such occupations are especially suitable for women whose skills and academic levels are not too high. If the Government can encourage people to organize a greater number of such courses, such women will surely benefit.

The Government may also encourage women to start their own businesses. For example, a seed fund can be established to provide technical assistance to women aspiring to setting up their own businesses. And, the business community should also be encouraged to share operational and venture experience with these women, so as to assist them in achieving their goal. We may also encourage poor women to set up co-operatives to run simple businesses, such as cleaning, snacks and even refuse collection.

The Liberal Party has all along been very concerned about the needs of the poor. For example, it has set up a poverty alleviation fund outside the government safety net to provide assistance to those in need. And, it is also concerned about the difficulties encountered by women trying to earn their own living. But we cannot fully accept some of the recommendations made by the Subcommittee, and we do not think that these recommendations are sound solutions either. Some examples of such recommendations are the implementation of a universal retirement protection scheme and the relaxation of social welfare eligibility. Mr Tommy CHEUNG may discuss the Liberal Party's relevant views in detail later on.

In conclusion, it is most important to provide genuine help to women. And, we must also consider the social costs involved. Thank you, President.

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

MR TOMMY CHEUNG (in Cantonese): Madam President, when discussing how we should tackle the problem of poverty or women in poverty, some

Members always think that all will be fine as long as social welfare benefits can be increased incessantly and if employers can be more "generous" in their spending, taking on more employees and increasing staff benefits. Of all the 21 recommendations made in the Report of the Subcommittee to the Study the Subject of Combating Poverty (the Subcommittee), at least six are such over-idealistic and "inappropriate" proposals. If there could be such a simplistic solution, the problem of poverty would have long since disappeared from the face of this earth.

For instance, the Subcommittee proposes to increase welfare benefits and requests the Government to relax the residency requirements for Comprehensive Social Security Assistance (CSSA) and public housing. But it must be pointed out that what Hong Kong has been doing is just to follow the examples of foreign countries, where new immigrants are invariably required to fulfil residency requirements before they can enjoy the social welfare benefits offered by their host countries. The purpose of this is to prevent abuse of the CSSA system.

But what is more important is that in case any newly arrived citizens are in genuine need, the Social Welfare Department (SWD) will not watch their plight with folded arms but will handle their cases with discretion. According to government statistics, in 2005-06, as many as 843 applications were approved on such a discretionary basis. Only 26 applications were turned down, and most of the remaining applications were withdrawn by the applicants themselves. This means that practically all eligible applicants or those in genuine need were given assistance by the authorities on a discretionary basis. If we relax all the eligibility requirements regardless of the actual circumstances, we will only encourage the abuse of CSSA and induce more people to apply for resettlement in Hong Kong irrespective of their ability or otherwise to support themselves and their family members. This will only add to the burden of taxpayers, especially the middle classes.

The Subcommittee also proposes to relax the seven-year residency requirement for public housing applicants. Many Hong Kong residents are still awaiting the allocation of public housing units. Since housing resources are very valuable — Secretary Michael SUEN is present now and I think he will also agree with me — will the permanent residents on the existing Waiting List have to wait a longer time, or will the three-year waiting period even be rendered impracticable, if newly arrived citizens with less than seven years of residency can also be allocated public housing units? Is this fair?

As for the introduction of a universal retirement protection scheme, it is proposed by some welfarists that all persons aged 65 or above should be paid a monthly pension of \$2,500. The government expenditure in this regard will be as high as \$2.1 billion a month or \$25.5 billion a year, which is more than two times the Government's current annual expenditure of \$8 billion on the provision of CSSA to the elderly. Besides, regarding contributions to such a scheme, the young generations are in effect asked to sacrifice half of their MPF savings for the purpose of supporting senior citizens not in any way related to them. Will the young generations be willing to do so? And, we have not taken into account the possibility of tax increases to meet the huge welfare spending. Will taxpayers agree to such a proposal?

Other recommendations of the Subcommittee request employers to provide more staff benefits. For example, it is requested that workers not employed on continuous contracts should also be eligible for the benefits enjoyed by permanent employees, such as rest days and paid sick leave. But we must note that many small and medium enterprises and proprietors of food establishments actually face very keen competition every day. And, they must struggle for survival out of the very meagre profits they can make. If they are made to increase labour benefits incessantly, they must bear rising operating costs. In the end, they will have to close down their businesses. This will not be good to promoting employment and aiding the poor.

As for the request that the Government should provide insurance cover for domestic helpers, it must be pointed out that insurance cover should in fact be provided by the employers who take them on. Besides, the Employees Retraining Board already provides employers with opportunities of taking out low-cost insurance policies. For all these reasons, why should taxpayers bear this expenditure for them? Regarding the setting up of an intermediary body for the collection and enforcement of maintenance payments, many people have pointed out that such a body cannot possibly plug all the many loopholes. People who want to evade payment will still do so by hook or by crook. Even the establishment of an intermediary body will be of no help.

I can of course understand that Members are just trying to help women in poverty through various means. But I wish to stress that we must not apply medicines indiscriminately if we really want to deliver them from poverty. Any

indiscriminate handing out of welfare benefits regardless of actual needs will only lead to the emergence of a welfare society, undermine the confidence of investors and inflict hardship on everyone. We will suffer a loss before an uncertain gain.

I am instead worried that in the course of policy implementation, government departments may fail to balance the interests of various stakeholders and thus adversely affect the employment opportunities of women. The Health, Welfare and Food Bureau, for example, has suddenly decided to implement the central slaughtering of live poultry. And, all of a sudden, it may also order traders to suspend the sale of chicken for several weeks and introduce a total ban on smoking. But then it fails to speed up the processing of applications for operating open cafeterias. The Bureau also proposes to implement an offence points system for licensed food establishments, whereby proprietors may face business closure and much heavier penalties for placing just one or two tables outside their shops. It is surprising, however, that even such proposals can receive the support of many Honourable colleagues. All the harsh policies mentioned above have greatly reduced the room for survival of the industries concerned. The catering industry employs more than 100 000 low-skill women with low academic qualifications. They will face job insecurity and underemployment as a result of all these policies. The poverty problem is bound to worsen.

I must stress that the best measure to alleviate poverty should be the creation of employment opportunities and the upgrading of women's skills. And, the Government must step up its efforts of improving the economy and removing all unnecessary restrictions on small and medium enterprises, so as to facilitate business operation and enhance their vitality. Only then can more workers be employed and staff benefits improved.

Finally, Madam President, though Ms Emily LAU is not present now, I must still talk about her criticism that the Liberal Party refuses to forge a consensus. Actually, I should say that it will not be difficult to forge a consensus if all are prepared to follow her. It will be easy to forge a consensus in that case. But the Liberal Party must stand by its own grounds, which I have already explained. I hope that she can respect the Liberal Party's position and we will also respect her position on constitutional reform. There is no need for

her to adopt such a high profile in criticizing the Liberal Party for failing to reach a consensus on this issue with other Members.

Madam President, I so submit.

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

MR RONNY TONG (in Cantonese): Just now, I heard Mr Tommy CHEUNG argue that the best means to alleviate poverty should be economic improvement and the creation of employment opportunities. Our economy is now already in very good shape, I must say. The growth rate this year is as high as 7.5%, and the unemployment rate has dropped to 4.9%. But is the situation really that good? Why are so many people in Hong Kong still living under the poverty line? We can actually observe that beneath the veneer of all these encouraging economic statistics, there actually lie the plight and sufferings of many. The wealth gap is still an acute problem, and not only this, the unemployment rate of low-skill workers is also higher than the overall unemployment rate, standing at 6%. The wage levels of these workers have not seen any real-term upward adjustments in line with those of the general workforce. And, they are under the pressure of inflation all the same. As far as living standards are concerned, grass-roots people have to face instead an increasing number of challenges.

The Legislative Council has debated the poverty issue for dozens of times already. I believe Members are all aware of the gravity and unique nature of the problem of women in poverty. According to the report on women in poverty published by the Subcommittee to Study the Subject of Combating Poverty, the overall median wage of women is markedly lower than that of men. As indicated by statistics on the monthly median wages in the fourth quarter of last year, the median wage of men was \$11,000, while that of women was merely \$9,000. There was a difference of \$2,000. Furthermore, women accounted for a higher proportion in the low-income brackets whose incomes are lower than 50% of the median wage levels. As for working women earning less than \$5,000 a month, the number is even as large as 224 500, which is almost 100% higher than the number of 126 800 in the same income brackets for men. We may also look at the statistics on Comprehensive Social Security Assistance (CSSA) recipients. There are currently 297 570 CSSA recipients, with the

majority being women. In the case of single-parent recipients, 80% of them are women. This further indicates that women in a Chinese society have to face more difficulties than men.

It is an incontestable fact that grass-roots people are unable to share the fruit of economic improvement. Being the worst-hit social group, women are in the greatest need of concrete assistance measures. We cannot deny the fact that despite the marked economic improvement, the portion of our workforce earning less than \$5,000 a month is ever expanding, and most of these workers are women. Many women do want to work for wages, but society as a whole may not realize that due to conditions in the labour market and other structural problems, older women with low academic qualifications and skills living in remote areas often meet ostracism and discrimination. Owing to such ostracism and discrimination, women often find it very difficult to secure any employment, not to speak of changing their impoverished situation.

One of the proposals on improving their lot is the formulation of a minimum wage. This is the fundamental solution. Members should still remember the woman who died of overwork in Ma On Shan in March this year. This incident is a very good illustration of the actual situation. As a single-parent, this woman had to look after five daughters and do household chores. She worked 19 hours a day and refrained from taking any leave by all means, but she could only earn \$5,500 a month. Suppose she worked 30 days a month, her hourly wage was just \$9.6. Whether one supports or opposes the formulation of a minimum wage, one should still ask himself whether an hourly wage of \$9.6 is acceptable in our society. Where has the so-called "safety net" gone?

I have recently come across a woman's case. The woman is a single-parent very keen on getting a job. A certain noodle shop once wanted to take her on and offered her \$200 for a working day of 12 hours. But since her working hours were so long and the existing child care service could not give her adequate support, she was forced to give up the job and stay home to look after her children. In the end, she applied for social security assistance instead. We can thus see the very heavy social pressure exerted on them. The authorities concerned should explore how they can improve their support services for working women, so that the obstacles to their participation in the labour market can be reduced.

As for women who live in remote areas, and who encounter difficulties in securing employment outside their home districts due to exorbitant transport fares, the Government should consider the possibility of offering them transport fare assistance. At present, many grass-roots women are denied retirement protection either because their wages are low or because they must stay home to look after their children. This is also a major factor contributing to their pressure in life. We can easily imagine that when these women grow old, they will have no alternative but to rely on social security. This means that they will forever be caught in poverty. To alleviate this problem, the implementation of a universal retirement protection scheme covering low-pay jobs and homemakers is inevitable.

To help female social security assistance recipients break away from poverty, to enable them to amass some savings and to assist them in extricating themselves from the social security safety net and poverty in the long run, the most effective means will be giving them the confidence to enter the labour market. We must realize that as time passes, it will become ever more difficult for these female CSSA recipients to re-enter the labour market. Though they may be very positive, they are still worried about their future and they still fear that they may lose their jobs once again in the unstable labour market. To prevent such anxieties, the Government must of course improve the existing labour legislation, with a view to protecting the employment rights and wage levels of women and reducing women's anxieties about re-entering the labour market. But apart from all this, the Government must also create the necessary conditions to assist them in amassing savings. This is a more positive approach. At present, the disregarded earning of a CSSA recipient is just \$2,500. This is far too low. In order to help women forget about all anxieties about re-entering the labour market, we should raise the relevant ceiling to at least \$3,500. This can make them feel that they can at least amass some savings. That way, they will not have to worry too much about their future.

Madam President, I so submit and thank the Chairman of the Subcommittee.

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

MR LEE CHEUK-YAN (in Cantonese): It is a pity that I cannot listen to the Secretary's speech before I speak. I guess the Secretary will definitely claim

that the Government has made many enormous efforts in woman affairs. But strangely, if the Government is really so concerned about women in poverty, why is this very issue not included on the agenda of the Commission on Poverty (CoP)? Therefore, I hope that when the Secretary gives his reply later on, he can refrain from claiming that the Government is very concerned about women in poverty. I hope that he can instead admit the Government's lack of concern about this problem. If he still claims that the Government is concerned about this problem, I must criticize that it is just being hypocritical. If it is really so concerned, why is this very issue not included on the agenda of the CoP? The CoP is supposed to serve the clear purpose of co-ordinating all government departments in their efforts of identifying solutions to problems. Although we are of the view that the CoP has not made enough efforts, the least it can do is to think of some solutions, albeit in a perfunctory manner. But on the problem of women in poverty, the CoP has even failed to do so, and the problem is not even included on its agenda. How can it behave in this way?

The Women's Commission frequently advocates gender mainstreaming, that is, the formulation of a gender mainstreaming checklist. In that case, Members may well do some checking. Has the CoP done anything to tackle the problem of women in poverty? The answer is a simple "no". I think this is completely unacceptable. Neither the CoP nor the Women's Commission has done anything to tackle the problem of women in poverty. There are many items on the agenda of the Women's Commission, but the problem of women in poverty is definitely not clearly included as one of these items. We think that this problem should be the responsibility of the CoP because its mission is the alleviation of poverty. The problem of women in poverty is so very acute, but it is not on the agenda. Is that because the Government does not think that there is no such problem as women in poverty? If it really thinks so, I must say that it is blind. Many Members have quoted numerous statistics which show the unique nature of the problem of women in poverty in Hong Kong. The wages of women are especially low. For example, the number of women earning less than \$5,000 a month is 22 000, and that of men is just 11 000. These two figures can already show that there is a big difference. Besides, most single parents are women. We have presented a report to the Government today, but if it does not have any sincerity in tackling the problem, I suppose it will only throw it into the dust bin or sweep it under the carpet.

The Government has recently said something that makes me quite delighted — in its report on population policy, the Council for Sustainable Development surprisingly admits that the labour participation rate of women is not high enough, saying that flexible working hours should be introduced. As for the retirement age, civil servants may be more concerned because it will be alright for them to retire at a later time. Regarding women, it is of course a good thing to increase their labour participation rate, but I am afraid it is all going to be "empty talks" once again because the policies of the entire Government are not friendly to the family. Why do I say so? We often talk about family-friendly policies, but the Government's policies are just the opposite. Has the Government implemented any policy to protect the family, so that women can have more opportunities and incentives to work? The answer is "no". Working hours are an example. It is so obvious that when a woman must work more than 10 hours a day, how can she still look after her family? Or, what will happen when a woman can only earn \$4,000 or \$5,000 a month? After deducting her basic expenses, she will not have any money to supplement the family income, nor will she be able to meet child care expenses. In that case, why should women still choose to work? Mrs Sophie LEUNG is right in saying that the labour participation rate of Hong Kong women is lower than those of other countries. The reason is that there are no special policies in Hong Kong to encourage women to take up jobs. There are no such policies at all.

Speaking of the Council for Sustainable Development's "empty talks" again, I have to say that the main reason for such "empty talks" is that whenever the time comes for policy formulation, everyone will suddenly vanish. Why? President, the reason is very simple. The arguments of the Liberal Party can explain why. The Liberal Party claims that they have made efforts to assist the poor, and that they have even set up a fund to help them. But when it comes to policy formulation, they will seal the pocket of the business sector. Whenever this issue is mentioned, the Liberal Party will advise others not to touch their wallets, not to ask the business sector to spend any money. This explains why Mr Tommy CHEUNG said just now that if businessmen were made to pay more, they would leave Hong Kong and there would be big trouble. Honestly speaking, family-friendly policies can only be implemented with the support of the business sector, because it will not be possible to implement any arrangements of working hours without the business sector's support. The Government listens only to the views of the business sector, saying that there must first be a consensus. In that case, we will never be able to take anything forward. Therefore, I think the greatest problem

MRS SOPHIE LEUNG (in Cantonese): President, a point of order. He seems to have misunderstood our remarks and he is putting words into our mouths.

PRESIDENT (in Cantonese): If Mr LEE Cheuk-yan has misunderstood your remarks, you can make a clarification after he has finished with his speech. Mr LEE Cheuk-yan, please continue.

MR LEE CHEUK-YAN (in Cantonese): There is no misunderstanding at all. Mr Tommy CHEUNG even wanted to use women in poverty as an excuse for giving his views on open cafeterias and the banning of smoking in food establishments. I do not mind his doing so, but this is a fact. He made it very clear that no policies should require the business sector to offer more employee benefits. He said that this could not be accepted. He did say so. Was he not in a way saying that the business sector would hide its purse while the Government implemented its policies to assist the poor? Was he not in a way saying that no one should touch the business sector's pocket? Such arguments are unacceptable. The implementation of a minimum wage must require the consideration of society as a whole and the business sector must pay a bit more. And, employers may not really have to pay more because management can always reduce other expenses to offset the effects.

PRESIDENT (in Cantonese): Mrs Selina CHOW, do you have a point of order?

MRS SELINA CHOW (in Cantonese): President, is he permitted to start a new debate on the excuse of making a clarification?

MR LEE CHEUK-YAN (in Cantonese): I have not started a new debate.

PRESIDENT (in Cantonese): This is not the point. Mr LEE Cheuk-yan is delivering his speech. If you want him to answer your question and clarify his remarks, you are permitted to do so. But Mr LEE Cheuk-yan also has the right to choose whether or not to answer your question. If it is considered that Mr LEE Cheuk-yan has misinterpreted your remarks or the remarks of any Member,

the Members concerned may ask him to make a clarification after he has finished speaking. Mr LEE, please continue.

MR LEE CHEUK-YAN (in Cantonese): President, this is the fact. I think what the Liberal Party opposes today, that is, a review of the Employment Ordinance to offer employment benefits to part-time employees not meeting the requirement of 18 hours per week for a continuous period of four weeks, is just meant to enable such employees to enjoy benefits on a pro rata basis. What is wrong with such a proposal? Why is it impossible to accept it? Another example is age discrimination, the greatest problem faced by women in seeking employment. Yesterday, some flight attendants of Cathay Pacific and I had a meeting with Commissioner for Labour Matthew CHEUNG. In Hong Kong, airlines all require flight attendants to retire at the age of 45. But what can one do after retiring at the age of 45? Not only women but also men must retire. This will lead not only to poverty among women but also poverty among men. How can this be accepted? The reason why the motion on a universal retirement protection scheme could be passed that day was that Mr JIA Qinglin was in Hong Kong for a visit and Members belonging to the Liberal Party were absent. I do not have to say anything more on this. Why is it inadvisable to set up an intermediary body for the collection and enforcement of maintenance payments? Mr Tommy CHEUNG commented just now that such a body would not be very useful. But I must say that although an intermediary body may not necessarily be able to solve all problems, it can at least collect and enforce maintenance payments.

We have in fact put forward many requests, in the hope of solving the problem of women in poverty. But there will be no hope if the Government does not take the lead.

PRESIDENT (in Cantonese): Mrs Sophie LEUNG, do you think that your remarks have been misunderstood?

MRS SOPHIE LEUNG (in Cantonese): Yes, President.

PRESIDENT (in Cantonese): Please state the part that has been misunderstood, will you?

MRS SOPHIE LEUNG (in Cantonese): President, what I had said earlier was that we should work from the perspective of enhancing the ability of women, and I also explained what the Women's Commission had done. However, it appeared that Mr LEE Cheuk-yan was over-generalizing the situation and did not listen to everything that I had said but then, he simply jumped to the conclusion that we had not done this and we had not done that. Then he went on to say how we in the Liberal Party.....

PRESIDENT (in Cantonese): Mrs Sophie LEUNG, you can only elucidate the part of your speech that had been misunderstood. You cannot comment on Mr LEE Cheuk-yan's speech all over again.

MRS SOPHIE LEUNG (in Cantonese): Yes. Thank you, President.

MR LEE CHEUK-YAN (in Cantonese): President, a point of order. I do not know which part of her speech was misunderstood by me. I completely did not misunderstand her. I completely did not misunderstand anything that she had just said. She only described that I had, for instance, over-generalized the situation but she did not elucidate which part of her speech was misunderstood by me. I would like her to elucidate which part of her speech was misunderstood by me.

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, you cannot make this request. If you wish to seek elucidation from each other, then please propose amendments to the Rules of Procedure. Under the existing Rules of Procedure, Members are not allowed to do so.

Does any Member think that what he or she said earlier has been misunderstood and hence considers it necessary to make elucidation?

(No Member indicated a wish to make elucidation)

PRESIDENT (in Cantonese): If not, does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Since no Member would wish to speak, I now call upon the Secretary for Health, Welfare and Food to speak.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I am very grateful to the Legislative Council Subcommittee to Study the Subject of Combating Poverty for the study it has undertaken on the problem of women in poverty and for making the 21 recommendations, as well as Honourable Members for putting forward their views.

The problem of women in poverty is a very complicated one. It has many causes and it covers a broad spectrum of areas like education and training, employment services and protection, social welfare support and services, and so on. In the face of these problems, various Policy Bureaux and departments each have their own responsibilities and they offer assistance within each of their own policy area to all those in need, including women with a low income. The relevant commissions including the Commission on Poverty (CoP), the Equal Opportunities Commission (EOC) and the Women's Commission (WoC) have all along been working closely with the bureaux and departments and they are addressing the problems from diverse perspectives and co-ordination work as necessary is also being done. In view of this, the recommendation made in the Report that a department should be designated to assume the overall responsibility in co-ordination work would seem to be unnecessary and impracticable.

The remaining 20 recommendations made in the Report are to a large extent in line with the direction of measures and policies all along adopted by the Government. Now I would like to respond to the recommendations from the following aspects of education and training, employment protection and services, social welfare services and support, and developments in gender equality.

First, education and training. I would like to respond to the three recommendations in (c), (d), and (m). Currently we provide on an equal opportunity basis nine years of free and compulsory education at primary and junior secondary levels as well as subsidized senior secondary education and training to all school-age children. When the new academic structure for secondary schools and universities is fully implemented in 2009, all students will benefit from whole-man education encompassing six years of primary school education and six years of secondary school education.

In addition, the Government has in recent years also increased resources for adult education substantially. This includes the introduction of the Subsidy Scheme for Designated Evening Adult Education Programmes which gives financial assistance to students enrolled in designated adult education centres for studies in senior secondary school programmes. Then there is the Skills Upgrading Scheme introduced in 2001 which provides targeted skills training for serving workers with low educational attainment. In June 2002, the Continuing Education Fund was launched and this Fund aims at equipping local employees to cope with the development of knowledge-based economy.

On the other hand, the Employees Retraining Board (ERB) offers 140 kinds of programmes and some 106 000 retraining places for people to enhance their employability and rejoin the labour market. Since the launch of retraining programmes in 1992, over 940 000 people have completed retraining and about 80% of the participants are women.

As for the recommendation made in the Report that insurance cover be provided to local domestic helpers currently registered with the ERB, as prescribed in the Employees' Compensation Ordinance, an employer must take out employment insurance for his employees and failure to do so is an offence in law. In this connection, the ERB has liaised with many insurance companies for the provision of various employment insurance plans with numerous concessions for choice by the employers. This would facilitate employers in taking out employment insurance for local domestic helpers under the Integrated Scheme for Local Domestic Helpers.

With respect to employment protection and support, this is a response to recommendations (e) and (f). The existing Employment Ordinance provides basic protection to all employees irrespective of the number of their working hours, and whether or not they are employed on a permanent or part-time basis. Employees employed on a continuous contract of employment are entitled to further protection. With respect to the recommendation made in the Report that employees not employed on a continuous employment contract be entitled to the full range of employment benefits, this would have a far-reaching impact on both employers and employees and hence it must be carefully considered. The Census and Statistics Department is now conducting a survey on employees not employed on a continuous contract of employment with the aim of collecting the latest information on this subject. The Labour Department will revert to the Labour Advisory Board and the Legislative Council Panel on Manpower on the findings of the survey.

On the issue of discrimination in employment, the Sex Discrimination Ordinance stipulates that employers must not discriminate against women with respect to the terms and conditions of employment, or opportunities in promotion, transfer and training. The Family Status Discrimination Ordinance and the Sex Discrimination Ordinance offer protection to women against dismissal upon resumption of work after their taking of maternity leave.

As for age discrimination in employment, since there is no public consensus on the urgent need and effect of enacting legislation to prevent it, the Government is of the view that education should be a more desirable way to deal with the problem. The Government will promote the message of equal opportunities in employment through education and publicity efforts.

Two items are about government outsourcing services, that is, recommendations (g) and (h). Over the past few years, the Government introduced a number of measures to enhance protection for workers employed by contractors of government services and the relevant measures have been tightened since May 2006. These measures serve to send a strong message to contractors of government services. Various procuring departments will devise measures to monitor these contractors and step up the monitoring mechanism when necessary.

As for the recommendation made in the Report to award more contracts to NGOs for providing more employment opportunities to disadvantaged groups, I would like to point out that government departments will act on their service needs to decide whether or not services are to be contracted out. The government procurement of services is based on the principles of fair and open competition as well as cost-effectiveness. On the premise of not violating these principles and the Agreement on Government Procurement of the World Trade Organization, we would consider adding "providing more employment opportunities" as one of the criteria for vetting tenders so as to facilitate social enterprises in their bidding for government contracts.

With respect to a family-friendly employment policy, that is, recommendation (j), the existing Employment Ordinance has provided the basic conditions for a family-friendly working environment. In addition, the Labour Department will work through the network of associations of human resources managers in 18 trades and hold promotional activities in the forms of seminars and talks to encourage employers to adopt good personnel management practices

based on the "employee-centred" principle. The employers are also encouraged to gauge and be concerned about the needs of the employees and take matching steps to help employees meet their needs arising from work and family.

On developing community economy, that is, items (b) and (i) in the recommendations, the Government in helping the disadvantaged groups become self-reliant and take part in economic activities has allocated a sum of \$30 million to the Home Affairs Department to launch the Enhancing Self-Reliance Through District Partnership Programme. The Programme will implement various poverty alleviation measures at the district level to help the disadvantaged groups including women in their employment and people from these groups on their road to self-reliance. Measures adopted include providing impetus to the development of social enterprises and assisting them with seed money. The Programme is now receiving applications.

In addition, the Government is launching a series of measures to promote the development of social enterprises. These include setting aside funds to step up support for social enterprises, further assistance given to social enterprises in their bidding for government contracts, training up social entrepreneurs, and extending the existing support facilities given to small and medium enterprises to include social enterprises, and so on. As social enterprises may also be run in the form of a co-operative, we think that these measures aiming at encouraging social enterprises should be able to address the main concerns of co-operatives or people who plan to form co-operatives.

On social welfare services and support, that is, item (p) in the recommendations, with respect to family services, the Government delivers a wide range of preventive, support and remedial services through its 61 integrated family services centres located in various districts across the territory to help all people in need, including low-income families, single parents, new arrivals to Hong Kong and their children. Office hours have been extended for the convenience of the public. Social workers in these integrated family services centres have the relevant experience and skills to assess the needs of single-parent and new arrival families in the community and offer the most suitable services to them.

In view of this, we consider that there is no need to duplicate resources and establish "one-stop" service centres for low-income families in each of the districts in Hong Kong.

As for child care and after-school care services, that is, in response to recommendation (k), with respect to child care services, presently there are 104 subsidized child care centres in Hong Kong which provide a total of 1 200 places for extended service. A tuition fees remission scheme for kindergartens and nurseries has been introduced to provide financial assistance to families in need and which have passed a means test for such purpose. We also provide assistance to low-income families so that they can have full or partial remission of the fees for after-school care services. Single-parent recipients of Comprehensive Social Security Assistance (CSSA) under the New Dawn Project will be given full remission of the fees for this kind of childminding service.

Besides, we offer child care services with even more flexible hours through NGOs, district organizations and women's organizations. Such services include mutual help child care centres, child care services funded by the Community Investment and Inclusion Fund and operated by mutual help volunteers, daytime foster care service and supervised child care service.

Through the School-based After-School Learning and Support Programmes launched by the Education and Manpower Bureau, schools can use the school-based grants to run after-school tutorial groups for poor students and these groups also incorporate some childminding element.

As for the CSSA scheme, this is in response to recommendation (n), the Social Welfare Department is presently conducting a review of the disregarded earnings arrangements under the CSSA scheme. It plans to consult the organizations concerned in 2006-07 on the findings of the review.

The Legislative Council has discussed the CSSA scheme on many occasions. I would like to point out once again that the seven-year residence rule under the CSSA scheme has been laid down to ensure that social services substantially subsidized by the Government can be delivered on a rational basis.

All recipients of CSSA are not required to make any contributions and all expenses are covered by General Revenue. As many new arrivals to Hong Kong have working ability, they are therefore encouraged to be self-reliant and it is only when they are genuinely in need that public money will be used to assist them. This is a correct approach to take and irrespective of the origin of these new arrivals, the Government will encourage them to plan well before they come to Hong Kong as to how they can make a living here.

Another thing is that the Housing Authority has during the past few years relaxed the rules governing families on the Waiting List of public housing applicants. Provided that only half of the applicants' family members have met the seven-year residence rule, the applicants will be deemed to have met the residence requirement. And with respect to all family members under 18 years of age, provided that either one of the parents have resided in the territory for seven years, they will also be deemed as having met the residence requirement. Starting from 2005, children under the age of 18 who are born in Hong Kong and have been verified as Hong Kong permanent residents will be deemed as having satisfied the residence requirement irrespective of the length of their residence in Hong Kong or the residence status of their parents. The above amendments have in effect made it possible for families of new arrivals to Hong Kong and with children to be allocated public housing sooner.

With respect to transport subsidy, that is, item (l), the Government has all along encouraged all public transport operators to adjust their fares downwards or launch concessionary measures as far as possible to reduce the transport expenses of the passengers, bearing in mind the companies' operation and the socio-economic conditions. As a result of these efforts from the Government, public transport operators are presently offering about 50 kinds of fare concession and these will help reduce the burden of the public in transport expenses.

In addition, the CoP is discussing with the departments concerned on the specific arrangements and related matters of the transport subsidy scheme. It is expected that preliminary recommendations can be ready in 2006-07.

As for the universal retirement scheme, that is, item (u), the Government is committed to drawing up a sustainable financial support system and pooling resources for people who are most in need, especially the elderly. Now needy elderly persons can receive help from the CSSA scheme. Those in employment can have retirement protection under mandatory retirement protection schemes. When these two are added with personal savings, the people can plan for their retirement life later. This is a model well-suited to Hong Kong. We should cherish our established family values and we should not pass our responsibility of supporting the elderly financially to society.

On establishing an intermediary body for collection and enforcement of maintenance payments, that is, item (o) in the recommendations, the

interdepartmental working group of the Home Affairs Bureau to review the legal and administrative measures concerned has examined the recommendation prudently. The interdepartmental working group considers that improving the existing system of collecting maintenance and enforcing the maintenance order would be more effective than setting up a body in charge of maintenance matters. Hence the Government does not have such a plan at present.

As for developments in gender equality, that is, recommendations (q), (r), (s) and (t) in the Report including gender mainstreaming, increasing women's participation in government advisory and decision-making bodies, stepping up public education to eradicate the prejudice concerning women's abilities, and so on, these are completely in line with the direction of strategies and measures adopted by the WoC to further women's welfare and interests.

As a matter of fact, the Government has all along been paying much attention to promoting gender equality and elevating the status of women. It has been working closely with the WoC to enhance the welfare and rights of women. The WoC has been playing an active role in urging the Government to take fully into account gender perspectives and needs when formulating policies and measures in the hope of removing the barriers to women's development from an institutional level and providing conditions conducive to women's development. The WoC is also committed to enhancing women's abilities and it works through public education efforts to change prejudice against women and gender stereotyping which are obstacles to women's development.

The actual work done and achievements made by the Government and WoC in promoting gender equality and elevating women's status have been reported in detail to Honourable Members in other meetings of this Council and I would not repeat them here. We will continue to give our full support to the work of the WoC.

In sum, Madam President, the problem of women in poverty is one that involves various departments and sectors and it covers many aspects. It should therefore be carefully studied, discussed and handled jointly by all bureaux, commissions and especially various sectors in society.

The Government will be happy to listen to views from all sectors in society and take on a practical stand to analyse and study the information and data concerned, draw reference from overseas experience and make considerations in

the light of the actual socio-economic conditions in Hong Kong. As for issues that are contentious or where a consensus has not been reached, more in-depth studies and discussions should be carried out by all sectors across the community.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Frederick FUNG, you may speak in reply. You have two minutes 15 seconds.

MR FREDERICK FUNG (in Cantonese): President, I am rather disappointed by the Government's response. Actually, all is already stated very clearly in our Report and the statistics are supplied by the Census and Statistics Department of the Hong Kong Government. All this points to the existence of the problem of women in poverty in Hong Kong. I believe the Government will not deny it.

The problem of women in poverty falls on the portfolios of different Policy Bureaux and departments. As the Chairman of the Commission on Poverty (CoP), Henry TANG should attend the meeting today to answer all the questions. But he has not done so. In spite of this, it will still be somewhat acceptable if a team of Bureau Directors comprising, for example, Secretary for Economic Development and Labour Stephen IP, Secretary for Home Affairs Dr Patrick HO and Secretary for Health, Welfare and Food Dr York CHOW can come along. The portfolios of these three Bureau Directors can roughly cover the scope of all the issues discussed by Members today. But I do not know why only Dr York CHOW has come. Is that because Secretary Dr Patrick HO thinks that it is not necessary for him to listen to views on the empowerment of women, sex discrimination and equal opportunities? As for employment, does Secretary Stephen IP think that there is no need for him to listen to views on assisting women in getting more employment opportunities? I am greatly disappointed.

The Government is still reluctant to assign one single department to handle the problem of women in poverty. I can draw three conclusions from the Secretary's reply. First, the Government lacks any determination. It is unwilling to assign the problem to any Policy Bureau or special commissions, such as the Women's Commission and the CoP. The problem actually

transcends the portfolio of one single bureau. Instead, it involves the portfolios of three bureaux. Why is it impossible for the CoP to handle the problem? Second, the Government lacks any intention of tackling the problem. It is still reluctant to set a poverty line and make any efforts to tackle the problem of women in poverty because it has not set down any clear directions. Third, I think the Government lacks any sincerity. The CoP has made many efforts but all of them are trivial. The Legislative Council has held many discussions and put forward many plans. Yes, the Government may set aside \$3 million or even \$30 million, but just how many people will benefit? Only several hundred or at best several thousand. But when it comes to working poverty and women in poverty, we are talking about several hundred thousand people. Is the Government really sincere in helping all these women?

PRESIDENT (in Cantonese): Time is up.

MR FREDERICK FUNG (in Cantonese): Actually, the Government is not sincere in solving this problem. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Frederick FUNG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr CHIM Pui-chung and Miss TAM Heung-man voted for the motion.

Dr LUI Ming-wah, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Ms Miriam LAU, Mr Timothy FOK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the motion.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming, Mr Ronny TONG and Mr Albert CHENG voted for the motion.

Mrs Selina CHOW and 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, 22 were present, 11 were in favour of the motion and 11

abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 21 were in favour of the motion and two abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): Second motion: Fully conserving the "Government Hill".

FULLY CONSERVING THE "GOVERNMENT HILL"

MR FRED LI (in Cantonese): President, I move that the motion on fully conserving the "Government Hill" as printed on the Agenda, be passed.

Following the Legislative Council's passage of the funding request for constructing a new Government Secretariat on the Tamar site last month, the Policy Bureaux currently located at the Government Secretariat on Lower Albert Road will be relocated to the new site. The future planning and uses of the site currently occupied by the Government Secretariat have become a matter of wide social concern. For this reason, from late June to early July, the Democratic Party conducted an opinion survey on the future planning and development of the site currently occupied by the Government Secretariat. According to the findings, more than 40% of the respondents supported the idea of conserving all buildings of the existing Government Secretariat after its relocation to the new site. Those against the idea accounted for less than 20%. This shows that most people are in favour of conserving the buildings of the Government Secretariat. Regarding the reasons for conserving these buildings, more than 30% of the respondents viewed that the buildings concerned should be treated as historical relics. And, nearly 30% of the respondents even viewed that the architectural style and features of the Government Secretariat compound were worth conserving. In addition, 20% and 10% of the respondents respectively thought that the planning integrity of the "Government Hill" should be preserved, and that the "Government Hill" was an important part of our collective memory.

The findings of the opinion survey show that most people recognize the importance of the current Government Secretariat to the history and architecture

of Hong Kong and also to the sentiments of its people. Some 160 years ago, at the inception of Hong Kong, the British already started to construct governing institutions on the "Government Hill" — the tree-lined Battery Path, the Court of Final Appeal and St. John's Cathedral. The current Government Secretariat is located precisely in the very centre of the Government Hill. To the west, there is the Bishop's House of the Anglican Church. To the east, there is the Main Building of the Helena May Institute. Further uphill, there is the Government House. These buildings are nicely clustered in congruity, constituting the perfect planning of the "Government Hill". I shall leave Dr YEUNG Sum to describe the history of the "Government Hill" in detail.

The conservation of the "Government Hill" is important to the preservation of historical relics, but, more importantly, we must also realize that the "Government Hill" has been serving as the green lung of Central. The buildings of the current Government Secretariat were constructed 45 years ago, and precisely for this reason, because of the architectural techniques and designs of the time, they are of low density. As a result, the slopes in the vicinity have been developed into a tree-lined green belt. This, together with other historical relics on the "Government Hill" and the nearby Hong Kong Zoological and Botanical Garden and the Hong Kong Park, has given rise to the formation of a continuous and low-density green belt serving to absorb the huge amounts of carbon dioxide generated by pedestrians and vehicles in Central. This green belt can alleviate air pollution in Central and prevent the further deterioration of air quality. From the angle of planning, the "Government Hill" can also effectively separate the commercial areas to the north of Queen's Road Central and the residential areas at the Mid-Levels. The air and noise pollution in the commercial areas will therefore have less impact on the residents.

But if the East, Central and West Wings of the Government Secretariat and the Murray Building are all demolished and auctioned for commercial use, the consequences will be disastrous. The total area of the site measures 2.3 hectares. If it is used for commercial development, then assuming that it is developed at the usual plot ratio of 150% for commercial development, there will be a total office floor area of 3.45 million sq ft. This will be the same as constructing on the "Government Hill" one and a half office blocks the size of Two International Finance Centre. This will damage the cityscape of Central and cause air pollution, and not only this, the additional pedestrian flow and traffic volume will also paralyse the traffic on Garden Road, Cotton Tree Drive

and even the entire Central and the Mid-Levels. The impacts on the heart of Hong Kong will be catastrophic. For this reason, all proposals to convert the current Government Secretariat site into a commercial development are irresponsible. The opinion survey we have conducted also shows that only 8% of the respondents thought that the Government Secretariat should be demolished for commercial development.

Some may think that the sale of the current Government Secretariat site will bring to the Treasury billions of dollars in revenue, increase the supply of Grade A offices in Central and enhance Hong Kong's competitiveness. But the question is: Should we be so short-sighted? According to many surveys, while multinational corporations and expatriate executives all think highly of Hong Kong in many ways, its worsening air pollution and traffic congestion have greatly dampened their desire to invest and work in Hong Kong. If we continue with the high-density development of Central and if we even try to injure this green lung called the "Government Hill", we will be departing from the trend of sustainable development. In the end, the losses will outweigh the gains. There will be more office buildings, but we may fail to attract inward investments. The Democratic Party therefore hopes that the business sector can think twice.

As for the future use of the site, the Democratic Party thinks that since there has been a lack of museums dedicated to describing the history and operation of the Hong Kong Government, some of the buildings of the current Government Secretariat should be converted into government museums, so as to reflect and conserve the old faces of the "Government Hill" as much as possible. This is an internationally recognized way of conserving historical relics. From the same survey mentioned above, we also found that more than 43.7% of the respondents supported the conservation of the current Government Secretariat buildings. They thought that the Government Secretariat should be converted into a government museum. The Government should seriously consider this and conduct some studies. As for the use of other areas, the Government should consult the public as early as possible.

At present, eco-tourism and cultural tourism are both booming. At a recent meeting of the Panel on Economic Services, even the Government also gave us briefings and reports on some pilot wetland conservation schemes and green tourism. These schemes will be launched in the Northwest New

Territories. Such directions are good. We must not always stage laser and water shows, and we must not concentrate only on shows using modern technologies and wasting huge amounts of energy. Some other attractions should be offered to induce visitors with different tastes to come to Hong Kong. According to surveys on visitors to Hong Kong, they all want to learn more about Hong Kong's past and history. The conservation of the "Government Hill" and the establishment of a government museum will add to the appeal of the heritage trail in Central. Given more promotion, we will be able to attract more visitors and reap enormous economic gains.

The full conservation of the "Government Hill" and its development into an integrated green zone comprising heritage and tourism attractions will be most conducive to Hong Kong's long-term interests. I hope that Members can support my motion.

With these remarks, President, I beg to move.

Mr Fred LI moved the following motion: (Translation)

"That, as the Government Secretariat on Lower Albert Road in Central District blends in with the surrounding cultural heritage and green areas to form a comprehensive "Government Hill" planning zone, and the open area outside the Main Wing of the Government Secretariat has also witnessed the development of social campaigns in Hong Kong, captured the collective memory of Hong Kong's civil society and bears great significance to Hong Kong in terms of history, architecture and the public's sentiments, this Council urges the Government to:

- (a) conserve the existing Government Secretariat compound and undertake not to develop the compound for commercial use, so as to preserve the original environment and ambience of the "Government Hill" and its environs;
- (b) in keeping with the principle of heritage conservation, fully consult the public on the future use of the existing Government Secretariat;
- (c) conserve the trees and plants in the "Government Hill" and its vicinity so that the area will remain a city lung in Central District; and

- (d) conduct a study on converting some of the offices in the existing Government Secretariat into a government museum, to give effect to the function of conserving our heritage."

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): 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 CHEUNG Hok-ming to speak first, to be followed by Mr Alan LEONG; but no amendments are to be moved at this stage.

MR CHEUNG HOK-MING (in Cantonese): Madam President, with the curtain just came down on the battle for funding the Tamar project, the community has now begun switching its attention to the attack or defence of the preservation or development of the "Government Hill". In the past, the public merely knew the location of the Government Secretariat. Most of them had no clear idea of the origin of the "Government Hill" and its exact boundary. Nor do they have a deep understanding of its historical background.

The origin of the "Government Hill" can actually be traced back to the early period of colonial rule. According to some empirical records, the area west of Albany Road, or the hill now encircled by Garden Road, Upper Albert Road, Ice House Street and Battery Path was already called by the colonial government in 1843 as the "Government Hill" earmarked for the government's exclusive use. Judging from the planning and layout at that time, the colonial government intentionally designated the vast piece of land on the hill in Central as the core administrative zone. Besides the "Government Hill", the land stretching from the now Hong Kong Park to the Bank of China Tower was formerly a military zone. In the same district, the former Flagstaff House and the residence of the Deputy Commander of British Forces were situated on the site where the Museum of Tea Ware and the Cotton Tree Drive Marriage Registry now stand. At the junction of Arbutnot Road, Old Bailey Street and Hollywood Road is a compound of judicial and law-enforcement organs,

including the Victoria Prison, the former Central Magistracy and Central Police Station, which have now become declared monuments.

The "Government Hill" should include the existing Government Secretariat, and Government House as well. The former Government Secretariat, situated on the existing Government Secretariat compound, was built in 1847 for use as government offices and the venue for meetings held by the then Legislative Council. In 1954, the old Government Secretariat was demolished and redeveloped as the existing Government Secretariat. Compared to such buildings as the Central Police Station and Museum of Tea Ware, the existing Government Secretariat compound is no doubt much younger. Nor does it demonstrate any colonial architectural characteristics. However, the Government Secretariat itself, witnessing the historical events of the middle and later colonial period as well as the early period of the Government of the Hong Kong Special Administrative Region (SAR), does carry some symbolic significance.

Madam President, there are different voices in the community regarding the conservation of the "Government Hill". For the sake of fully conserving the Government Secretariat, some consider it essential to conserve the entire compound, and even request the Government to undertake not to develop the compound for commercial use. However, there are some who consider it not necessarily essential to conserve the entire compound as the value of conserving the Government Secretariat is not high. Furthermore, given the scarcity of land in Central, the Government Secretariat site might fetch more than \$10 billion. Therefore, the Government should consider putting aside a portion of the land for development purposes.

Madam President, I must point out here that the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) is open-minded towards the future planning of the "Government Hill". We very much respect the diverse views expressed outside this Council. This is why I propose a relevant amendment in the hope that the Government and the public can have a more extensive scope in devising the future planning of the "Government Hill" site. Actually, funding approval has just been given to the new government headquarters project. There is still ample time before the completion of the project and the vacation of all staff from the Government Secretariat. Hence, there should be sufficient time for the community to start from scratch in conducting in-depth discussions on the future development of the "Government Hill" and exploring the feasibility of a wide range of proposals and the public's

acceptance. At the present stage, it is inappropriate to impose excessive constraints on land planning to avoid stifling social discussion.

Madam President, with the increasing public awareness of sustainable development, I believe it is the greatest hope of the public to see that the future planning of the "Government Hill" can adhere to the principle of sustainable development, having regard to history and environment conservation, contribute to Hong Kong economy and operate in a self-financing manner. Hence, besides conservation, we should also take note of the general trend of injecting, to a certain extent, commercial elements. The conservation programme of the nearby Central Police Station compound, an example of balancing the needs of heritage conservation and economic development, can be reference for the Government in planning for the "Government Hill".

On the other hand, Madam President, despite the diverse views of the community at large on the preservation of the Government Secretariat compound, we can see that there is unanimous public support for the conservation of the *Pterocarpus indicus* tree in front of the entrance of the Main Wing, and the Government has undertaken to conserve it. However, we must also bear in mind that 14 trees of different species, found in the vicinity of the Government Secretariat, Lower Albert Road and Battery Path, have also be included in the Register of Old and Valuable Trees compiled by the Leisure and Cultural Services Department. Each of these trees has its conservation value, and is as precious as the *Pterocarpus indicus* with which we have built an acquaintance. We hope the community and the Government will not focus merely on just one *Pterocarpus indicus* to the neglect of other old and valuable trees. Meanwhile, the DAB appeals to the Government to seriously review the existing policy of conserving old and valuable trees to ensure that these precious trees are given greater protection and free from the adverse impact brought about by any developments.

Madam President, regardless of how the "Government Hill" will be developed in future, public participation in its design is vital. Despite the Government's statement that, should the land use of the "Government Hill" be altered, application will be made according to the existing town planning procedure to solicit public views, the DAB still considers this inadequate and the public is still put in a passive position. In the opinion of the DAB, the Government should take proactive actions to host a competition on development concepts to raise the public's desire to participate in the future planning of the

"Government Hill", and provide the existing town planning procedure with one more channel, so that people from different strata can directly express their views.

Madam President, I so submit.

MR ALAN LEONG (in Cantonese): Madam President, no one would like to see the "Government Hill" and its vicinity, or the site of the old Government Secretariat, remain unplanned and inhabited by rats and cockroaches by the time the new government headquarters are completed. The Civic Party advocates the early design of new uses of the "Government Hill" by taking into account its history and existing functions.

Two colleagues asked earlier in the meeting the exact location of the "Government Hill". To make it easier for the public and colleagues in this Council to grasp the location of the "Government Hill", the Civic Party has specially conducted a research on historical records and succeeded in getting a map of Central, Hong Kong of 1878. Madam President, the "Government Hill", marked green on the map, actually refers to the hill now surrounded by Garden Road, Upper Albert Road, Glenealy, Ice House Street and Battery Path. Following the occupation of Hong Kong by the British army, the "Government Hill" was already designated as the executive and administrative centre of the territory.

Since then, a number of buildings were built one after another on the hill, including St. John's Cathedral, Government Secretariat, the former Government House, French Mission Building, Bishop's House, and so on. After repeated additions, maintenance and refurbishments, a number of the buildings have evolved into the East Wing, Main Wing and West Wing of the Government Secretariat, Government House and Court of Final Appeal today.

Being a political, legal and religious hub in the true sense of the term, the "Government Hill" has all along witnessed Hong Kong's stormy moments in its history of governance. Countless government decisions on matters relating to the people's livelihood and social developments were made inside the Government Secretariat; the Court of Appeal building was used as courts many a time and numerous major cases, such as the Godber case, were heard there; and the Cathedral was converted into a clubhouse for the Japanese during the

Japanese Occupation and, as a result, furniture in the Cathedral was relocated elsewhere by the clergymen until the liberation of Hong Kong.

On the other hand, as an administrative hub of powers, the "Government Hill" is also, in the eyes of the masses, the place for representation, protests, and even airing of grievances. In the '60s, big-character posters against British rule were put all over the external walls of Government House; boat people and illegal immigrant mothers repeatedly presented their petition letters at the entrance to Government House; and the space outside the entrance to the Government Secretariat was chosen as the destination of countless major demonstrations after the reunification. Not only has the "Government Hill" witnessed history, it also carries the collective memory of society with interactions between government officials and the people.

Madam President, given the rich historical and cultural elements embodied by the "Government Hill", it is really regrettable to see it demolished without careful consideration, for the century-old history and milieu may probably vanish in the concrete jungle as a result. Actually, some publicly-recognized best examples regarding ways to study and consult the public on the conservation of cultural and historical sites have gradually come into being in the international community. As an international metropolis in the 21st century, Hong Kong should make reference to these practices and strive to conserve our valuable cultural heritage for the community.

One of the internationally-accepted criteria for heritage conservation is laid in the Burra Charter, adopted by Australia's International Council on Monuments and Sites (INCOMES) in 1979 and revised in 1999. The Charter sets out the basic parameters for the conservation and preservation of cultural heritage at the theoretical and practical levels. According to the spirit of the Charter, buildings and landscapes of "major cultural significance" must be protected together with its surrounding places and environs such that the function of preserving historical and cultural heritage as far as possible can be brought into play.

Article 12 of the Charter states the role of people in the conservation and interpretation of cultural heritage and demands that "conservation, interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have social,

spiritual or other cultural responsibilities for the place". Article 26 requires that "analysis of physical, documentary, oral and other evidence" be carried out to affirm the cultural and historical significance of a place, and groups and individuals with associations with a place should be involved in its study and management.

The provisions mentioned above outline a heritage conservation model integrating expert planning with public participation. Conservation of old buildings is more than protection of such "hardware" as brick and mortar. It should also embrace the preservation of "software", such as the surrounding landscape, life and cultural memory, and so on. To enable active public participation in the "Government Hill" and its vicinity, the civil society must be given opportunities to be consulted widely so that future planning can more accurately reflect the political, economic and social significance of the "Government Hill" in the olden days.

Madam President, enhanced public participation in heritage conservation can actually be seen on the Mainland. For instance, while conserving historical monuments, Shaoxing Municipality in Zhejiang also enables the continuation of the original ecology of the people's livelihood in historical streets and districts to achieve integration of the inhabitants in cultural and heritage conservation and planning. Shaoxing was even awarded a prize by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its achievements. As Hong Kong has always emphasized "hardware" at the expense of "software, it is imperative for the territory to learn from and rouse itself to catch up with the Mainland in heritage conservation theoretically and practically. The conservation of the "Government Hill" indeed offers a perfect opportunity.

Madam President, given the obvious historical and cultural significance borne by the "Government Hill", and the fact that the Government Secretariat will become useless upon the reprovisioning of government offices, the Government might as well consider applying to the Town Planning Board for changing the land use of the "Government Hill" from its existing use as "Government, Institution or Community" to "cultural heritage area" under the category of "other specified uses", for the purpose of further clarifying the planning direction of the "Government Hill" and demonstrating the Government's determination in conserving the site.

There were a number of examples of conservation carried out under the name of conserving a "cultural heritage area". One such example is the Barracks on Stonecutters Island in the Stonecutters Island outline zoning plan. As a "cultural heritage area", the Barracks are considered graded historical buildings. The implementation of any development proposal that might affect the Barracks or change their land use must seek the advice of the Antiquities and Monuments Office. Specific demarcation of land use can ensure that the future development of the "Government Hill", as well as its environs, is compatible with the function of the "Government Hill" in heritage conservation.

The Government should allow the "Government Hill" to undertake the role and mission of historical and cultural conservation and, coupled with other cultural and educational resources through conversion of part of the "Government Hill" into a museum and preservation of the original trees and fauna there, as proposed in the original motion, turn the "Government Hill" into a civil activity zone functioning as a place for historical conservation, a city lung and a public gathering area. I believe this is more compatible with the environment and layout of the "Government Hill" than building another Two IFC or a luxury residential district. Furthermore, every one of the community can have access to it. The Government should expeditiously lead the community to discuss and study the use of this precious piece of land and convert it into a new public space.

Madam President, I heard Mr CHEUNG Hok-ming point out earlier that the DAB did not want to set parameters for the possible development of the "Government Hill" too early. Actually, the amendment proposed by the Civic Party does not seek to restrict the future use of the "Government Hill". Our emphasis is on the process of public participation. We have merely appealed to the Government to carry out study on rezoning the "Government Hill" to turn it into a "cultural heritage area". Hence, I do not see any inevitable conflicts. I hope colleagues in this Council can support the Civic Party's amendment.

Thank you, Madam President.

DR KWOK KA-KI (in Cantonese): Madam President, a decision disappointing the whole community was made by this Council on 23 June to provide \$5.2 billion in funding to the Government to build its new headquarters at Tamar.

Actually, today's debate should not have been necessary. If the Government truly attaches importance to the planning of the territory and public opinion, as stated by the Chief Executive, it should have presented the entire planning of the "Government Hill" for public discussion and given a clear account of the future use of the "Government Hill" before deciding to apply to this Council for funding.

Yet, the Government has already got what it wants without giving any clear explanations. This Council has also given the Government sufficient funds to build its new headquarters at Tamar. Despite our ongoing debate on this motion, if I put it somewhat crudely, there is little hope that one can have the money returned under the present circumstances. Given that the Government has already received \$5.2 billion, it is too late to discuss this topic now.

The Hong Kong Government shares a similar mentality with the former government in the sense that they are both short-sighted. The first thing they will look at is the monetary gain, which developer they can work with, how much money can be made, and so on. It is precisely for this reason that buildings of historical and conservation value in Central have been torn down one after another. Although the public very much hope to preserve many of them, they have nevertheless disappeared slowly. Hence, during our discussion on the reprovisioning of the Government Secretariat, we did query in the subcommittee whether we should withhold our approval until the Government has given us a clear account of the planning of the "Government Hill". However, it is regrettable that the Government has turned a blind eye to this motion proposed by the Subcommittee. It is even more regrettable that the Government has obtained its desired funding after misleading the public and this Council.

No matter how our discussion is going to proceed today, I expect the Government will come up with an even better excuse such as, given the reprovisioning of the Government Secretariat, the site would definitely not be retained for keeping rats, as mentioned earlier by a colleague in this Council. It can be seen that the Government has already made its own plans and calculations. Perhaps there is already a development blueprint under the table — I wonder which developer the Government is going to work with. However, it is needless for me to point out that upmarket offices and shopping arcades costing a fortune will be built on the site. Why can we allow the Government to do something like that? Should colleagues in this Council not be held

accountable for allowing the Government, which has always emphasized "people-oriented" governance, to do something like that?

Before the passage of this motion, the Chief Executive strangely indicated that 70% of the public supported the Government building its headquarters at Tamar. Furthermore, the Government has acted very strangely by presenting some models lately as a show of respect for public opinion. Why it is impossible to make public the planning of the Government for public discussion and deliberation by this Council before deciding how the Government Secretariat should be relocated? This was the standard reply given to us whenever the Government was asked about the design: How could there be a plan when the reprovisioning has not yet started?

Even a three-year-old will not believe in the Government, right? Members should know it all too well that the Government has already had a plan in its mind. The other day, the Chief Executive told Members unintentionally that the construction cost, amounting to \$5.2 billion, was not an enormous sum, for the site is worth over \$10 billion. Members will then realize at once that the site has been treated as a property development item. For many developers, the site can be a golden egg. According to the Government's previous mentality, the idea of collaboration with the business sector is pretty good, though some colleagues have put it as collusion between business and the Government. Nevertheless, I do not wish to mention this matter again. Whether it is collaboration or collusion between business and the Government, the Government Secretariat will be demolished, completely. We are sorry that when we requested the Government to preserve the "Government Hill" and do other things, including acceding to the five requests made by colleagues from the Democratic Party, the Government merely responded that it could leave a tree or erect a plague there to mark the place as a heritage trail. This is the only response we have received from the Government.

Unfortunately, the Government is so short-sighted. There must be a reason for Mr Fred LI and Mr Alan LEONG to express reservations, hoping that the site will not be developed for commercial use. Hong Kong has never experienced a shortage of land for offices or shopping arcades. There is still a lot of land pending development in Hong Kong. There are many office blocks in Hong Kong too. As Members are well aware, the East Kowloon development zone, that is, the old Kai Tak site can provide 80 000 sq m of land for offices. Given its existence since 1841, the "Government Hill" is history

per se. Our heritage must be preserved because there is no reversion once it is gone. A colleague I met in the Ante-Chamber out there told me that he did not understand why Mr Fred LI would have written "not to develop the compound for commercial use". It is simply because we have never had confidence in any of the actions taken by the Government so far, and we have always been disappointed. All programmes for conserving monuments and heritage, as well as the buildings, will soon disappear. However, public opinion has never been taken seriously throughout the entire process.

This explains why we have proposed such a strict motion for the Government's compliance. The public will know it after being cheated once, twice, or even thrice. We will therefore keep our eyes peeled to see how the Government will perform a trick with the "Government Hill". In any case, I still hope Members can support Mr Fred LI's motion and Mr Alan LEONG's amendment. I cannot possibly support Mr CHEUNG Hok-ming's amendment because, frankly speaking, it has given up so many things. Thank you, Madam President.

DR YEUNG SUM (in Cantonese): Some Members compare the conservation of the Government Secretariat compound to "wasting a godsend" because the site is worth over tens of billions of dollars. On the contrary, it is deemed unnecessary to conserve the low-rise building constructed in 1957, for it cannot be considered beautiful by whatever standard, and it is far from being a monument. This way of thinking reflects a major flaw in Hong Kong's existing heritage conservation legislation and policies in that only "point" is emphasized at the expense of "surface". The Government is merely prepared to conserve declared monuments which are old enough while neglecting the importance of conserving the environment and milieu of the monuments and their environs, collective memory and sentiments. As a result, only the exterior of the original buildings, but not the traces of history of the monument as a whole, can be conserved.

Madam President, the significance of the "Government Hill" to the history of Hong Kong development can be traced back to the mid-19th century. In 1841, the British forces landed in Hong Kong, right at Possession Street, unveiling the colonial history of the territory. In November 1841, before the signing of the Nanjing Treaty, the British had already had designs on how to run this piece of land. Furthermore, the slopes between Albany Road and the now

Garden Road were named the "Government Hill" for the Government's exclusive use.

It was on the "Government Hill" the British built their administrative organs. Lined with European-style buildings, the "Government Hill" laid the foundation for Central as the political and economic rudder. With its distinctive style, the small hill has been declared a heritage trail by the Antiquities and Monuments Office. St. John Cathedral can be reached from the tree-lined Queen's Road Central up Battery Path and passing the Court of Final Appeal on the way. Today's Government Secretariat complex is right at the heart of the "Government Hill". To its West is the ex-Government House, and to its East is the main building of the Helena May, and further uphill is Government House. The intricately co-ordinated historical buildings and the century-old green trees covering the streets and slopes demonstrate an integrated planning of the area.

Taking a look at the layout of the entire "City of Victoria" can enable us to see the significance of the planning of the "Government Hill". Two years after the British occupation of Hong Kong in November 1841, the Hong Kong government, in the name of the Queen of England at that time, called the stretch of land from Sheung Wan, Central to Wan Chai the "City of Victoria". Right at the heart of the "City of Victoria" stood the "Government Hill", the centre of local administrative organs. However, military and law-enforcement organs were indispensable to effective colonial rule. Therefore, the area to the East of the "Government Hill", that is, the present Admiralty and its vicinity, was designated as a military zone, equipped with such military facilities as forts, barracks, training grounds and the residence of military officers. The predecessors of the Cotton Tree Drive Marriage Registry and the Museum of Tea Ware, built in 1846, are the oldest surviving European-style buildings in Hong Kong.

To the West of the "Government Hill" was a cluster of judicial and law-enforcement organs, including the Victoria Prison, the former Central Magistracy and Central Police Station, situated at the junction of Arbuthnot Road, Old Bailey Street and Hollywood Road. In 1995, the compound was declared a monument. The "Government Hill", coupled with the military, judicial, and law-enforcement organs as its East and West wings, constituted a well-planned "City of Victoria" when Hong Kong came into being more than 160 years ago.

Through conserving the Government Secretariat compound, we will be able to retain, from far to near, the three-dimensional and comprehensive planning of the old "Government Hill" and "City of Victoria", thereby helping our next generation to get a better understanding of the historical development of the territory. After more than 150 years of colonial rule, Hong Kong was reunified with China in 1997. We should face squarely and preserve the history of this period before we can understand the significance of colonial history and the reunification with China, and truly foster our mainstream nationalism.

Even if we look at it from the angle of economic effectiveness, as stressed by the Liberal Party, the conservation of the "Government Hill" is still necessary. The Hong Kong Tourism Board has made a lot of efforts in exploring a variety of tourist spots. The "Government Hill", in itself a scenic spot reflecting the history of Hong Kong from its colonial era to its reunification with China, features the most important characteristics of Hong Kong, through which overseas tourists can gain glimpses of the historical landscape and the glamour of the olden days. Now that the city of Macao has been included on the UNESCO World Heritage List and successfully attracts more tourists, I think the Government should fully conserve the "City of Victoria", including the "Government Hill". When we visited the Quebec Province, we could see that some old towns were retained there; likewise, there were old towns in Paris, too. The "City of Victoria" can actually be treated as a historical heritage in Hong Kong. Through developing the "Government Hill" as a historical tourist destination, I believe the traces of Hong Kong history can thus be retained and enormous economic benefits generated for the Special Administrative Region.

Hence, we must not merely focus on the land proceeds before us, we have to look at Hong Kong's culture, history, heritage conservation and collective memory. If we can successfully conserve the "Government Hill" and turn it into a cultural hub and a stronghold for historical relics and collective memory, it will be possible to retain the unique spirit and face of Hong Kong as an international city. Although a certain amount of proceeds may be generated to the coffers by demolishing all the buildings and put the land on sale, our historical relics will never come back after the destruction. We can see that many old neighbourhoods in Beijing city have been demolished one after another. After demolition, the historical relics will be gone forever. Like the flow of a river, there is no turning back.

A lot of monuments and relics in Hong Kong have been destroyed as a result of our economic development. Owing to Hong Kong economy's excessive emphasis on property development, many historical relics have been lost. This is a regret beyond rectification. As the saying goes, the past can no longer be changed but the future is still in our grasp. We must not repeat the same mistakes, forget history, and destroy the "Government Hill".

With these remarks, I support the motion.

MISS CHOY SO-YUK (in Cantonese): President, the existing Government Secretariat building in Central was rebuilt after the Second World War. During the British-Hong Kong era, it was home to the offices of Hong Kong Governors, the Executive Council and the Government Secretariat. Although its history is not very long, the building has for a long time been the territory's administrative hub and the centre of power, as well as the spot where political events frequently take place. The East Wing and West Wing of the building have even been ridiculed as "East palace" and "West palace". The real or unreal changes in political power down those corridors are not only intriguing, they have also become an inseparable part of the life of the masses for a very long time. Furthermore, the Government Secretariat is a favourite spot for demonstrations and processions. Other buildings can hardly rival it in terms of the social events witnessed and the rich memory evoked, not to mention the profusion of precious trees around it, besides people and events. In addition to the well-known *Pterocarpus indicus* tree outside the Central Wing, a total of 13 species of trees, including seven *Ficus microcarpa*, three *Ficus virens* var. *sublanceolata*, one *Heteropanax fragrans* and two other *Pterocarpus indicus* trees in the vicinity of the building have already been included in the Register of Old and Valuable Trees compiled by the Leisure and Cultural Services Department.

In conclusion, I will not raise any objection to the idea of conserving the "Government Hill". However, I would like to state several points of principle more clearly here.

First of all, our stand is very clear. We object to sacrificing heritage and monuments for the sake of land proceeds on the ground that the purpose of conserving heritage and monuments is not to bring more proceeds to the coffers, nor the stream of proceeds from commercial projects. At the same time,

however, we understand very well the enormous expenditure incurred by the maintenance of monuments. For instance, it costs the Government \$5 million per annum to maintain the Central Police Station Historical Compound. If we agree that historical compounds have to be self-reliant in the hope that they will not rely on public money on a permanent basis, we might have to accept, to a certain extent, injection of commercial elements to enable cultural heritage to be self-financing.

For this reason, a responsible approach to the conservation of monuments is not to make a clean break between monuments and all commercial elements, but to find a proper balance.

For instance, in the motion debate proposed by me in November 2004 in relation to the conservation of the Central Police Station Compound, despite my strong objection to the sale of monuments by the Government, I urged the Government, at the same time, to award the management right to certain organizations for a specified period in compliance with certain prescribed conditions, including allowing public access to the monuments. At the same time, it must be set out in the tender that proper conservation of the Compound, an overriding factor, will be used to assess whether the management proposals submitted meet the basic standard. These safeguards can not only enable monuments to continue operating, but also thwart any moves to promote commercial projects under the pretext of monument conservation.

Hence, we do not consider the denial by the original motion of all commercial use necessarily the most effective means of heritage conservation. What we consider most crucial is public participation, as repeatedly emphasized in the numerous speeches delivered by me in the past in relation to the conservation of the Central Police Station Compound, the Lantau concept plan, and so on.

Are we not going to build a civil society? Is the preservation of space as far as possible to offer opportunities for full participation by all stakeholders not one of the key notions of building a civil society? Such being the case, the DAB has strong reservations about the "sweeping" mode of development and proposals put forward by the original motion without any consultation and civil participation. However, our reservations do not imply that we object to the proposals espoused in the original motion. Only that we hope to highlight the

importance of public participation. This Council would therefore be somewhat laughable should it take the lead now to impose restrictions without full public discussion and reject the involvement of commercial elements altogether.

For the same reason, we do not object to the original motion's request for the preservation of the Government Secretariat compound. Only that we must, based on public opinion, determine what on the "Government Hill" has to be preserved or to be changed. We must not, relying solely on the opinion of one or two persons, wave our fingers indiscriminately to determine what ought, and ought not, to be done. This rationale is very simple indeed. The Government has often been criticized by Members for apparently having made the final decision when proposing a package of development projects. There is simply no scope for public consultation and discussion. Hence, how can we act like "the pot calling the kettle black" by placing a frame on the project? The DAB is therefore of the view that public participation and consultation is of vital importance.

Actually, the planning of the "Government Hill" can be used as an excellent pilot test in the development of a civil society. The Government should seize this opportunity to open the proposal for public participation and active discussion while the proposal is still being conceived. In the course of doing so, the Government should also collect different opinions with a view to building a consensus for the formulation of a comprehensive development package. Furthermore, in the process of making decisions on development projects, the authorities should give audience to more public voices and follow good advice readily. This is because only in doing so can the Government prevent the public from thinking that the authorities are attempting to bypass fair and open public consultation, determined to develop the "Government Hill" in accordance with its set target.

President, I so submit.

MR PATRICK LAU (in Cantonese): President, in connection with the conservation of the "Government Hill" and the Government Secretariat in Central, I consider it most imperative to look at the importance of urban design from the angle of planning, in addition to the historical value of culture and heritage and the people's collective memory. Furthermore, environmental improvement should be taken seriously as well.

Hong Kong is a city with high density development, with mega skyscrapers springing everywhere in urban areas. Members may probably not aware that, besides commercial sites, sites allocated for Government/Institutional/Community (GIC) use can also be used for high-density development. Hence, low-density buildings, such as the Legislative Council Building, leave the city with more open space, and this is indeed vital to the environment of Central. At present, almost every part of Central — the heart of Hong Kong's CBD — is crowded with skyscrapers. Only the stretch of land from the Government Secretariat, Government House to Zoological and Botanical Gardens in Central can, functioning as a city lung, help alleviate the excessively high-density development, in a way similar to the reservation of more open space along waterfronts to balance the excessively high-density urban areas.

No more open space can be found in the whole of Central should high-rises be built on the site of the Government Secretariat. In doing so, not only will the landscape viewed from a high position at the Mid-Levels and the cityscape be affected, air circulation will be adversely affected as well.

The environmentally-friendly design of HSBC Headquarters makes use of overhead construction to facilitate cross ventilation between surface air and sea breeze from outside Statue Square. The low-density Government Secretariat, on the other hand, enables flowing air to make its way to Government House and the Mid-Levels to facilitate circulation, help lower stiflingly high temperatures and carry away air pollutants.

Should the Government Secretariat be converted to commercial use, and unless only low-density development is permitted according to the Government's plot ratio, high-density construction will destroy the city lung and the circulation system, thus adversely affecting the whole of Central.

Besides the problem with air circulation and landscape, traffic congestion will also worsen. Should the Government Secretariat be demolished for redevelopment as a high-density building, the number of people and vehicles going in and out of the building will certainly be larger than that at present. Not only will traffic congestion worsen and air quality deteriorate, the image of Hong Kong as an international financial hub and Asia's world city will be affected too.

Hence, I consider it necessary to preserve the low-density Government Secretariat. To avoid producing massive construction waste, the building must

not be demolished. Instead, it should be redeveloped in an environmentally-friendly manner (like the conversion by the Architectural Services Department of the Kai Tak passenger terminal into the Electrical and Mechanical Services Department) to, through the concept of supporting environmental protection, enable the old government headquarters to play an even bigger role in functioning as a buffer for the high-density developments in the district.

I also consider it vital to give effect to the geographical advantage of the site because of its ready access by constructing a planning complex there to facilitate public participation and upgrade the efficiency of consultation.

By way of large and small three-dimensional models, the planning complex may display Hong Kong's planning blueprints, outline zoning plans and a variety of planning initiatives for the community so that the public can access more than layout plans. In this way, they can grasp and understand the entire urban design more easily.

Besides, the Government may make use of interactive computer games to arouse public interest in giving immediate responses and more effectively enhance public participation in town planning and efficiency of consultation so as to really achieve the goal of "facilitating urban development". I would like to thank colleagues for supporting my motion last week. I hope they will similarly support the proposal of building the planning complex.

I raise this proposal because the plan to build the planning complex mentioned by me earlier has been scrapped because of the lowering of the plot ratio of the Government's new headquarters at Tamar. It is therefore even more important for a planning complex to be built in the easily accessible Government Secretariat to give effect to its consultative function to achieve the goal of "people-centred" community planning.

In addition to housing the planning complex, the redeveloped Government Secretariat can also be used by government departments in need, particularly those serving the public and yet are handicapped by their remote location and inconvenient access. Given that a five-day work week system has now been implemented, the Government can thus save the money for leasing places outside and provide the public with more convenient services.

President, sound planning is vital to urban development. The preservation of the Government Secretariat in Central can, besides conserving the characteristics of the community and buildings with value, improve the environment, in terms of air quality, landscape and ancillary transport facilities, in compliance with the goal of best urban planning for sustainable development. Therefore, it is essential for the Government to study and seriously consider the proposal of preserving the Government Secretariat and converting part of it into the planning complex. Thank you, President.

MR RONNY TONG (in Cantonese): President, the first thing a person who is moving to another place will contemplate must be the disposal of his old home after the removal. Should it be leased out or sold? Only our Government has never contemplated the use of its old house after removal. Such a government has its pros and cons. Insofar as the cons are concerned, given the absence of a fixed plan, the Government will at least have no excuse not to listen to the opinions of Hong Kong people. As for the pros, the ruling team, led by the Chief Executive, seems to have no planning for all major programmes.

Today, we are not going to discuss whether Mr Donald TSANG or the ruling team led by him has done any planning for the construction of Hong Kong. The subject of our discussion today is the "Government Hill", and the question is "fully conserving the 'Government Hill' ". I would like to raise two questions: First, what are we going to conserve? Second, how should we proceed? If we have no idea of what we are going to conserve, then there is no question of how we should proceed. Here, I would like to say a few words on what is regarded as pretty obvious by many. What we are going to conserve are not merely a few old buildings on the "Government Hill", the demolition of which will generate more wealth for the territory. What we are going to conserve is our history and culture, as well as our past.

Let us examine what the "Government Hill" really is. Like what Mr LEUNG Kwok-hung often did, Mr Alan LEONG used props for demonstration purposes. This was the first time I saw Mr Alan LEONG use props during a debate. I could sense his reasons for doing so, as we are discussing what the "Government Hill" really is. As stated by some colleagues earlier, from the historical angle, the "Government Hill" is not confined to two buildings; it actually refers to the entire compound in the hill, including several buildings with

strong local characteristics. One of these buildings is St. John's Cathedral. The Cathedral is unique in the sense that it is situated on the only lot of free hold in Hong Kong, while all other lands in Hong Kong are leased. The building is the only one of its kind because of its unique historical design and substance.

The second building we will cherish in our memory is the building housing the Court of Final Appeal at present, for the building, with its unique red bricks, is at least the only one of its kind in downtown Hong Kong.

The third one is definitely the Government Secretariat. Although many people question whether it is worthwhile to preserve the building because of its ugly appearance, particularly its black doors, we must bear in mind that the building has witnessed an event rarely seen in the world, namely the handover of sovereignty. It used to be our administrative centre, and its historical value is crucial to us. Some people striving for democracy have a particularly strong attachment to it because all historical processions set off from the square outside the Government Secretariat. How can we let this place go?

Fourth, the "Government Hill" is unique in the sense that it is a green belt covered by old giant trees. There used to be a vast piece of lawn in the Cricket Ground adjacent to the former Bank of China. The lawn has, however, turned into a car park now. Therefore, the "Government Hill" is now the only place in Central where old trees can be found.

How should we proceed if we are to conserve these buildings and the environs? In expressing their views during the discussion on this question today, I believe colleagues did not imply that the Government must listen to the views of this Council, or devise a fixed mode of development. Nor did they suggest what must or must not be built. I do not believe colleagues were hinting that.

What we ask for is not to destroy a place with such a strong historical and cultural flavour. Can Members imagine what it would be like if an 80-storey IFC was built on the site covered by trees, between St. John's Cathedral and the Court of Final Appeal? Or what would it be like if another Cheung Kong Center, or the ugliest building that Hong Kong would be proud of was built there? That would mean a scar in our historical and cultural backdrop. Hence, how should we go about to conserve the "Government Hill"? We hope that conserving the atmosphere and environs of the "Government Hill" can bring

us back the memory of how Hong Kong has developed all the way from a small fishing village into its present state. The "Government Hill" is where we may possibly find traces of the transformation. I believe this is more precious and important than money, or honours that come with any magnificent buildings.

I very much hope the SAR Government or Secretary Michael SUEN can listen to our views here today and refrain from spending enormous sums of money on building a skyscraper of 80 or 90 storeys. What we want is merely some memory of the history and culture passed down from our ancestors. Thank you, President.

MR LEUNG YIU-CHUNG (in Cantonese): President, I felt terribly ashamed when I saw the question of the motion because, first of all, I had never heard of the "Government Hill", even though I have lived to this age. Had I not encountered this question because of the recent discussions, I would not have known what the "Government Hill" is. Furthermore, if not for the map drawn by Mr Alan LEONG, I would have no idea at all of the size of the "Government Hill" and the streets surrounding the site. If not for the history told by Dr YEUNG Sum, I would not have known the historical development of the "Government Hill". I really am ashamed that, as a citizen of Hong Kong, I should have known nothing about all these. I really deserve self-criticism, for I do not have a good understanding of my home, Hong Kong.

For these reasons, I have recently been collecting the histories of regional development written by various District Councils. In addition to my collection, I have also read the history of development of each district, which is written very well too. I would also like to suggest colleagues collect books relating to the 18 District Councils throughout the territory. Actually, the books are all well-written, and a lot of efforts have evidently been made in their production.

President, I have conducted some self-reflection, but I wonder if the Government has done the same? Has the Government made any efforts in promoting Hong Kong's history? Hong Kong is rich in heritage and history. It is my fault that I have failed to read or explore the history introduced by the two Members earlier. However, has the Government made an all-out effort in promoting Hong Kong's history? No. So far, the Government has performed very poorly in heritage conservation.

President, I said so because I have recently seen two poignant cases in two districts. Although my comment may somehow deviate from the subject, I hope you, President, would not mind because it is relevant. Some one-storey houses of more than 200 years old can be found in Ma On Shan Village. Although the 20-odd households residing there once asked the Government whether their houses could be conserved as heritage, the Government has done nothing at all after such a long delay. Because of some recent land developments, the houses were illegally torn down overnight by some unscrupulous property developers with bulldozers. As a result, these houses of more than 200 years old were all gone. Is it not a great pity?

In another incident, the Government indicated in 2000 its intention to renovate Tai O because of its obsolete state. The solution proposed by the Government was to give the unique stilt houses in the fishing village an artificial facelift by replacing all of them with Burmese-style houses.

President, we can see from these two examples that the Government has adopted a totally indifferent attitude towards the conservation of our historical heritage, let it chart its own course. It would be pure luck if our heritage ends up properly preserved by the community. Nothing can be done if the community fails to do so. The situation is similar to the "Government Hill" under discussion today. A number of Members have made a lot of efforts on collecting abundant information to demonstrate to us the historical value of the "Government Hill". Furthermore, the place (whether it be the former or existing Government House or the Chief Executive's Office) has been frequented by members of the public over the past two or three decades — I frequently went there because it was the perfect venue for marches and protests. Despite the people's strong attachment to the buildings, the Government remains unconcerned.

This debate is conducted today because we are worried that the Government will turn a blind eye, or a deaf ear, to the matter and allow the buildings to be developed indiscriminately. Hence, it would be pure luck if the buildings can be preserved, and nothing can be done if they are not. We are greatly disappointed by this attitude of the Government. Despite our disappointment, the community certainly hopes to preserve the buildings. Frankly speaking, we feel a bit sorry for the sponsor of the original motion today, because the motion has come too late. Why should the Government take notice of us if the discussion is conducted now? I guess it would have been

much better if the motion was moved prior to the discussion on the Tamar project. Like fighting for our cause in a most indirect manner, our present discussion does not carry much significance. This is because, as Dr KWOK Ka-ki pointed it out earlier, the Government can do whatever it likes once its objective is achieved. Why should it take care of so many things? Future developments are to be dealt with in the future. Now that the Tamar project has been passed, why should the Government bother about so many things? I guess it would have been much better had some political parties or Members proposed to include this proposal as one of the requirements for endorsing the Tamar project, and we would not have to debate in this manner today. I feel extremely sorry that this requirement has not been included in the motion.

Despite my regret, I hope the Government will not do whatever it likes once its objective is achieved and care about nothing. Earlier in the meeting, a number of Members told us the history of the place to demonstrate its preciousness. The Government should really listen to Members' views. Although it is a bit late for us to raise this question now, it might not be appropriate if we raised it earlier because we would then be taken as holding the Government to ransom. It is not good to hold the Government to ransom, is it? However, sometimes we had to hold the Government to ransom because the Government did not act according to public sentiment, and we were forced to do so. Even if we do not succeed in holding the Government to ransom today, I still hope that the Government will take public opinion seriously. Should such a popular and sentimental place be developed for commercial use, the entire environment will be destroyed.

President, I must still take all the trouble to reiterate that I objected to the Tamar project partially because its problems with transport, environmental pollution, and so on, remained unresolved. The transport, environmental pollution and town planning problems caused by the project will not be ameliorated even with the completion of the Tamar project, alongside with commercial developments. Actually, things would get even worse if the two are to be carried out jointly. I hope the place can be preserved so that the public can continue to look back to the past. As the President and Members should well understand, looking back to the past can enable us to look forward to the future. How can one look forward to the future without memory? I hope the Government can give us a place to hold our memory.

President, I so submit.

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

MRS SELINA CHOW (in Cantonese): President, Mr LEUNG Yiu-chung said he had never heard of the "Government Hill" before. In comparison with him, I should have heard of the "Government Hill" since I grew up in the neighbourhood — I spent my childhood in the vicinity of Wyndham Street, and I am older than he is. Therefore, I should have heard of it, but I really have not heard of it. I am not ashamed of this at all because I think most Hong Kong people have not heard of it either. In fact, we need to clarify what actually does this so-called "Government Hill" consist of? And how should we go about discussing the issue? Of course, if the discussion is about the hill, it should include St. John's Cathedral, the present Court of Final Appeal, Government House, and so on. But such buildings are already monuments, and certainly no one would object to their conservation. In fact, the vast majority of the people will strive for their conservation.

Therefore, after so much has been said, actually the discussion is only relevant to the several government buildings which make up the Government Secretariat, namely, the Main Wing, East Wing and West Wing of the Central Government Offices (CGO) and the Murray Building. In fact, all these buildings were built in the post-war era. The oldest building, the Main Wing of the CGO, was completed as late as 1957, and has a history of only 50 years. According to information provided by the Antiquities and Monuments Office, buildings with historic, cultural and artistic values in Hong Kong can be classified into Grade I, II and III monuments. However, none of the office buildings in the Government Secretariat falls within the scope of these three categories. In other words, they do not have any historic or conservation value at all.

The Liberal Party conducted a sampling survey last week. Over 800 respondents aged 18 or above were asked two questions, including one on whether they would support the conservation of buildings in the Government Secretariat as historic buildings. Instead of listing those monuments, we just asked the question in a general sense to see what the people thought. Besides, we also asked them whether they would support using the site for commercial development. What is the result? It is a case of one third, one third and one third. That is, there are equal numbers of people supporting or opposing or having no opinion about the proposal. In other words, people still have not

participated in any in-depth discussions on the subject, so they have not formed any concrete views. So, their views are rather divergent.

President, let us focus our discussion on these office buildings again. As I have just said, I am referring to the Main Wing, East Wing and West Wing, and so on. It is hard for us to consider them as beautiful architecture. No matter how much coercion is exerted on me, I can never say that they are beautiful. They are in fact plain and, at best, uniform. I have had some discussion with people who know a lot about monuments. They all agreed that these office buildings are not the works of famous architects, and they are not of the Bauhaus style as the Wanchai Market or the Central Market, which would soon be demolished, nor do they possess any other special building styles or historic value. Therefore, we can say that these office buildings have no conservation value at all.

With regard to the site that will be vacated after the relocation of the Government Secretariat, what kind of purposes should it serve in its redevelopment? The Liberal Party thinks that the site should be redeveloped because the Government Secretariat is situated at the heart of Central District and it has tremendous potential for commercial development. Let us take the Grade A office buildings such as the Entertainment Building and 9 Queen's Road Central as examples. The average price per sq ft was \$13,500 last year. In respect of rentals, let us take the case of the Bank of China Tower as an example. Its present monthly rental per sq ft amounts to \$50, which represents an increase of more than 20% over last year. It is expected that, with the further implementation of CEPA, more overseas companies will set up offices in Central. The demand for Grade A offices will become extremely keen, and the supply of land for Grade A office buildings will be increasingly scarce.

President, according to information provided by the Administration Wing, the site of the Government Secretariat occupies a total of 243 000 sq ft — the Main Wing, East Wing and West Wing account for 181 000 sq ft, and the Murray Building 62 000 sq ft. We may do some calculations here: At the existing price level of Grade A office buildings, the site can be developed with a plot ratio of 15. In other words, the site should be able to reap as much as \$25 billion in an open auction, whereas the Murray Building could bring in an additional public revenue of more than \$8.5 billion. So the two sites can yield a total of \$33.5 billion. In comparison with the \$5.2 billion required for the

construction of the Tamar development, the two sites are really valuable — they are worth six times as much as the costs of the Tamar project. With such a handsome land revenue, it will greatly relieve the Government's pressure for introducing tax increases because, after all, this is an income of the Treasury. As a matter of fact, the Government has undertaken to conduct an open consultation after the site has been vacated upon the relocation of the Government Secretariat. We absolutely oppose designating it for non-commercial purposes before any public consultation has been conducted as this will limit the public revenue that can be generated for the benefit of the Treasury, which is also the income of us, the people of Hong Kong.

With regard to the proposal of using the Government Secretariat as museum, Mr Tommy CHEUNG will speak in greater depth on the subject because he has had some relevant discussions with certain experts. From my personal point of view, for a nine-storey office building with no architectural value, no special design for managing visitor traffic or any sorts of facilities, I believe it is not sensible at all to turn it into a museum.

Regarding the claim that the Government Secretariat constitutes a part of the collective memory of the Hong Kong community, I believe most Hong Kong people will have some impression of the Government Secretariat. However, what is the most impressive part of that memory? It is that leafy and giant *Pterocarpus indicus*. There are few such valuable and old trees that have a history of over 100 years. Therefore, we agree that conservation efforts should be made to take care of this famous old tree as well as other trees on the hill. However, we oppose freezing up the entire hill and banning all kinds of development there.

Thank you, President.

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

MR ALBERT CHAN (in Cantonese): President, I thought Mr Tommy CHEUNG would speak after Mrs Selina CHOW had finished delivering her speech. But maybe he wishes to speak only after all the other Members have spoken.

President, many Members have spoken on the artistic and historical value of the buildings on the "Government Hill". Examining them purely from the architectural angle, we can say that they do not offer much historical value. However, they do carry certain value from the perspectives of colonial governance, or the post-reunification era, or the history of government, in particular, those people used to work there. The same reasoning also applies to the Red Mansion when we consider it as the one-time residence of Dr SUN Yat-sen. Therefore, sometimes we should assess the value from many different aspects.

If we intend to conserve the entire "Government Hill", then conceptually we should not rule out the idea completely. However, in handling such a significant lot, such a large piece of land, we must protect or conserve it comprehensively, and this must entail full analysis and planning. The area of the "Government Hill" covers the land lots West of Garden Road, surrounded by Lower Albert Road, Ice House Street and Battery Path. It is indeed the focus of the Central District. The entire Hong Kong or the entire Central District has been gradually developed around this land lot, and subsequently the development extended outwards with the reclamations at the waterfront. In fact, the most valuable and most prestigious building with the greatest historical charisma within this area is not any government building, but St. John's Cathedral. Many of our top officials and Members often go and worship at the Cathedral.

As for the remaining buildings, many were built between the '40s and '60s with an architectural style that can be described as monotonous and there is very little element of design. And some of the buildings, particularly the West Wing of the CGO, have the extremely monotonous design that obstructs the free flow of air and sunshine into the streets of Central. Therefore, if it is suggested that the West Wing be conserved, I shall raise my objection. I would prefer to demolish it.

Regarding the cluster of government buildings, in particular, the Main Wing and that tree we love so much when we hold our demonstrations there, it is not necessary for the Democratic Party to move the motion and still the Government cannot fell the tree because there are separate policies protecting such old trees in Central. So regardless of whether we protect the "Government Hill", those trees will not be felled. Even as rich and powerful as the Hong

Kong Jockey Club, it had to spend over \$1 million on relocating a tree when it launched the redevelopment project in Happy Valley. Same for the influential Bank of China, it could not remove the two trees in front of it when the new Bank of China Tower was built. Therefore, I feel that the chances for the Government uprooting those trees are very slim.

However, if it is proposed that the existing cluster of government buildings be developed into some commercial buildings, I would definitely oppose it. It is because the entire Central District is already too congested under the current planning. I do not care how many tens of billion dollars are involved. In fact, the suggestion that tens of billion dollars of public revenue will go down the drain is pure nonsense. It is because if such a demand for commercial buildings is not satisfied by buildings constructed on the site of the "Government Hill", it will still be automatically satisfied by replacement projects in other areas. Such a change may not cause any additional loss to the General Revenue of the Government. Even if the Government cannot secure certain land proceeds from lot A, it will automatically secure them from lot B. Even if it cannot secure the proceeds from lot B, it will eventually be able to recoup them from the combined revenue generated by lots C and D, which can also satisfy the demand somehow. If such a demand does exist in the market, the Government will automatically get such a price, right? Therefore, if the Government cannot reap the revenue from a certain lot, it does not mean that the Government has lost the revenue altogether. Therefore, if someone uses such a logic to say that we cannot oppose the proposal of using the site for commercial purposes, I cannot agree to such logic. If so, then we can say that we should do away with the Hong Kong Stadium, and we can also do away with the race courses. Will we not be much richer if we can use all such sites for constructing commercial buildings? Why should we let the Jockey Club occupy so much land for two clubhouses? And why should we build the Hong Kong Stadium? Why do we not abandon the plan of building a stadium in Southeast Kowloon? If a stadium is built in Southeast Kowloon, will it not mean an even bigger loss of public revenue? Therefore, this sort of selective logic is really nonsensical.

However, I support the idea of conserving the "Government Hill" buildings for certain purposes, particularly for constructing a "TUNG Chee-hwa Eight-Year Catastrophe Museum", as suggested by me before. It should be "eight", not "hundred", though the two Chinese characters of "八" (eight) and "百" (hundred) do have similar pronunciations. In some of the press reports,

"TUNG Chee-hwa's hundred-year catastrophe" was mentioned. But even though he was "bad", his impact would not last as long as 100 years. President, he had assumed the top post for only eight years. Perhaps my Cantonese pronunciation was not very accurate, thus making the journalists mistake it as a "hundred-years' catastrophe". This is unfair to him. The "catastrophe" caused by him did not last that long.

However, if, for instance, a "Hundred-Year Colonial Museum" and a "TUNG Chee-hwa Eight-Year Catastrophe Museum" or a Reunification Museum are constructed on the "Government Hill", I think it will be very meaningful. This is because many former Governors or serving senior officials used to work here. If we take a retrospective look at history, it would serve a very similar function to that of the Red Mansion in Tuen Mun. I once also insisted on developing the Red Mansion in Tuen Mun into a museum. I feel that the two ideas do share some similarities.

President, finally, I would like to mention one point. Many people attach great significance to the conservation of monuments and our history. I really hope that the Secretary can show his concern in this aspect. Recently, a very significant building in Tsuen Wan, the Dragon Garden, has come into the limelight. A contract involving it will be signed on 10 July. President, I just mention it in passing. It is about the conservation of historical monuments. After the contract is signed on 10 July, we shall encounter much greater difficulties if we want to protect it. I think people from different sectors of society should be concerned about the conservation of not only the Government Secretariat. Instead, there are many other buildings with historical and cultural characteristics in society, such as the Dragon Garden. I hope the Secretary and Honourable Members can show greater concern about this, so that buildings with even stronger characteristics than those of the Government Secretariat can be conserved as well.

Thank you, President.

MR TOMMY CHEUNG (in Cantonese): Madam President, in the motion under discussion today, one of the proposals is to preserve some of the offices of the Government Secretariat and convert them into a museum. However, the Liberal Party thinks that this is impractical and not feasible at all.

According to experts in the field of museums, a museum must have its own theme. After deciding on a theme, a museum must have large quantities of exhibits and abundant collections of art works for display. Any institute must first satisfy this criterion before it can become a real museum. However, allow me to ask one question: Our Government Secretariat has only a history of less than 50 years, what kind of items can we display? Besides, many historical items that have some connection with the colonial era are already displayed in the Hong Kong Museum of History. For our SAR Government, it has only a history of about 10 years; so do we have enough precious items for display? Many significant art museums in the world usually have a sufficient quantity of valuable masterpieces before they are established, and the availability of such masterpieces is essential to attracting sufficient visitors to the museums. In the discussion on the West Kowloon Cultural District, the Hong Kong Curators Association had presented a submission which categorically pointed out that the availability of collections of art works for display is the most significant factor for establishing museums.

However, if you have visited some of the top museums in the world, such as the Centre Pompidou in Paris and Guggenheim Museum Bilbao, you will find that, apart from the attraction of their hardware, such museums also have very unique requirements in their software, such as the designs of supplementary education facilities like exhibition halls, art works repair workshops, art works storages, logistics and transport arrangements, visitor flow control, workshops, presentation halls, as well as environmental controls, security, lightings, fire-protection installations, public address systems, ground and wall finishings, drainage systems, slab load capacity, zoning arrangements, streaming of visitors, and so on. All these call for the input of enormous resources, talents and public funds before a museum can operate successfully. Naturally we would ask this question: Do we have the conditions for converting the Government Secretariat into a museum?

The several office buildings in the Government Secretariat were originally designed for use as offices only, and they have been in use for some 40 or 50 years. It is doubtful even on the question of whether it can be converted into modern offices. If we act arbitrarily to convert them into a museum, it will just end up becoming a laughing stock of the world, and it is even doubtful whether the public is interested in visiting it at all. Such a museum will be neither fish nor fowl. It is simply like altering a shirt into a pair of trousers. Ultimately, it will do no good to anybody, apart from wasting all the resources on a worthless cause.

When Mr Albert CHAN delivered his speech, he said the loss of tens of billions of dollars in using this site as a museum or other purposes could be recouped through other channels. I really fail to understand this point. In this regard, the only example I can think of is Central Park in New York. At that time, someone gave away this piece of land to the Government, but actually all the land surrounding this park belonged to this person. So consequently, the value of the land surrounding the Central Park rose substantially. I believe if the Government Secretariat site is converted into a very beautiful park, the value of the land surrounding it will also soar significantly. But, unfortunately, the land surrounding the Government Secretariat has all been sold. The Government will never be able to reap any revenue in this process.

However, the construction of some large stadiums or museums in West Kowloon or other districts will have very different implications. It would trigger a substantial rise in the values of commercial buildings in the surrounding areas. Therefore, I was really perplexed to hear Mr Albert CHAN say that the suggestions would not lead to a loss of revenue of several tens of billions of dollars and that such loss could be recouped through other channels. Unfortunately, he is not in the Chamber now. So perhaps I shall have to find another opportunity to talk to him about this.

However, Madam President, insofar as this issue is concerned, I think the suggestion of converting this place into a museum is really impractical. I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, there are many vehicles passing through Queen's Road Central and Des Voeux Road Central. The air is very stuffy there because tall buildings are lining the two sides of the streets, thus trapping the exhaust air there without any outlet. Very often, when we walk past the area, we would quicken our pace and cover our noses with our hands. After checking the information of the Environmental Protection Department, we found that the air pollution index (API) in Central District is usually very high. In the first quarter of the year, there were 1 750 hours of high API and 120 hours of very high API. Although the second quarter saw some improvement, over 1 000 hours of high API were still recorded.

Although it is very stuffy in the core area of Central, if we walk up Battery Path, we can enjoy some tranquil environment with greeneries and trees. You will find the air very fresh and relaxing there. Next coming into our sight are some very beautiful buildings. For example, the red-brick building is the Court of Final Appeal. Walking further up the slope, we can see St. John's Cathedral, and if we keep walking, we shall arrive at the East, West and Main Wings of the Government Secretariat. The buildings in this area are scattered, instead of being closely packed together. And they are by no means tall buildings. That is why we can enjoy the sight of the leafy trees surrounding the area and such an environment facilitates good air circulation, thus making the air particularly refreshing.

This area can be described as the city lung of the hectic Central District. If these buildings are demolished and replaced with tall buildings, I will find it a great pity. Regarding such a significant site, it is really necessary to preserve it as many tall buildings have already been built in all the surrounding areas. If this city lung is gone..... Sometimes, when I am very busy, I would like to take a break and walk out of the Citibank Tower. I like to take a walk down this area because there are trees and plants and the air is fresh. I would feel relaxed and refreshed. If tall buildings are constructed here in future, it will just become another area filled with exhaust air. That way, Hong Kong will never become the hub of Asia Pacific or a financial centre.

Perhaps some may ask, "Is there not the Hong Kong Park in the area between Central and Admiralty?" However, it is the city lung of that district. To us, we do need more such city lungs. I feel that, when these people are asking this question, their underlying thought could be: Why do we not put up more tall buildings, and generate more revenue from the sales of land? I believe many property developers are thinking this way.

Yes, the land prices in Central are really very high. But I feel that even if the Government Secretariat site is really so expensive, we should not sell it. The Government may make less money, and property developers may lose an opportunity to launch a large development project. However, in the process of such a transaction, if it really materializes, some kind of losses or wastage could be incurred, such as our physical health. It is because this is the place where we could otherwise relax ourselves. In this regard, I think the Government needs to make an assessment of the pros and cons.

Earlier on, Mr Tommy CHEUNG mentions Central Park in New York. In fact, I had also wanted to mention this place. When I visited New York, I was very surprised upon seeing this park. Situated in the centre of Manhattan, this world-renowned park occupies some 340 hectares, being the largest park in the United States. The citizens of New York would not say that the Government should remove this park and build skyscrapers on it instead. How large is this place? It is more than 300 hectares, which is nearly equivalent to the size of the entire South East Kowloon Development. However, I do not think the New York citizens have changed their minds in this aspect.

There are zoos and a museum in the Park. As the Park has plenty of space, so many diversified art exhibitions and photo exhibitions, and so on, are held. I think that, insofar as the busy New Yorkers are concerned, the Park makes them very happy. For example, when they go there, they would find it a very good place for taking a rest or a break. I have asked this question: Would it not be a great waste to use such a spacious, beautiful and expensive site in Manhattan as a park? But now I feel that, with regard to the so-called "waste", we should have the magnanimity of mind to accept it.

Madam President, the environment in the area surrounding the Government Secretariat is very beautiful. To people like me who have participated in many social campaigns, it is also a place full of fond memories. Since the '70s, I have led many demonstrations to fight for the rights of women and workers, the universal retirement protection scheme and the minimum wage. During all these processes, this place carried lots of our collective memories. In this connection, though we had the experience of success, we also had moments of failure. Yet, we all had very memorable impressions and experience here. In particular, regarding the Pterocarpus indicus which is situated between the Main and West Wings, I like it very much. Sometimes when we led the demonstrations to the Government Secretariat, we might feel exhausted. Then we would usually take a rest and chat under the tree. It just made us feel good.

The Government Secretariat is the colonial power centre. It carries the history of governance during the past century. The other buildings are sort of specific symbols. I hope the Government would also find it necessary to preserve such a collective memory for us. It symbolizes that Hong Kong had

once been governed by the British, and it had also recorded the happenings during the reunification, and it was in essence a landmark of the reunification of Hong Kong with China. It is Hong Kong history. Why should it be demolished so easily? Where else can we find the historical traces of the past hundred years? For the sake of history, and for the sake of the people's collective memory, and for the sake of leaving some empty space in Central, I agree that we should conserve the buildings and trees and plants in the area of the Government Secretariat. I very much agree to conserving these buildings, regardless of whether they will be used as museums or any other cultural and conservation purposes. However, I think it is still necessary for the issue to be discussed by the public. I think this is also very important. With regard to how the buildings should be used for the new purposes, I think we can all take part in such a discussion.

However, I find certain wordings used in Mr Fred LI's original motion as well as Mr Alan LEONG's amendment a bit puzzling, that is, "not to develop the compound for commercial use". Fred LI, I had once thought of proposing an amendment to your motion. However, since I thought the original intention of your motion was good, so I did not propose any amendment. However, I would like to ask a question: In case we from the non-profit-making organizations wish to make use of the place for assisting some NGOs, will the authorities allow them to operate some commercial activities there? This is exactly the kind of situations encountered by us in the past. I recall that some painters had once been allowed to sell their own works in the Red House in Tsim Sha Tsui. However, later on, the Government said that it was a venue belonging to the Urban Council, so it could not be used for selling paintings anymore. Some difficulties do exist under such situations. With regard to such situations, I had personally experienced something quite similar. The Government had once charged a nominal rent of \$1 to enable the unemployed to start their business in the Dragon Market.

However, what I want to say is, we have done some hard thinking on how we should vote. I feel that, as I have said just now, this is exactly why we have said that the issue should be left to future discussions. Conserve the site now, this is important. With regard to how it should be used, we may discuss it in further details in future. Because of this reason, I am sorry, my two Honourable colleagues, the three votes of the FTU will be cast as abstentions.

Madam President, I would like to reiterate that, in my opinion, with such a beautiful piece of land before us, we need to treat it like a traditional Chinese painting. In the art of traditional Chinese paintings, there is a very significant technique, namely, the provision of some empty space in a painting. It is not necessary to fill up all the space in a traditional Chinese painting. Likewise, we must have the magnanimity of mind to leave some empty space, to let us conserve the "Government Hill" in Central, so that we can enjoy more space, more air ventilation, more places for relaxation and more room for us to move around in lunch time. I very much hope that Honourable colleagues who are present can share this concept. Selling land is not everything. I very much hope that this place can be preserved. We have decided to abstain from voting because the wordings of the amendments have gone too far. That explains why we have made this decision.

I so submit. Thank you, Madam President.

MR LEUNG KWOK-HUNG (in Cantonese): When I first read the heading of this motion, I thought it requested us to fully protect the Government (though I found this very weird) due to the existence of the word "Hill" in it. If the word "Hill" is deleted, then it would mean exactly that way.

In fact, I find this most ridiculous. First of all, if the Urban Council was not scrapped, such an issue could be discussed in a more systematic manner and at a more appropriate level. And we do not have to table all kinds of everything, trivial or otherwise, for discussion in this Council. Now, it is exactly because the Urban Council has been scrapped that we have to put all kinds of issues to this Council for discussion. I do not know whether it is because there are not enough subjects for discussion in this Council or because everyone thinks that all kinds of issues must be discussed by the Legislative Council. In fact, will it not be more appropriate if the discussion in the Legislative Council can be conducted only at the final stage of the respective issues? In other words, an issue will be discussed in the Legislative Council only when the Government makes a funding application to the Council and then we can either approve or reject such an application.

Now, both the District Councils and the non-government organizations have not expressed their opinions fully on this issue. In fact, I find this very baffling: In the meetings of the Finance Committee of the Legislative Council,

we had said that we must protect the harbour as well as the environment in the Central. However, the justifications presented at that time cannot be applied to the cause of conserving the "Government Hill". I always feel that when we act in whatever issues, we must be consistent. If we want to improve the environment of Central District or even Hong Kong as a whole, we must act consistently. We should not insist on protecting the hill now, and then on another occasion you say that the harbour is more important. We cannot act like the abstract atmosphere of traditional Chinese paintings: Sometimes you see the mountains, but actually there is not any; and sometimes you do not see any mountains, but the mountains are actually there.

In fact, for most of the Honourable colleagues, we have been dealing with the Government all the time. No matter we are mediating some disputes or negotiating certain terms with the Government in exchange for certain conditions, we should still be responsible to Hong Kong people — of course, I am not saying that we must always act in a specific way in all kinds of negotiations with the Government. This would be very difficult. Therefore, sometimes when I was invited to give talks to some secondary schools, I would be asked, "Why do you Members refrain from protecting the Victoria Harbour? And why do you sometimes strive to protect the 'Government Hill'?" I do not know how I should react. Both the hills and the waters are parts of the environment, right? Constructing the Government Secretariat at Tamar will brought about serious bad consequences in various aspects such as transport and air circulation. Why have we not raised the subject of conserving the "Government Hill" until now? I really find this weird.

I have also said that I can stake my head on the bet that LI Ka-shing will buy the "Government Hill" once the Government Secretariat has been relocated to Tamar. Not only will he buy it, he will also buy from No. 1 to No.11, even up to where our offices are now situated. I can tell you, by then, the people will plead to Mr LI, "If it is not possible to protect the 'Government Hill', then please protect the *Pterocarpus indicus*." By then, he will become a philanthropist who has done you some favour.

On this issue, from my own point of view, I often heard people say that when land is available, sell it and reap money from it, then everything will be fine. I have many friends who come from overseas countries. When they are in Hong Kong, they often make the wrong guesses about buildings here. I

would point at a certain building and ask them what it is or ask them, "What is that magnificent building?" Normally, all those buildings in Central look very grand and magnificent, looking very powerful. They are towering like "city penises", as they are sometimes vulgarly referred to. All those tall buildings are something like that. It is exactly such buildings that have caused air pollution and made Central full of problems. Therefore, it simply does not serve any purpose for us to say that if it is not possible to protect the "Government Hill", then let us protect the tree.

Among Honourable colleagues, many hold that property developments are most significant. But we should also see if other countries also rely on property developments to prosper. Not necessarily so. Let us take Finland as an example. Its prosperity does not depend on the speculative activities in the property market. Instead, it has its mobile telephone manufacturing industry, which also enables the national economy to prosper. Here in Hong Kong, we still rely on the property sector as the mainstay of our economy. The property sector enables our bankers to make money and enlivens our stock market. But if we go on this way, not only will our environment be polluted, but also the development of our economy will be distorted. Therefore, I really do not know how I should vote — that ultimately whether I should support selling or conserving the "Government Hill", or none of the two options.

My viewpoint is very simple: If the Government really has vision, it should, like many colleagues have said, conduct a large-scale discussion on the planning of Central, the planning of Hong Kong Island or even the planning of the whole territory. We have witnessed the development process of the West Kowloon project. It caused a great fuss. But why do we have to pass proposals on other issues within a very short time? So, on this discussion on the "Government Hill", I can see the arts of making political deals and political compromises. Or to a certain extent, you may say that these are dirty dealings.

I feel that on the issue of the "Government Hill", Honourable colleagues in the Legislative Council are not really doing justice to Hong Kong people, that is, how the planning of Hong Kong should be implemented. If we do not straighten this up, we shall just be sitting here every day, and we can only answer "yes" or "no" when the Government tells us to act on certain issues. This is how a primary school pupil would act. I hope later on when I vote, my random choice would be supporting Mr Fred LI. Thank you.

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

MR LEE WING-TAT (in Cantonese): President, just now many Members have expressed their opinions on the issue of the "Government Hill". I would like to respond to certain viewpoints.

Mrs Selina CHOW of the Liberal Party thinks that those buildings are not very beautiful but the site is expensive. I do not think the high value of land is a good reason because most of the lands in Central are expensive, such as the sites of Charter Garden and Statue Square, and also the vacant site in Central Reclamation Phase III, which is currently under planning, are all very expensive. Since we can buy land anywhere that would also carry the value of tens of billions of dollars, I do not think the high value of land is a good reason.

Is that government building very beautiful? People's views differ. I do not mean to be disrespectful, but neither the Golden Bauhinia Square nor the Reunification Monument looks splendid to me. Does that mean we should demolish both of them? Many compatriots from the Mainland and Hong Kong residents take pictures there in order to show that they have visited Hong Kong. To them, it seems the purpose of coming to Hong Kong is merely to take pictures in the Golden Bauhinia Square or on the Peak. Thus, I do not think these are very good reasons.

As Mr Patrick LAU said, we must first look at it from a planning perspective. When I have meetings in Central, I will sometimes go out to have a walk because staying in conference rooms for too long is not very good. This afternoon, when I went out to buy a sandwich for myself, I felt pity for the "white-collars" in Hong Kong. Though they can make quite some money, they cannot even find a place to sit down to have their sandwiches. Eventually, I had to return to the office to enjoy my sandwich. Sometimes when I pass by Statue Square or Charter Garden at around 1.00 pm, I often see office ladies and gentlemen sitting side-by-side with lunch boxes or sandwiches in their hands. There are less and less places now in Central where people can sit down for lunch, take some fresh air or take a walk leisurely, let alone having a Central Park as suggested by Miss CHAN Yuen-han. Therefore, I agree with Mr Patrick LAU that the issue is not only about the building itself. Instead, it is actually an issue about whether it is necessary to conserve it from a planning perspective.

The Democratic Party always considers that collective memory is very important. A lot of people have participated in social campaigns and other events in this place. As a result, they find a purpose in its conservation. We certainly understand that the Antiquities and Monuments Office has its own definitions of historical buildings under Grade I, II and III. Although I am not very experienced in this area, I do not think we should be so mechanical in adhering to this grading method. Sometimes it is not very appropriate to evaluate the grading simply based on vintage or architectural value. The significance of "collective memory" mentioned by us transcends these criteria. I think Hong Kong people would strongly support our idea. In fact, not only the general public, but civil servants and senior government officials must also have lots of memory of the "Government Hill" and its environs.

Mr Tommy CHEUNG mentioned whether it is appropriate to build a museum here. Actually, as we all know, many museums in the world are not purpose-built. In other words, they are not built with a specific purpose. Many museums in other countries are the residences of certain historic celebrities. I once visited a museum which was previously the residence of Picasso in Spain. It was actually a place where he used to live except that his bed was now removed while his works were displayed on the walls and along the corridors. It was not built to be a museum, that is, it was not purpose-built. So why should it be made a museum? Because it has unique value.

Now, it is proposed to build the Government Secretariat or a museum there for the general public because it had witnessed a very long history of Hong Kong. Thus, whether that area can accommodate the construction of such a building or whether funding is enough for establishing the museum is unimportant. We have historical relics from TUNG Chee-hwa's eight years catastrophe, as well as a lot of buildings constructed in the colonial era. I believe we have enough items for display to Hong Kong people as well as tourists from overseas. The historical development of Hong Kong is in fact quite useful. In this regard, such exhibits are not available in any other museums. In fact, why do we often say that Hong Kong people do not have a good understanding of our history? To some extent, it is because we do not have such a museum.

Finally, I disagree with Miss CHAN Yuen-han when she said that she would abstain from voting on Mr Fred LI's motion. In Chinese idioms, we

have a saying that mentions "the passion of Mr YE, the fake dragon lover" (葉公好龍)¹. What does that mean? It means something is quite nice, but it is not the best. Since it is not the best, so I do not like it. Miss CHAN actually has the opportunity to propose an amendment, but she chose not to.

Indeed, Members should have realized from our speeches that, when Mr Fred LI or the Democratic Party proposed "not to develop the compound for commercial use" in the motion, the main reason is not to allow the site to be used for property development, or not to sell the building to property developers or the business sector. On the other hand, we do not object to the idea of letting community organizations to run businesses, say, a café. We hope our friends in the FTU would not use this as an excuse to abstain from voting because we all know that abstention is equivalent to opposition here.

I know that the Government is vigorously lobbying political parties in the Council on this issue. It goes without saying that the Liberal Party will oppose the motion, so will The Alliance. Since the DAB has proposed an amendment, they of course will not support Mr LI's motion. Even the FTU had been lobbied. While every one of us should voice our own ideas, I do not think we should abstain from voting on the surface, but are actually opposing the motion simply because of some minor difference in our opinions. If we have the courage to conserve the "Government Hill", we should not allow ourselves to be successfully lobbied by the Government at this stage, thereby resulting in both the original motion and two amendments being negated. Thank you, President.

MS AUDREY EU (in Cantonese): President, the conservation of the "Government Hill", the subject of today's debate, should have been discussed alongside the discussion on the new Government Secretariat at Tamar. Unlike how Mr LEUNG Yiu-chung described it, we are not using this to hold the Government at ransom. Instead, the two issues are actually closely related. While scrutinizing the funding application for \$5.2 million, Members were in the "most favourable" position to bargain with the Government. It was at that moment that they really stood a bit of the chance of getting what they wanted.

¹ The idiom originated from a legend: Once upon a time, a person called YE Zigao always claimed to have a strong love for dragons. The images and patterns of dragon were used on all kinds of his personal belongings and ornaments in his home. The real dragon in heaven was so impressed that it actually descended to his home to pay him a visit. Upon seeing the real dragon, Mr YE forgot his proclaimed passion, but was so scared that he fled like hell. The idiom was used to describe someone whose proclaimed conviction is fake and he is not consistent in his words and deeds.

After the funding allocation of \$5.2 billion had been approved, discussing the conservation of the "Government Hill" with the Government is like, as Dr KWOK Ka-ki put it in a Cantonese expression, "He who has crossed the river has already become a celestial being", meaning that they simply couldn't care less about what we say now after succeeding in deceiving us. Or as Mr Ronny TONG described the case by using another Cantonese common saying on the day when the discussion on the funding allocation was held, "We have a hard time bargaining over a dog which has been beaten to death" (meaning that when the situation at Tamar has become a *fait accompli*, the Government is enjoying an absolute advantage in any negotiation on the "Government Hill").

When Mrs Selina CHOW delivered her speech just now, she said although she used to live in the district, she had never heard of the term "Government Hill". She is a member of the Executive Council, yet even she has never heard of the term "Government Hill", that is enough proof that we really need a museum for the purpose of conserving the "Government Hill". In fact, she does not need to look it up in historical records, if she has listened to the speech delivered by Mr Alan LEONG of the Civic Party. Illustrating with the help of a map, Mr LEONG pointed out that the history of the "Government Hill" could be dated back to 1841, when the British forces took over Hong Kong. At that time, the hill surrounded by Garden Road, Upper Albert Road, Glenealy, Ice House Street and Battery Path was zoned as the centre of administration and governance and the area was named the "Government Hill" at that time. Buildings like St. John's Cathedral, the Government Secretariat, Government House, the French Mission Building and the Bishop's House were built on the hill. More than a hundred years have passed. Since 1841, these landmark buildings are still perching on the "Government Hill" in pretty good shape.

Mrs Selina CHOW said in her speech just now that the Government Secretariat built on the "Government Hill" was in fact very ugly, and there was nothing special about it. Her remark reminds me of an observation made by Prof LUNG Ying-tai. When delivering a talk in Hong Kong, Prof LUNG remarked that government buildings in many countries actually looked very unassuming, and this characteristic can also be found in the existing Government Secretariat. On that occasion, Prof LUNG asked: Why would the SAR Government choose to build high-rise buildings on a prime site along the waterfront to house the Government Secretariat? She said these were things only autocratic and domineering governments would do. This explains why the colonial Government Secretariat would have taken on this unassuming look and a low-profile architectural style.

The buildings themselves may not be attractive, but their historical values are evident enough. Anybody who takes a walk on the "Government Hill" will see camera-carrying visitors cruising around Battery Path, the Court of Final Appeal, St. John's Cathedral as well as the Government Secretariat. It used to be even prettier, but with the installation of fences, the security has been tightened. The public can now approach it only when they have to submit their petitions on occasions like the mass demonstrations on 1 July or other large-scale demonstrations.

Speaking of demonstrations, the original motion also mentions that the open area outside the Main Wing of the Government Secretariat has witnessed the development of social campaigns in Hong Kong. In fact, it is not just that particular open area or that particular Pterocarpus indicus. Even the ramp on which people walk up Battery Path represents a significant collective memory. However, when discussions on the Tamar project were underway, the Government only undertook to conserve one particular Pterocarpus indicus.

Actually, apart from being an historical area with rare monuments, the "Government Hill" also offers a tranquil public area that is hard to come by in Central. In this regard, I share the views of Miss CHAN Yuen-han. If the Government Secretariat is demolished and the site used for other purposes, then high-density commercial blocks or shopping arcades will be erected adjacent to the Court of Final Appeal and St. John's Cathedral, both of which have been declared monuments; it would be an environment that is highly incompatible with these two historic monuments.

The speeches made by Liberal Party members Mrs Selina CHOW and Mr Tommy CHEUNG were telling us just one thing, that is, money. According to them, the Government Secretariat site is worth \$25 billion, and the Murray Building site is worth \$8.5 billion. So altogether, they are worth \$33.5 billion. I also strongly agree with Mr LEE Wing-tat in saying that there are many pieces of valuable land in Central, but is it only money that matters to Hong Kong? What is the meaning to us when old buildings are demolished and new high-rise buildings are built?

When people walk past Queen's Road Central, that is, the area in Central right below the Government Secretariat, everybody must have their noses covered up. The section of Queen's Road Central from Cheung Kong Center to Entertainment Building in particular is always laden with heavy traffic, in

addition to all the emissions from the buses. The completion of the Mandarin Oriental Hotel has also brought along many taxis and vehicles to the area, resulting in even more serious traffic congestion. In her speech just now, Miss CHAN Yuen-han mentioned that the number of hours recorded with excessive air pollution had exceeded 1 000 hours. Actually I also want to point out that, according to the data collected from roadside air quality monitoring stations located in Central, excessive concentration of air pollutants including nitrogen dioxide and suspended particulates has been recorded for six years in a row. The road junction at Queen's Road Central and Pedder Street is described by researchers as the "Death Junction" of air pollution. If an additional \$30 billion is spent on the construction of high-rise buildings on the Government Secretariat site, it would certainly aggravate the problems of traffic congestion and air pollution.

This morning, I raised a question in connection with the Central Reclamation Phase III. The reply from Secretary Michael SUEN was circumventing. He failed to tell us why it was necessary to build shopping arcades and office blocks with a gross area of 190 000 sq m after the reclamation project was completed. The Government is forever deceiving us. They keep telling us that there is traffic congestion and therefore we need to carry out reclamation for construction of roads and high-rise buildings, and so on, and the need for reclamation always keeps coming back. What I really do not understand, President, is why Members of this Council keep endorsing these proposals each and every time. Therefore, I really hope that Miss CHAN Yuen-han would take note of my words. Let not the minor divergent views be the obstacles — of course I agree with her on having some commercial activities undertaken by charitable organizations — since she agrees with the motion in spirit, and since she can agree with so many viewpoints, I hope colleagues from the FTU can consider changing their voting decision.

Thank you, President.

DR RAYMOND HO (in Cantonese): Madam President, last month, in a Finance Committee meeting, a funding allocation of \$5.2 billion was passed with a majority vote of 40 to 10. The allocation is earmarked for financing the construction of the Government Secretariat and the Legislative Council Building on the Tamar site. It is expected that the construction project would be

completed by 2010. As the Government Secretariat will soon be relocated to the Tamar site, the problem pending resolution is how the present Government Secretariat site on the "Government Hill" should be used in future. People from different sectors of society are all very concerned about this and thus have expressed their viewpoints on this issue.

In recent years, the people have become increasingly concerned about the conservation of historical relics. Be they the cluster of buildings in the Central Police Station, or some old trees or ancient walls, or even the "Government Hill" at which the present Government Secretariat is situated, recently they have all become the subject matters of heritage conservation which the civil society is so concerned about. In a city with such acute shortage of land like Hong Kong, conflicts do arise between the conservation of historical buildings and the progress of development. With regard to the sites of some existing old buildings, if the plot ratio and the development potentials have not been tapped fully, it is in fact not cost-effective in terms of utilization of land resources. Therefore, it has become necessary for some old buildings to be redeveloped, and the launch of redevelopments will also facilitate the creation of good environs on the sites.

The present old Government Secretariat has a history of some 40 or 50 years. It is subject to certain limitations in terms of both facilities and space. In addition, the old conditions of the buildings incur enormous maintenance costs annually. With regard to the Central Government Offices, due to the structural limitations involved, it would be extremely difficult or even impossible or too expensive thus not cost-effective to convert them into modern buildings. Besides, it would be doubly difficult for the provision of intelligent systems like information technology systems, computer systems and electricity supply systems, and so on.

In recent years, the rentals of Grade A office buildings have consistently stayed at a high level. This would undoubtedly undermine Hong Kong's attraction to international investors who might otherwise be interested in setting up their respective headquarters here. Foreign investors view Hong Kong as the springboard for launching business operations in the Mainland. If the rents of offices in Hong Kong are too expensive or the supply of offices is stretched, foreign enterprises will definitely consider setting up footholds in neighbouring cities in the Mainland such as Guangzhou and Shanghai, and so on. Therefore, the competitiveness of Hong Kong may be adversely affected in future. As

such, while implementing the construction of the new Government Secretariat at the Tamar site, we may use the vacated site of the old Government Secretariat for redevelopment, thereby relieving the demand for Grade A offices in Hong Kong.

As a matter of fact, the site of the old Government Secretariat possesses high value as well as tremendous development potential. Apart from the Murray Building, the Lower Albert Road area can combine together with the Upper Albert Road area, where it can further connect with Government House. Further westwards, the area can extend to link up with the sites currently occupied by the Foreign Correspondents' Club and the Fringe Club. If the area can further align with Lan Kwai Fong, the SOHO district in Central and the Central Police Station redevelopment project, then it will be an integrated design which everyone will find sensible and satisfactory. It will be conducive to the creation of a very good environment in the core of Central. This is something we can all visualize.

Although the Government still has not come to any decision on the future use of the area around the "Government Hill", it should conduct extensive public consultations and listen to the proposals put forward by practitioners of the relevant trades. I hope, with the common efforts and aspirations of everyone, this core district of Hong Kong can be developed in a pattern acceptable to everyone and that the ultimate proposal is one that is both reasonable and practicable. This is the only approach we should take if we are really concerned about the well-being of Hong Kong, and such an approach will enable us to strive to build up a better Hong Kong in future. Thank you, Madam President.

MR KWONG CHI-KIN (in Cantonese): President, Miss CHAN Yuen-han has already conveyed in detail the viewpoints of the FTU in her speech just now. Actually I had not intended to deliver any speech. However, upon listening to the speech of Mr LEE Wing-tat who raised some doubts about the FTU, I thought I must give a response in this regard.

The wording used in Mr Fred LI's motion is "not to develop the compound for commercial use". Mr LEE Wing-tat said that actually they meant to say that they did not wish to see the launch of property developments on the site. If it is intended to convey the idea that no property development should be launched on

the site, we shall lend our support to the motion. However, unfortunately, the present wording is "not to develop the compound for commercial use", so we cannot give our support. Earlier on, Miss CHAN Yuen-han has already put forward the reasons. With the adoption of such wordings, it seems that even very little commercial element will not be allowed.

Ms Audrey EU said she hoped that the FTU could vote in support of the spirit of the motion. President, I find this a bit confusing. When we cast our votes on the motion, we would not be voting on the spirit of Mr Fred LI's motion. Instead, when we decide how we should vote, our decision depends very much on how the motion is worded. However, as we think that the wording of the motion cannot adequately express the originally intended meaning, so ultimately we cannot support such wording as "not to develop the compound for commercial use". Unfortunately, according to the provisions of the Rules of Procedure, we do not vote on the spirit of the motion, but definitely on the wording of the motion. I think this is a basic understanding of the issue.

Even though Honourable Members may hold very different views, I hope we can still have mutual respect among ourselves. I am not trying to make a fuss or provoke any particular arguments here. However, technically, if we have to vote, we must vote according to the wording of the motion.

Thank you, President.

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

(No Member indicated a wish to speak, but Ms Margaret NG, who was not in the Chamber then, had pressed the button earlier on to indicate a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Mr Fred LI to speak on the two amendments.

(Ms Margaret NG entered the Chamber at this juncture)

PRESIDENT (in Cantonese): Mr Fred LI, please wait. Ms Margaret NG, you may now speak.

MS MARGARET NG (in Cantonese): I did not intend to speak initially, but upon listening to the speeches delivered by Mr Patrick LAU and Mr LEUNG Kwok-hung, I feel like giving some responses.

I enjoy a lot listening to Mr Patrick LAU speaking on town planning, because I found myself sincerely agreeing with him on lots of what he said in his speeches. Today, when Mr LAU talked about the "Government Hill", he really viewed it from the perspective of town planning. He pointed out that a city should have some places with lower density, so that the entire urban area will have better air circulation, and the people can feel and sense the elegance of Hong Kong.

Judging from this perspective, if some open space is to be preserved in Central to allow for air circulation, it would be ideal if we can preserve a place with historical value, where there are lots of greenery and stylish buildings. This is the most essential point I wish to convey in my response.

As Mr LEUNG Kwok-hung mentioned just now, he believed the overall planning for Hong Kong was equally important, and that we should not restrict our discussion merely to the "Government Hill" or the waterfront, and so on. I strongly agree with him on this point too. Actually, the most imperative message I want to convey today is, whatever the subject matter is, deep in my heart, I strongly hope that this place called the "Government Hill" can be returned to the people, and that the decision should be left to the people.

After the reunification, I believe that we should return as much land as possible to the public and to the people. According to Article 7 of the Basic Law, the land and natural resources within the Hong Kong Special Administrative Region (SAR) shall be State property. I hope what belongs to the State belongs to the people too, and the SAR Government is only entrusted with the responsibility of administering it for the time being. This administrator should put the interests of the masters at the forefront. I strongly hope that, during a period of decolonization, the SAR Government can, as far as possible, open up to the people such land resources, which were previously locked up and were only available to the powerful and the rich in the past.

If every single piece of land was put on sale, then lands originally owned by the Government will become private properties, and such lands will become

the lands of the rich people. Regardless of whether the density problem is at stake, as long as the site can be put up for sale through auctions, the Government Secretariat could be sold on condition that only private residential mansions for the rich could be built. Private mansions can definitely be built with extremely low density in Central, complete with their own private or Mediterranean-style gardens. By then, Mr Patrick LAU will have no reason to grumble anymore — since he asks for air circulation and low density, then let us make them built with low density. These expensive mansions can be sold at \$5.2 billions each. It could end up like that.

What I want to do is much more than this. I ask for an open road, where people can move freely in and out. Wherever they go, they will have a feeling that the place belongs to them. It is not that they could only catch a glimpse of the place and realize how beautiful the place occupied by the rich people can be. No, it should not be like that. Instead, the people should be able to walk openly and proudly into a place that belongs to them. It should not be a heavily guarded place to which the people are denied access.

Why should I be saying all these to Mr LEUNG Kwok-hung? Several years ago, the authorities conducted an operation to demolish some illegal structures on rooftops (that is, the rooftop houses) and some people wanted to stage a demonstration. The office of the Housing Department then pardon me, it should be the Housing Bureau their office was located in the Citibank Tower. It was a private property, and the demonstrators were expelled by the security guards, forbidden to stage a demonstration there. At that moment, I felt very upset. There we had these people whose dwellings were under threat, but they were expelled from the place where their demonstration was staged because it was a private property. Since it was a building occupied by world-renowned foreign banks, the people were not allowed to stage their demonstration there. That made me very upset.

Therefore, today, with regard to this place called the "Government Hill", I am inclined to returning it to the people. I have never heard of the words "Government Hill" before, but that is not important — it is a place all of us can see. Still, my inclination does not represent the view of all the people, so the decision is best left to the people themselves.

The place should not be used for commercial purposes. It should be a place accessible to all Hong Kong people. Another place which I mentioned

many times before is Government House, that is, the former Governor's residence, which I strongly hope that it can be open to the public. Mr Patrick LAU must disagree with the architectural design of this building because some Japanese features are blended into its overall design. Nevertheless, the building has its unique style, which appeals to the general public. I hope more people can go and take pictures there, not just for appreciating the beauty of the flowers, but they can go to other parts of the building too. These are places which were once familiar to me. We could even have a refreshment kiosk and a souvenir kiosk in it, so that people can have a strong sense of belonging there. The same is true of the Government Secretariat. If the fences can be removed, or, if, like Miss CHAN Yuen-han suggested just now, why should we not consider allowing some government departments to continue conducting their business there? Or could some small research institutes be set up there?

With regard to this site, I can imagine hundreds of purposes. But whatever way the place will be used, I hope that the style can be retained, and that it will remain a public place accessible to the people. The people will have a feeling that this is a place everyone can go, as long as they observe the rules.

President, to me, the discussion today is not only about money, nor is it about collective memory. Instead, the discussion should be about a symbolic implication that we should be able to take charge of our own future. Besides, it should also be a place we can take pride in. This is how the site can really be put to good uses. President, I support the original motion, and I also support Mr Alan LEONG's amendment, perhaps even more strongly. Thank you.

PRESIDENT (in Cantonese): Mr Fred LI, you may now speak on the amendments.

MR FRED LI (in Cantonese): I would like to make the following responses to the two amendments. The amendment proposed by Mr CHEUNG Hok-ming has deleted the major content of the part on conserving the "Government Hill" in my original motion, and it has not explicitly recognized the status and significance of the existing Government Secretariat. All it has attempted to do is to express some vague concerns and request the Government to expeditiously conduct consultation on the matter. Under the current planning mechanism, the

Planning Department would first draw up a draft zoning development plan and proposal before conducting any consultation and going through the statutory procedures with the Town Planning Board (TPB). This would inevitably require that a specific draft plan for planning purposes and a major direction must be proposed. The West Kowloon Cultural District is one of such examples. On the other hand, the consultation for the development planning of Kai Tak is conducted with the themes of sports and travel as its major planning directions.

If the basic direction regarding the "Government Hill" in my motion is deleted, there will be greater opportunities for allowing the launch of comprehensive property developments on the site. This we cannot accept. That explains why we have categorically brought up this subject. An opinion poll also shows that only 8% of the people support developing the site for commercial use through auctions. As a political party, we do have our own stance and viewpoint. Although a consultation must definitely be held, we have already put forward the basic direction and planning criteria. Therefore, we cannot support the amendment proposed by Mr CHEUNG Hok-ming.

With regard to the amendment proposed by Mr Alan LEONG, apart from retaining the draft plan of conserving the "Government Hill" in our original motion, it even goes one step further to request the Government to implement the major direction of heritage conservation as well as conducting a serious study for the purpose of enabling it to expeditiously consider making an application to the TPB to rezone the "Government Hill" as a "cultural heritage area". The Democratic Party supports this amendment because it is putting forward opinions from a more macro perspective. In the meantime, I would like to thank Mr Alan LEONG for providing us with some detailed plans of the area, thus giving Members a very clear briefing on the subject. This should be done by me, so allow me to thank him for having provided supplementary information in this regard, thus preventing certain Members from saying that they do not know what the "Government Hill" is. In my opinion, after listening to his presentation, everyone should know it very well now.

The Democratic Party would like to state its stance on the amendments: While supporting Mr Alan LEONG's amendment, we oppose Mr CHEUNG Hok-ming's amendment.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, let me thank Mr Fred LI for today's motion. Just as several Members have said, about a fortnight ago, an application for funds to build the new Government Secretariat at Tamar was supported and approved by Members of the Legislative Council. We are now making preparations for invitation of tender for the Tamar Project. According to schedule, the new Government Secretariat building will be completed in 2010. We are still a few years from relocation of the Government Secretariat. At present, the Government has not yet decided on the future use of the current Government Secretariat site following relocation to the new Government Secretariat building at Tamar.

Mr Fred LI's motion asks for conservation of the existing Government Secretariat building cluster, whereas the amendment by Mr Alan LEONG asks for the land use of Government Hill to be changed and rezoned as a "cultural heritage area". I wish first to talk about the history of the Government Secretariat and the factors for consideration as well as the procedures required in determining land use.

The Government Secretariat, located in Lower Albert Road, was built between 1954 and 1959. It has not been declared statutory monument or historical building up to now. In the Central Outline Zoning Plan, the Government Secretariat building cluster falls within a GIC (Government, Institution and Community) zone. As of now, the Government has not taken a view on the conservation or otherwise of the building cluster and the use of the lot where it stands following the relocation of the Government Secretariat. It is too early to decide now.

As with land use planning for any site, we need to carry out timely planning studies in accordance with the spirit and requirements of the Town Planning Ordinance. In undertaking planning studies and determining land use, we will not only adhere fully to the principle of sustainable development, but also take into account established land policy. We will seek to safeguard and strive for the greatest public interest and consider what use is most appropriate and suits best the needs of Hong Kong as a whole. The compatibility of urban design with the landscape, the traffic and transport aspects, environmental quality as well as whether the capacity of the infrastructures can meet development needs are all important considerations.

The planning concepts and principles above apply also to the change of use of a site. There will certainly be careful planning by us in determining the future land use of the Government Secretariat. We will comprehensively consider and assess whether the proposed use meets public aspirations and interests. Should we propose change of use for the site, any proposal to change land use will have to be preceded by comprehensive assessment of the demand for land in Central, the impact of land development on traffic, environment and infrastructures, including the historical interests of the surroundings, the view of the ridgeline and the requirements of the Urban Design Guidelines.

Any amendment will have to undergo the statutory planning process laid down in the Town Planning Ordinance, including making public and displaying the proposed amendments as well as carrying out public consultation. Thereafter, the public views and representations will be presented to the Town Planning Board for consideration. Finally, the Chief Executive in Council will make a decision.

In the motion, both Mr Fred LI and Mr Alan LEONG refer to conservation of heritage and trees. In fact, we already have a clear policy. On conservation of heritage, we support and advocate conservation of heritage in Hong Kong. A cardinal principle of the policy lies in conservation of heritage instead of their takeover by the Government; conservation or otherwise should be determined by the buildings' heritage interest instead of the duration of their existence alone; and a proper balance has to be struck between heritage conservation and its economic cost, with full account taken of private property rights.

Under the Antiquities and Monuments Ordinance, the Secretary for Home Affairs, as the Authority, may, after consultation with the Antiquities Advisory Board and with the approval of the Chief Executive, by notice in the Gazette, declare for conservation any place, building, site or structure, which the Authority considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a statutory monument, historical building, or archaeological or palaeontological site or structure. Before declaring a place of heritage interest to be a statutory monument, the Government will fully consider its historical, archaeological or palaeontological significance and whether the declaration is in the public interest. A decision will be made after balancing various considerations. The Government will decide in accordance with the current policy on conservation of heritage building

and the Antiquities and Monuments Ordinance whether to declare the Government Secretariat building cluster to be statutory monument.

The suggestions of the two Members can be explored further. On whether the Government Secretariat building cluster should be classified as heritage for conservation and preservation, we have to wait for the study and assessment by the Leisure and Cultural Services Department of its historical and architectural features to confirm its historical and heritage interest. A decision to conserve in the absence of study and assessment would not be right — first, it is not in line with the requirements of the law and second, the public has no opportunity to comment. A better way is, as I said just now, to proceed step by step, with study and assessment carried out and the public fully consulted before taking a decision.

On conservation of trees, the Government is committed to protecting trees in Hong Kong, particularly the valuable and rare old trees. Among the trees currently growing on the Government Secretariat site and in the vicinity, 13 of them have been registered in the Register of Old and Valuable Trees. The Government will ensure these old and valuable trees receive the best protection. These 13 trees include the *Pterocarpus indicus* which is familiar to all of us. Earlier, we openly undertook to fully adhere to our old tree preservation policy. In particular, we will do our utmost to protect and conserve all the trees including the *Pterocarpus indicus* growing in the open area of the existing Central Government Offices.

Moreover, large amounts of trees and plants can be found near the Government Secretariat. Extensively distributed in the Hong Kong Park and the Hong Kong Zoological and Botanical Gardens, they provide the public with a lush green open space in the urban area. In addition, green open space will be created along the new Central Waterfront in the future. Hence, Members need not be worried about insufficient green zones in Central.

Regarding Mr Fred LI's suggestion to convert some of the offices in the existing Government Secretariat into a government museum, under the Government's current cultural policy, various aspects have to be taken into account in setting up a museum. Such considerations include whether collections of historical and cultural values are available, whether the location is suitable for setting up a museum, and the resources required for the establishment and operation of the museum. As the Government is revisiting

the requirements and the planning of provision of new museums in the West Kowloon Cultural District, and two new museums (namely the Dr SUN Yat-sen Museum and Fireboat Alexander Grantham Museum) are planned for opening in 2007, there is no plan at the moment to convert the area left vacant by the relocation of the Government Secretariat into a government museum.

At last, I would like to reiterate, as I have mentioned earlier, that we have not taken a view on the future use of the existing Government Secretariat site after relocation. Several years lie ahead before the Government Secretariat is relocated. We have plenty of time to allow us to study the matter in details. We undertake to consider public views and our social and economic needs prudently in determining the suitable use of the site. In the course of decision-making, we will conduct a comprehensive assessment of the future use of the site and, through the statutory planning process, fully consult the general public.

Thank you, President.

PRESIDENT (in Cantonese): I now call upon Mr CHEUNG Hok-ming to move his amendment to the motion.

MR CHEUNG HOK-MING (in Cantonese): President, I move that Mr Fred LI's motion be amended.

Mr CHEUNG Hok-ming moved the following amendment: (Translation)

"To delete "comprehensive" after "green areas to form a"; to delete "the open area outside the Main Wing of the Government Secretariat has also witnessed the development of social campaigns in Hong Kong, captured the collective memory of Hong Kong's civil society and bears great significance to Hong Kong in terms of history, architecture and the public's sentiments" after "'Government Hill' planning zone, and" and substitute with "there is wide public concern about the future development planning for the 'Government Hill' after the completion of the new government headquarters"; and to delete ": (a) conserve the existing Government Secretariat compound and undertake not to develop the compound for commercial use, so as to preserve the original

environment and ambience of the 'Government Hill' and its environs; (b) in keeping with the principle of heritage conservation, fully consult the public on the future use of the existing Government Secretariat; (c) conserve the trees and plants in the 'Government Hill' and its vicinity so that the area will remain a city lung in Central District; and (d) conduct a study on converting some of the offices in the existing Government Secretariat into a government museum, to give effect to the function of conserving our heritage" after "this Council urges the Government to" and substitute with "expeditiously conduct extensive consultation on the matter, with a view to formulating a package of planning proposals which is supported by the community and in line with the principle of sustainable development". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Hok-ming to Mr Fred LI's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Fred LI rose to claim a division.

PRESIDENT (in Cantonese): Mr Fred LI 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. Miss CHAN, please see if the displayed result is correct. If not, please say so immediately.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, I have pressed the right button. Even for the voting just now, I have also pressed the right button. However, the result shown on the printout is incorrect. I do not know why.

PRESIDENT (in Cantonese): Can you tell me what your vote is now?

MISS CHAN YUEN-HAN (in Cantonese): Madam President, thank you. Regarding the earlier voting on Mr Frederick FUNG's motion, I have

PRESIDENT (in Cantonese): There is nothing I can do to help you with regard to the earlier voting as it had become something of the past. But right now, your vote is

MISS CHAN YUEN-HAN (in Cantonese): I have already pressed the button to cast my vote.

PRESIDENT (in Cantonese): You have done so, have you not? But how did you vote?

MISS CHAN YUEN-HAN (in Cantonese): I have pressed the "Yes" button.

PRESIDENT (in Cantonese): You have pressed the "Yes" button, right?

MISS CHAN YUEN-HAN (in Cantonese): Yes, but does the result on the printout tally with this?

PRESIDENT (in Cantonese): Please be seated. I cannot see the result until the computer has displayed it. But we shall make a note of it in our record.

Does any other Member have any problems?

(No Member indicated any problems)

PRESIDENT (in Cantonese): If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr Patrick LAU and Mr KWONG Chi-kin voted for the amendment.

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the amendment.

Geographical Constituencies:

Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk and Mr CHEUNG Hok-ming voted for the amendment.

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG and Mr Albert CHENG voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 23 were present, 17 were in favour of the amendment and six against it; while among the Members returned by geographical constituencies through direct elections, 24 were present, seven were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

MS MIRIAM LAU (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Fully conserving the 'Government Hill'" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHENG rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHENG has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Ms Margaret NG, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr SIN Chung-kai, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Daniel LAM, Mr Jeffrey LAM, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Patrick LAU, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the motion.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Kong-wah, Ms Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming and Mr Ronny TONG voted for the motion.

Mr Albert CHENG voted against the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present and 22 were in favour of the motion; while

among the Members returned by geographical constituencies through direct elections, 23 were present, 21 were in favour of the motion and one against it. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was carried.

PRESIDENT (in Cantonese): I order that in the event of further divisions being claimed in respect of the motion on "Fully conserving the 'Government Hill'" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr Alan LEONG, you may now move your amendment.

MR ALAN LEONG (in Cantonese): President, I move that Mr Fred LI's motion be amended.

Mr Alan LEONG moved the following amendment: (Translation)

"To add "follow the best international practice in conserving sites of cultural value and expeditiously conduct a serious study on the historical and cultural values of the 'Government Hill', and to establish extensive consultation channels and structured public participation procedures with a view to affirming the historical and cultural values of the 'Government Hill'; at the same time, the Government should" after "this Council urges the Government to"; to add "expeditiously consider applying to the Town Planning Board for changing the land use of the 'Government Hill' and rezoning it as a 'cultural heritage area' under the category of 'other specified uses', and" after "(a)"; to delete "(b) in keeping with the principle of heritage conservation, fully consult the public on the future use of the existing Government Secretariat;"; to delete the original "(c)" and substitute with "(b)"; and to delete the original "(d)" and substitute with "(c)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Alan LEONG to Mr Fred LI's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr CHAN Kam-lam rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam has claimed a division. The division bell will ring for one minute, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the amendment.

Mr WONG Yung-kan, Ms LI Fung-ying, Mr WONG Kwok-hing and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG and Mr Albert CHENG voted for the amendment.

Mrs Selina CHOW voted against the amendment.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk 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, 22 were present, six were in favour of the amendment, 12 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 24 were present, 16 were in favour of the amendment, one against it and six 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 Fred LI, you may now reply and you have seven minutes 38 seconds.

MR FRED LI (in Cantonese): President, I thank the 20-odd Members who have spoken, and I wish to summarize my response to them. Mrs Selina CHOW or the Liberal Party has put great emphasis on the value of the site. They even calculated its value using a plot ratio of 15 times and concluded that it would fetch over \$20 billion. This is exactly our greatest fear.

St. John's Cathedral has been declared a statutory monument. The construction of a skyscraper at a plot ratio of 15 times next to the Cathedral is extremely incongruous with the "Government Hill" as a whole. We understand that it is very important to increase government revenue, but we cannot destroy the whole cluster of architecture in the "Government Hill" for this reason. Besides, they have not considered our view that the "Government Hill" will be the city lung in Central District. If more colossal buildings are erected there, they will further eat into the "city lung" and when more new buildings are constructed, various problems will arise, such as transport, environmental and pollution problems. Should we not also consider the need to strike a balance?

Moreover, why does she, being the Chairman of the Hong Kong Tourism Board, not consider promoting heritage conservation in tourism? If offices and mega shopping arcades are again built there, does it mean that tourism in Hong Kong consists of shopping only and that this is the one-and-only-one attraction of Hong Kong? We hope to develop more.....

MRS SELINA CHOW (in Cantonese): President.....

PRESIDENT (in Cantonese): Mrs Selina CHOW, do you have a point of order?

MRS SELINA CHOW (in Cantonese): Right, President. Mr Fred LI has misquoted my remarks.

PRESIDENT (in Cantonese): You can clarify after he has given his speech. Mr Fred LI, please continue with your speech.

MR FRED LI (in Cantonese): I think emphasis should be placed on conservation or development of green tourism, heritage tourism or other alternatives of tourism, rather than just erecting high-rise buildings or offices, because I think that would defeat the original proposal of constructing low-density buildings in the "Government Hill", which is completely incompatible with nearby architecture under statutory protection.

There is also Miss CHAN Yuen-han who represents the FTU. She is not in the Chamber now, and Mr KWONG Chi-kin was trying just now to "put things right" for her but in vain. She supports the entire motion except the words "for commercial use" and that is, the phrase "not to develop the compound for commercial use". Her view is that some NGOs should be allowed to operate kiosks or whatever in that place. How could she perceive commercial use as my opposition to those kiosks and the operation of small cafes in museums? She said that as I have written clearly in my motion that these commercial activities and commercial operation are unacceptable, she would, therefore, vote against my motion — not voting against it but abstaining. Under the existing voting system, abstention means opposition. Why does she not propose an amendment to my motion? If she supports the entire motion except that phrase, she could propose an amendment to delete this phrase and she could communicate with me and the Democratic Party, right? We have not closed the door. Why should she abstain because of one single phrase? She fully supports the spirit of my motion. What she has said is very much in line with my motion; she had spoken even better than I did but in the end, she is going to abstain in the vote because of this phrase. This is so puzzling indeed. In that case, it will be better if she does not return to the Chamber to vote because if she comes back and casts an abstention, it would be tantamount to voting against my motion.

I am grateful to other colleagues who mentioned the conservation of history and culture. I also thank Mr Alan LEONG for the picture. What the Secretary has said is basically cliché. I wonder if he had stayed up late watching soccer matches because I have seen him dozing off quite often throughout the motion debate (*laughter*), and when he read from the script for his speech, he said that there would be a museum even for fireboats. (*Laughter*)

I really do not understand why no thoughts have ever been given to setting up a political centre there even though the place has been the Government's headquarter for more than a century? But even if somebody did make this suggestion, the Government would not consider it either, and it would only propose a SUN Yat-sen Museum and a fireboat museum to be built there in the future. I am totally disappointed. The Government has forgotten our history; it has forgotten the cluster of architecture in the "Government Hill" area. Could it be politically incorrect to cherish the memory of the colonial rule and that is why we can only talk about reunification? Is it that we have reunified with the Motherland for only a few years and so, a history museum or a

government museum cannot be set up in such a short time? Is this the reason? I have no idea. I am just talking nonsense here; I do wish that what I have said is wrong.

Why can the Government not really close its brain? I think the Government should consider building a history museum there. The Hong Kong Museum of History in Tsim Sha Tsui cannot be considered an equivalent to a government museum. The Museum of History starts from the history of the Xia, Shang and Zhou Dynasties, and it can also cover apes or things like that. But with regard to the landing of the British forces, the century-long colonial history of Hong Kong and the reunification of Hong Kong and the celebration activities, there is, in fact, still a lot of room for the Government to build a museum, and I believe many foreign tourists will very much wish to find out about the historic transition of Hong Kong from foreign rule to Chinese sovereignty. Yet, there is no such facility at all.

Mr Patrick LAU proposed to set up a planning complex there, and I think this is entirely worthy of consideration. We actually hope that there can be more different views, but I stress that we do not support and we are even opposed to erecting skyscrapers there. Our demand is just this simple and certainly, this is completely different from the view of the Liberal Party.

Here, I wish to make it clear that we cannot accept the idea of the Liberal Party and that is, whenever there is land, we should sell it to make money. In that case, we would lose the other side of us. Hong Kong people should be able to see the other side — things that we need in Hong Kong. I so submit.

MRS SELINA CHOW (in Cantonese): President.....

PRESIDENT (in Cantonese): Mrs Selina CHOW, do you wish to elucidate the part of your speech that has been misunderstood?

MRS SELINA CHOW (in Cantonese): President, I have a clarification to make in the first place. Mr Fred LI was totally mistaken when he repeated some remarks which I had made very clearly in my speech. I was saying in a

concrete way that all heritage items deserved conservation. These included St. John's Cathedral, the Court of Final Appeal and even Government House and the Pterocarpus indicus tree. All these should be present. But Mr Fred LI misunderstood my words and he arbitrarily regarded all buildings without historical heritage value as those with such value. If this was what he had said, then it would be his fault, not mine.

MR FRED LI (in Cantonese): President, she has in fact also misunderstood my words, too. However, I do not wish to start a debate on this because I do not wish to waste everyone's time.

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)

Mr CHAN Kam-lam rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam has claimed a division. The division bell will ring for one minute, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Dr Philip WONG, Mr Howard YOUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM and Mr Andrew LEUNG voted against the motion.

Mr WONG Yung-kan, Mr WONG Kwok-hing, Mr Patrick LAU and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Andrew CHENG, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronnie TONG and Mr Albert CHENG voted for the motion.

Mrs Selina CHOW voted against the motion.

Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk 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, 24 were present, eight were in favour of the motion, 12 against it

and four abstained; while among the Members returned by geographical constituencies through direct elections, 23 were present, 15 were in favour of the motion, one against it and six abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

THAT THIS COUNCIL DO NOW ADJOURN

PRESIDENT (in Cantonese): Motion for Adjournment.

Under Rule 16 of the Rules of Procedure, the total speaking time for Members is up to 45 minutes.

In response to the paper issued on 26 June, by the deadline of noon on 30 June, 10 Members, including Dr KWOK Ka-ki, had indicated to the Clerk their wish to speak on the motion. Taking into account Rule 18 of House Rules, and having regard to the number of Members who wish to speak, I order that the mover may speak for up to five minutes and other Members may each speak for up to four minutes. The public officer making a reply has up to 15 minutes to speak. Members who have not indicated to the Clerk by the deadline their wish to speak or Members who indicated their wish to speak after the deadline will only be invited to speak after all those Members who have so indicated before the deadline have spoken and when the total speaking time limit for Member has not been reached; these Members may also speak for up to four minutes.

It is now 7.41 pm, the debate shall now proceed.

Will Members who wish to speak irrespective of whether they have indicated earlier please press the "Request-to-speak" button. Members who have indicated their wish to speak earlier will be called upon to speak first.

DR KWOK KA-KI (in Cantonese): Madam President, I move that this Council do now adjourn for the purpose of debating the following issue: Preventive and control measures adopted and emergency assistance provided to the trades by the Administration with regard to the repeated occurrence of human infection of avian influenza in the Mainland.

Madam President, I have moved this motion at the suggestion of the Panel on Health Services and Panel on Food Safety and Environmental Hygiene at their joint meeting on 17 June this year.

Since the first confirmed case of human infection of the H5N1 virus in Hong Kong in August 1997, a number of control and preventive measures have been implemented by the authorities to reduce the risk of an outbreak of avian flu in Hong Kong. But in recent years, there have been widespread outbreaks of avian flu in Asia and other parts of the world, and in many places in the Mainland, including Anhui, Shanghai and Guangzhou, cases of human infection of avian flu were also reported. As at 20 June 2006, a total of 228 human cases of avian influenza H5N1 infection have been reported worldwide with 130 deaths; 19 cases have been reported in the Mainland with 12 deaths.

On 16 June this year, Hong Kong received news of a confirmed case of human infection of avian flu in Shenzhen. As no outbreak of avian flu among chickens had been reported in Shenzhen and given frequent contacts between Shenzhen and Hong Kong, the two Panels are particularly concerned about the source of infection, whether there is the trend of mutation or spread of the virus, whether the preventive and control measures (such as vaccination of chickens) adopted in the two places remain effective, and whether the various measures taken to combat poultry smuggling and for monitoring wild birds remain effective.

Members noted that the importation of live poultry, day-old chicks and pet birds from the Mainland has been suspended since 16 June. The suspension, which is scheduled to span 21 days, is implemented for the authorities to conduct full investigation. If no new human cases are found and no avian flu outbreaks have occurred in the chicken farms in Guangdong and Shenzhen during this period, the import of live poultry and birds will be resumed.

Members were concerned that the Government's decision to suspend the import of live poultry from the Mainland has seriously affected the live poultry trade. In this connection, the Panels passed a motion consisting four points to urge the Government to:

Firstly, set up an emergency relief fund to provide assistance or low-interest loans to traders affected by the Government's policy, so as to tide them over the crisis;

Secondly, waive the rents of stall lessees in the Government's wholesale and retail markets during the suspension of the import of live poultry and pet birds from the Mainland;

Thirdly, immediately review the policy of voluntary surrender of licences by live poultry retailers, farmers and wholesalers; and

Fourthly, immediately provide emergency relief to workers not under continuous employment.

Madam President, on behalf of the two Panels, I urge the authorities to conduct full investigation into the source of virus and its mode of transmission in the relevant avian flu cases, review the adequacy and effectiveness of the existing preventive and control measures, expeditiously announce the long-term policy on live poultry, and provide emergency relief to the trades.

In fact, the two Panels and myself support the timely suspension of the import of live poultry by the Government in response to this case in Shenzhen.

So far, there have been 19 cases in the Mainland with 12 deaths, which indeed represents a very high death rate. The World Health Organization has published a latest report, providing an analysis of 200 cases of avian flu infection. These cases show a death rate of as high as 56% and particularly, the death rate of patients aged 10 to 19 is 73%, which is the highest. In this connection, we can be certain that the threat posed by avian flu on human beings has already aroused a high degree of vigilance all over the world.

An agreement has been signed among Guangdong Province, Hong Kong and Macao to speed up the infectious disease notification procedure. Hong Kong must maintain the highest vigilance in all aspects including quarantine of local live poultry and that imported from the Mainland, conditions of markets, conducting thorough investigation of the control of the source of virus and its mode of transmission, improving the alert system in hospitals, and stockpiling of antivirals and their use. The Government must obtain the most up-to-date information in the first instance.

In any case, although we support the measures taken by the Government, we still think that the Government must consider providing appropriate assistance to the affected trades, because we do not know for how long avian flu

will continue to exist, which means that we do not know for how long the trades will be affected. So, I hope that the Secretary can give us a positive response after this debate.

I so submit. Thank you, Madam President.

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

"That this Council do now adjourn for the purpose of debating the following issue: Preventive and control measures adopted and emergency assistance provided to the trades by the Administration with regard to the repeated occurrence of human infection of avian influenza in the Mainland."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That this Council do now adjourn.

MR ALBERT CHENG (in Cantonese): The World Health Organization has confirmed that the incident which occurred in Indonesia at the end of last month in which seven members of a family were infected by avian flu and died is the first confirmed case of human-to-human transmission in the world. Gene sequencing showed slight mutation of the virus. Although there is no sign of efficient human-to-human transmission of avian flu and an outbreak in the community, the danger of an influenza pandemic is increasing.

In recent years, avian flu has emerged continuously in Europe and in many Asian countries. We can often hear cases of human infection of avian flu and even deaths in some of the cases. During the pandemic cycle every year, experts in the world will urge governments of all countries to prepare for this epidemic of the century and take precautions against possible mutation of the virus to blend with the general flu strain which would cause the virus to become even more infectious. Regrettably, the awareness and preparedness of the Government and members of the public are still inadequate.

On the part of the Government, the information disseminated to the community has remained confusing. The Secretary for Health, Welfare and Food, Dr York CHOW, said last month that he was worried that the virus had

undergone mutation given the occurrence of avian flu cases even in summer. But on the other hand, the Controller of the Centre for Health Protection, Dr LEUNG Pak-yin, said in the Legislative Council on the same day that the virus had not mutated and that the confirmed case in the Mainland might be caused by unvaccinated chickens from backyard poultry farms. President, that the health authorities of the same government made different comments on the same day is indeed confusing to the public.

Last month, a suspected case of human infection of avian flu occurred in the Mainland but the Government suspended the importation of live chicken from the Mainland only after confirmation of the case. This gives the impression that the Government was too slow in its response. We must bear in the mind that from infection, admission to hospital and confirmation of the suspected case, it would cause a delay of several days, and it is indeed worrying that the Government had taken resolute actions only after much delay.

Notwithstanding a suspected case in Shenzhen and the confirmed case of human-to-human transmission in Indonesia, the Government was still unresponsive. The Alert Response Level has remained unchanged, because the existing three-tiered system of Emergency Response Level consisting of the Alert Response Level, Serious Response Level and Emergency Response Level has inadequacies indeed. Under this system, the response level can be elevated to the Serious Response Level only upon confirmation of outbreaks among poultry population in retail markets or wholesale markets in Hong Kong or confirmation of human cases of avian influenza in Hong Kong. Therefore, to pre-empt problems, consideration can be given to increasing the three response levels to four response levels by subdividing the Alert Response Level into the "elementary" and "advanced" levels, and the Serious Response Level can be activated following an occurrence outside Hong Kong such as Shenzhen and Indonesia. Stipulation should be made to enhance the sampling test and reporting requirements, rather than providing remedies by way of administrative instructions. Moreover, elevating the response level can also increase the vigilance of the community.

On the other hand, epidemic prevention is not the duty of the Government alone, as the public also has an unavoidable role. Yet, there is still room for improvement in respect of community awareness. According to a survey conducted by the H5N1 Concern Group, although most people will wash their hands after using the toilet, they do not follow the hand-washing procedures

suggested by the Department of Health, and people who do not wash their hands after using the toilet are mostly men. Besides, another survey found that most interviewees had come across information on avian flu, but a small number of people, including the elderly, people with a low education level and the retirees, said that they had never come across such information. Given that the elderly have weaker body resistance, hence more vulnerable to infection, it is indeed necessary for the Government to step up publicity and education among these people.

In general, the threat now posed by avian flu is different from the onslaught of SARS, because we know well in advance that the crisis will arrive and so, it is indeed possible for us to do everything we can to implement adequate preventive measures.

Thank you, President.

MR WONG KWOK-HING (in Cantonese): President, I have to make use of these four minutes to question the Secretary on behalf of the most disadvantaged casual workers as well as the hourly and daily paid workers affected in the trade.

In the first half of the year, the Government twice suspended the importation of live chicken for a period of 21 days each. The 3 000 casual workers in the retail trade became out of job and so, they had no wages and were unable to feed their family.

In giving an order to implement this measure the Secretary had, in the first half of the year, twice caused 3 000 workers to become out of job and hence not being able to feed their family. What can they do? Can the Secretary just turn a blind eye to them? The Secretary has a monthly income of hundreds of thousand of dollars, but what about these people? The Secretary is in charge of the Health, Welfare and Food Bureau, and during the discussion in the Legislative Council Panel on Health Services the other day, his subordinates suggested that these people should be told how they could apply for the *ex gratia* payment for the surrender of licence.

I think this suggestion indeed nonsensical. They really know nothing about the plights of the people. It is the Government's decision to suspend the

importation of live chickens for 21 days and it is because of this policy of the Government that they became out of job and were unable to feed their family, but the officials were telling the workers to apply for the *ex gratia* payment for the surrender of licence. These are two different matters. The *ex gratia* payment for the surrender of licence is introduced for application by employers or shop owners who will cease their operation; and for the workers, they hope that they can be given some compensation after their employers have received this payment. But this is not the case in reality now. Why did the officials give that answer? Why are they always so unsympathetic to public sentiments?

Moreover, the workers cannot apply for Comprehensive Social Security Assistance (CSSA). The Secretary is also the official in charge of CSSA. Can these workers apply for CSSA on the ground that they have been out of job for 21 days? No, they cannot. Under such circumstance, since they are not eligible for CSSA and they are out of job and do not have the means to feed their family for 21 days, Secretary, please tell me what you would do? Behind these 3 000-odd workers are 3 000-odd families, and these 3 000-odd families still have many dependents to support.

The Chief Executive, Mr Donald TSANG, stressed that his governance would be people-oriented and that he would strive for the well-being of the people and create a harmonious society. Secretary, in implementing this policy, are you not opposing Donald TSANG? Are you not discrediting the Chief Executive? The Secretary has deprived these workers of the means to feed their family. Please tell me whether this is striving for the well-being of the people and creating a harmonious society? The Government has already done this once, and it is doing this for a second time. This has happened twice in the first half of the year. The Bureau and the Department do have the records of vaccination of these 3 000-odd workers and so, other workers absolutely cannot pretend to be poultry workers. Why can the Government not provide emergency relief to the workers as strongly demanded by the Panel on Health Services? The Government has simply ruled it out in its consideration, turning a deaf ear to it and completely ignoring it.

So, President, I am very, very angry today. The representatives of the trade, trade unions and workers were already staging a petition outside the Legislative Council before 11.00 am. The Secretary might not have seen them, but I must tell him here that if the Bureau still does not come up with solutions to

the problem and allow these conflicts and social grievances and discontents to accumulate, the credibility of the Government and the governance of the Government would be affected in the end, and this would absolutely be opposing the Chief Executive. Does the Secretary, being an accountable official, have the heart to see these workers not being able to feed their family under these circumstances? So, I hope that..... (*the buzzer sounded*)

MISS CHAN YUEN-HAN (in Cantonese): My colleague, WONG Kwok-hing, has just stated a series of views in rage.

I think the Secretary, when he first took office, knew that we had been asking about what compensation the poultry workers could get. Although the Government implemented some measures subsequently, they were all piecemeal. Whenever I am making too loud a noise, the Government would give out some money, but it has never tackled the problem at root.

Looking back, when did avian flu first occurred? It was 1997. In fact, we broadly support all the measures implemented by the Government, including the 21-day suspension of the importation of chicken this time around. We support it. But the problem is that it has been nearly 10 years since the first occurrence in 1997 and despite the many actions taken by the Government, such as culling of chicken, suspending the importation of chicken, and so on and so forth, no comprehensive proposal has ever been put forward in relation to compensation.

I am not referring to compensation for the traders. I am talking about the workers only. The Government announced all of a sudden the 21-day suspension of the importation of live chicken. During these 21 days, what can the workers do? We all know that the jobs on chicken farms or in retail chicken stalls (where chickens are slaughtered) are not permanent jobs. Those workers who are permanent can still expect their employers to pay them during this period, but these are casual workers who may slaughter 10 chickens at this stall, five at that stall and three at the other stall. Their job is to slaughter chickens everywhere in the market or on chicken farms. Now, the Government has completely neglected them in its consideration and let them just stew in their own juice. What can they do?

This is like suddenly stopping the CSSA payment for people who have been drawing it. Certainly, we will follow this up very closely but still, the Government must have a system to help them. However, the Government has no such system. I must stress that the Government has since 1997 implemented a host of measures for the handling of poultry, but it has never ever taken into consideration the livelihood of the workers.

Madam President, when former Director Gregory LEUNG was in office, I had argued with him for many times and even now, I have still been arguing with the Director. I really do not understand why the Government would do this. The Government said at one time that supply should be ceased, and we supported the cessation of supply by the Government, throwing weight behind the Government. But then, what would happen to the many people who rely on these jobs to make ends meet, including workers who slaughter chickens, drivers, and so on. All of them are self-employed. The Government must take this into consideration, but it has not done so. I really do not know what to do.

So, as WONG Kwok-hing has said, since the Government suggested that these workers should apply for CSSA, will the Government tell us how they can receive it? The Government will surely say in reply to WONG Kwok-hing later that they are eligible for it and that they can apply for it as an emergency relief. It might sound easy according to the Government, but I think you, Madam President, and other Members have handled cases with urgent needs. Would you think that it is just this easy to get such emergency relief? This is impossible. It is true that this measure is in place but the application procedures are complicated, especially to those with the ability to work. The workers would ask why they should draw CSSA. Honestly speaking, I have come into contact with many workers over the past decade and they strongly stressed at first that they did not wish to draw CSSA and that all they would ask for was a job, hoping to earn recognition in their job. But the problem is that the Government does not provide them with this sort of assistance now. There is no unemployment assistance or temporary unemployment assistance or other similar assistance. How can they survive?

I hope that the Secretary will not resort to sophistry in his reply later. I hope he would not be saying that there is this policy and there is that policy because, in reality, there is none. Over the past decade, the Government has not implemented a comprehensive range of measures for the workers or workers

with special work patterns, such as piece-rated workers and casual workers, to help them make ends meet. It is not the case that we do not support the Government's 21-day suspension of the import of live chickens or extension of the suspension to 48 days in the future. But the Government must put in place a system. How can we do without a system? Every time, all we can do here is to criticize the Government and invariably fly into rage. This is not getting us anywhere. I began to feel very angry in the last Session and now, even WONG Kwok-hing gets hot under the collar.

Frankly speaking, I hope that the Secretary will tell us later that he will set up a system, so that when we face avian flu in the future and when workers are affected, there would be a system, and I am referring to a system.....*(the buzzer sounded)*

PRESIDENT (in Cantonese): Time is up.

MISS CHAN YUEN-HAN (in Cantonese): Thank you, Madam President.

MR ALAN LEONG (in Cantonese): Madam President, the importation of live chickens and day-old chicks will resume tomorrow, which means that the business of chicken traders will again resume normal. However, it seems that workers in the live chicken trade do not quite appreciate it at all, and Members could hear their voices had they been outside the Chamber at 11.00 am today. Repeated suspension and resumption of supply has not only resulted in incessant complaints from the trades about their plights. Even members of the public are confused by the wavering policy of the Government. At one time, human-chicken segregation is proposed while at another, it is said that the sale of live chickens would be allowed, making people feel at a loss as to what they should do.

Disregarding whether or not the Government aims to wipe out the live chicken trade, the future of the trade is becoming gloomier under the general environment of a continuous spread of avian flu in the world and given repeated bans imposed by the Government on the import of live chickens. If the Government has sufficient authoritative evidence to show that live chickens from the Mainland will constantly pose health threats to Hong Kong and may lead to

the crisis of the virus blending with other virus strains and hence causing an outbreak in the densely-populated community of Hong Kong, it should take resolute and quick actions and expeditiously work in the direction of human-chicken segregation, rather than acting indecisively and thus causing misunderstanding among the public and the trades.

Madam President, the Government has all along suggested central slaughtering. But according to the papers submitted by the Government to this Council, the Central Slaughterhouse will come into operation only in 2009 the earliest. In the interim, does the Government have comprehensive strategies to cope with the crisis and assist the trades in overcoming difficulties after they have changed their mode of operation? Furthermore, central slaughtering itself may pose many health hazards too, and this measure can only be considered as part of the overall health strategies at the most, rather than the ultimate solution to the problem. Nobody can guarantee that there will not be a large-scale outbreak and spread of the virus before 2009. Therefore, the formulation of a comprehensive set of strategies can brook no delay. The Government absolutely cannot just bet on its luck, thinking that it can slacken its effort in the three years till then.

Madam President, in addition to the passive *ex gratia* compensation, the Government must proactively study the development of new trades for transformation by the poultry trade. For instance, in view of the poor quality of food from the Mainland and increasing local demand for quality food, the opportunity can be seized to transform chicken farmers into manufacturers of local quality food. The same idea is also applicable to chicken traders and the transport sector, in order to help them switch to newly developed trades or industries. The Government should expeditiously discuss with the trades the procedures of their switching to other trades in phases.

Madam President, if they can switch to other trades effectively, the number of people engaged in the live chicken trade will be reduced, and we can expect the reliance of the market on live chickens to diminish at the same time. In that case, the Government can more quickly reduce the supply of live chickens until central slaughtering and the relevant measures have come into force. The Government must understand that the earlier the trades are provided with the follow-up arrangements, the greater the protection to be effected for public health.

Madam President, I so submit.

MR WONG YUNG-KAN (in Cantonese): Madam President, never have I seen a trade in which workers are out of job for 42 days in three months and worse still, for no reason at all. In March, they were already out of job for 21 days and now, they are out of job again for another 21 days, making a total of 42 jobless days for the workers. If things go on like this, not only would they become unemployed. They would even be unable to feed their family. How will the Government solve this problem? At the last joint meeting, we raised four points and demanded the Government to find solutions to the problem. Dr KWOK Ka-ki already mentioned them earlier, and we support them.

In relation to the suspected case in Shenzhen, I visited Baoan in Shenzhen some time ago. What the SAR Government has done is very strange. The Government banned the importation of chickens from the Mainland because of that so-called suspected case but in Shenzhen, live chickens are still put on sale everywhere. I feel very puzzled as to why other people can sell these chickens while we cannot when we are just a river away from them? Officials from the Agriculture, Fisheries and Conservation Department told us that the stock of live chickens in Hong Kong is enough to meet the local demand for 21 days but in fact, it is not. The number of local live chickens is only a few thousand the lowest and about 10 000 or 10 000-odd the highest or during the first couple of days after the import is banned.

Given uncertainties in the Government's policy, workers do not have the means to feed their family even though they wish to. Mr WONG Kwok-hing said just now that the workers cannot apply for CSSA or other allowances at all. Workers engaging in wholesale and retail or chicken farming and even the transport workers are in fact sitting there doing nothing, put on "saline drip". The trades have discussed this with the Government, and their most humble demand is to have their rental waived. They have been out of job for 42 days, is it not reasonable to ask for a rental waiver just once? Yet, the Government still refused. In that case, how can their livelihood problems be solved?

Moreover, I always hold that the Government cannot handle this issue with this attitude all the time, invariably imposing a ban on the sale of live chickens from the Mainland once there is any suspected case even before the sale of live chickens is banned in the Mainland. Moreover, that case has not yet been confirmed, and nobody can tell us whether the patient was infected by chickens or migratory birds. The Government may say that there are signs of a hidden

virus which is undetectable in tests and its source has remained unknown. But still, I think this measure is not well thought out at all.

Secretary, I hope that you can really tackle the problem with a clear picture in mind, and will not rashly impose a 21-day ban on the sale of live chickens. Can the Secretary shorten the suspension period and subject it to review after a week of implementation? The ban should be lifted if no further case is reported in the Mainland. The Secretary must understand that there is a great difference between a seven-day ban and a 21-day ban. Even though the trades may still suffer, their situation would not be that miserable.

Today, the workers were pouring out their grievances in the early morning, hoping that the Government can address the problem squarely. They also hope that the Government can listen to the views of the trades. Certainly, the Government has adopted various attitudes and implemented various measures, and it is asking chicken farms and stall operators to surrender their licences. But I think three years later, nobody would dare to perform central slaughtering because there would not be chickens any more. So, why would central slaughtering be necessary? The Mainland would have done the slaughtering for us. I think the Government must really reconsider why we must do this?

Recently, I have been to Malaysia where chilled chickens are put on sale. But I could still see that live chickens were put on sale in the markets. I am a strange person in that I like visiting markets and looking around to find out what differences there are between those markets and ours. Since other people can sell live chickens, why should we impose a ban on them? Are we really scared of it so badly, fearing just all types of diseases that are infectious to human beings? As one of our colleagues has said, there are only some 200 cases now. Should the Government reconsider this and look into what it can do to make improvement?

Thank you, Madam President.

MR VINCENT FANG (in Cantonese): Madam President, first of all, I thank Secretary Dr York CHOW for resuming the importation of live poultry from the Mainland tomorrow and not taking the opportunity to further reduce the import quantity, just as he did in March.

This adjournment debate is held today mainly because the authorities twice suspended, between March and June this year, the importation of all live poultry from the Mainland for a total of 42 days because of two cases of human infection of avian flu in Guangdong Province, resulting in many members of the trade not having business and losing jobs; even though they still opened their stalls, the profit was not enough even to cover the most basic operational expenses.

Since the occurrence of avian flu, the live poultry trade has been facing great difficulties in operation. But as the trade cannot switch to other modes of operation or other trades, they prefer to resign to fate, struggling to keep their heads above water. Nobody is willing to apply for CSSA.

But now, the Government has immediately suspended the importation of live poultry for three weeks following an avian flu case in Guangdong. The trade told me that they would not complain about it if avian flu occurred in chicken farms supplying chickens to Hong Kong, but the patients in these two cases had not been to these chicken farms and their family members had not been infected either. Considering the vast expanses of the Mainland and unrestricted contact between human beings and live poultry, these unfortunate cases of avian flu will stand a high chance of recurrence. Therefore, the trade would like to ask the Secretary through me whether the importation of live poultry from the Mainland will be suspended whenever an avian flu case occurred in Guangdong Province even though such cases are unrelated to chicken farms supplying chickens to Hong Kong? If so, will assistance be provided to the affected trades?

Madam President, over the past three months, the importation of live poultry from the Mainland has been suspended for 42 days altogether. This has no doubt added to the burden of the trades. In this connection, I urge the Government to:

- (1) set up an emergency relief fund for the live poultry trade to provide emergency relief to members of the trade affected by measures taken by the Government. Specifically, the package proposed by the Government for similar incidents in 1998 and 2001 should be adopted and that is, a one-off *ex gratia* payment of \$40,000 to wholesalers, \$30,000 to each poultry stall operating in markets

under the Food and Environmental Hygiene Department (FEHD) and the Housing Authority (HA), \$60,000 to each licensed fresh provision shop operating in private premises, and \$24,000 to each vehicle for transporting chickens.

- (2) waive the stall rental and parking fees in the wholesale poultry market and also the rental of retail chicken stalls in markets under the FEHD and the HA during the suspension period.

The Government will introduce central slaughtering in 2009 to replace the existing mode of the live poultry sale. The trade has still refused to surrender their licences mainly because the compensation offered by the Government is not enough even to pay for their employees' severance payment. For this reason, the trade and I urge the Government to immediately review the existing policy on the surrender of licence.

Madam President, the trade does wish to be self-reliant in their operation but unfortunately, as the Secretary has said, the avian flu has plunged the trade into a most miserable state. But should the Government, being a government striving for the well-being of the people, not take active measures to assist this hard-hit trade to ride out the difficult times?

I so submit. Thank you, Madam President.

DR JOSEPH LEE (in Cantonese): Madam President, the avian flu is coming like storming torrents. Studies of the trend of the epidemic in the Mainland are, therefore, very important to the assessment of risks in Hong Kong. Given a lack of transparency in the cases reported in the Mainland and the fact that the spread of avian flu cannot be fully contained, it shows that there are obviously loopholes in the avian flu notification mechanism between Hong Kong and China. The Government must enhance the surveillance system for infectious diseases and keep close watch on the development of avian flu in the Mainland and also increase the transparency of the notification system. In the meantime, the measures now being implemented at the border for the purposes of quarantine and prevention of infectious disease should continue.

The recent case in Shenzhen is proof that the live poultry markets in Guangdong Province may already be lost to the virus, thus arousing doubts about the safety of the live chickens supplied to Hong Kong. I welcome the decision immediately made by the authorities to impose a three-week ban on the import of live chickens. Moreover, as the virus may be hidden in chickens without tangible symptoms, the day-old chicks and chickens supplied to Hong Kong should be kept under close observation to carefully assess whether or not they are infected before considering further resuming their supply.

Now, during the import ban, we can see that the problem of the smuggling of chickens from China to Hong Kong still exists. The customs authorities must take this problem seriously, and it is all the more necessary to increase the strength of the relevant measures through inter-departmental co-operation (or liaison among different departments) to ensure that the smuggling of chickens into Hong Kong will not increase as a result of the import ban on chickens, which would otherwise even increase the risk of illegal chickens bringing avian flu into Hong Kong.

In fact, long-term efforts in education and publicity by the Government are required to change hygiene habits and develop community awareness of the epidemic. Therefore, we consider that the most fundamental way which has long been effective should be to step up preventive measures on avian flu and education on epidemic prevention. It is all the more necessary for the Government to carry out publicity work more vigorously.

In respect of border control points, the Government must, in times of repeated occurrences of human infection in the Mainland, step up measures to remind the public of and educate them on the dangers and risks of bringing live poultry into the territory illegally. Suitable information on the epidemic should be provided to travellers to and from the Mainland at various immigration control points, reminding them to avoid by all means going to places where risks may be high.

Domestically, publicity efforts should be stepped up to promote individual awareness of epidemic prevention through various platforms and the public should be continuously reminded of the need to consistently apply the latest preventive methods, such as washing their hands frequently which is a possible way to achieve effective prevention.

To protect public safety, a ban should be imposed on the import of live poultry for at least 21 days whenever cases of chicken or human infection occurred. While we welcome this measure, we understand that it will deal a very heavy blow to the trade, because every time the supply of live poultry is banned, the casual workers will see their "rice bowls" being smashed immediately. They will lose their jobs, not being able to make ends meet. Therefore, the Government has the duty to put in place an emergency relief fund for these people in need.

In fact, after every avian flu outbreak, the public demand for live poultry will drop considerably. The poultry trade, which can be considered a sunset trade, cannot see a clear way out. The trade has been caught in a dilemma in which they either struggle to "keep their rice bowls" or are forced to bear extremely high costs and risks in their operation. To members of the trade, they do not have the skills to make a living in other trades, and the *ex gratia* payment granted under the voluntary surrender scheme is not enough to compensate them for their loss in surrendering their licences. The compensation is not worth taking and yet, not bad enough to be disposed of. This is why only 20% of the chicken farms and one third of the retailers have participated in the scheme so far. Judging from the circumstances, when can all the licences be recovered? I hope that the Government can review the effectiveness of the scheme and expeditiously provide assistance to chicken farms for them to switch to other trades and make suitable compensation to them, so that they can switch to other trades successfully.

In fact, the most effective way to achieve zero human infection should be the implementation of "human-chicken segregation", and central slaughtering should be a very good policy to achieve effective segregation. However, it seems that the authorities still have to wait for three years before this policy will be implemented. Unfortunately, the risks will increase significantly during this wait. I hope that the authorities can speed up the procedures in respect of siting and construction, so that central slaughtering can be implemented expeditiously.

Madam President, I so submit.

MR TOMMY CHEUNG (in Cantonese): Madam President, I get angry whenever the plights of the live poultry trade are discussed. Particularly at the meeting of the Finance Committee a fortnight ago, the Deputy Secretary for

Health, Welfare and Food, Eddy CHAN, said categorically to the effect that fishermen were affected by many uncertainties and it would be acceptable to provide a loan fund with \$200 million public money for their assistance. But at another meeting discussing avian flu the next day, when he was told that the imposition of a 21-day ban on the import of live poultry from the Mainland by the Government had caused severe hardships to workers in the entire work chain of the live poultry trade and so, it was hoped that the Government could make provisions to provide assistance, he nonetheless refused by putting up many pretexts.

Today, time does not allow me to repeat all the remarks made by Deputy Secretary Eddy CHAN. The Secretary can listen to the recordings of those two meetings. In less than 24 hours, the same department, the same official, the same brain and the same mouth espoused completely different attitudes and policies on the fishery sector and the live poultry trade respectively. I really cannot think of any reason for this other than the Government being biased and going against its conscience.

Deputy Secretary Eddy CHAN said that given uncertainties in the future of the live poultry trade, instead of asking for provisions at every ban on the import of live chicken, the trade might as well switch to other trades through the voluntary surrender scheme as early as possible, so that they would not be affected by the uncertain prospects of the trade. I have these reminders for the authorities.

Firstly, the live poultry industry has never ever felt that their prospects are uncertain and they have no plan to switch to other trades. It is only because the Government has kept on using tactics to dry them up and verbal threats that the future of the trade has turned from bright and clear to gloomy.

Similarly, despite a case of human infection of avian flu found in Shenzhen last month, it was basically unnecessary for Hong Kong to impose a ban on the import of live poultry from the Mainland, because all live poultry imported from the Mainland comes from registered farms where control measures are most stringent and safety standard is extremely high. So, these farms cannot be the source of infection. Even experts of the World Health Organization (WHO) currently attending a meeting in Guangzhou said openly that there is at present no risk of a large-scale avian flu outbreak and considered it unnecessary for Hong Kong to ban the import of live poultry for the time being. However, while the

Hong Kong Government has always heeded the advice of the WHO, it conversely announced the imposition of a 21-day ban on the import of live poultry from the Mainland. What is it if not a ploy to dry up the trade?

Secondly, the voluntary surrender scheme as referred to by the Government is downright unattractive and unhelpful to the livelihood of members of the trade. The largest chicken stall now measures 45 sq m in area, and if we calculate on this basis, the compensation will only be \$503,000 at most, which indeed cannot compensate a stall owner who sells chickens to make a living for the loss incurred in giving up his lifelong career.

Let us think about this: Most members of the live poultry trade rely on their chicken stall to provide for the living of several generations of his family. They may not be highly educated and their only job skill is to sell and slaughter chickens. As many of them are now in their middle age, it would not be easy for them to switch to other trades. Now that they are told to give up their only skill and be deprived of protection for their living, and they would not even have \$500,000 in compensation. How can the Government be so callous?

The fishery sector can still maintain their skill to make a living after the fishing moratorium and make ends meet by catching fish. But the chicken farmers, transporters, vendors and workers who slaughter chickens are dragged into deep troubles from time to time by the Government's ban on the import of live chickens. Why can the Government use public money to provide assistance to fishermen, but turning a deaf ear to the sufferings of the live poultry trade?

If the authorities think that the transportation and slaughtering of chickens in the market poses grave danger in respect of the transmission of avian flu, it should, in an open and aboveboard manner, put forward a reasonable compensation scheme, rather than using these "drying-up", unscrupulous ploys to drive them out.

Therefore, I urge the Secretary to take a look at the motion passed by the two panels. I am not going to read it out, since I do not have much speaking time now. Finally, I would like to say that while Miss CHAN Yuen-han has spoken for the workers, I speak for the entire industry, that is, for employers and workers. Moreover, I wish to remind the Secretary that although Mr Vincent FANG had thanked him for not reducing the import quantity when lifting the

import ban, I must say this to him: Thanks, but no, thank you; more chickens should be imported. In fact, increasing the import quantity is not a problem. The only problem is whether or not they can all be sold.

Madam President, I so submit.

MR FRED LI (in Cantonese): President, three weeks ago, with the momentum of a looming threat, avian flu arrived at our neighbouring city — Shenzhen.

On 17 June, a joint meeting of the Panel on Food Safety and Environmental Hygiene and the Panel on Health Services was convened to discuss the issue of avian flu. In the meeting, a motion containing four demands, which were supported by everyone, was passed.

In fact, it has already become a customary practice for the Government to hand out compensation to assist the trade whenever an avian flu crisis occurs. With regard to each of such compensation packages, the Democratic Party has been supportive. We hope the Government can implement the above proposal according to the common demands of the two Panels, so as to enable the trade to survive the crisis.

However, the trade should also understand that the room for operating the live poultry business is gradually diminishing. Even in the event that the import of live chickens can be resumed tomorrow, if unfortunately — I stress that I am referring to an unfortunate eventuality — another avian flu outbreak took place in Guangzhou some days later, then the import of live chickens could be banned for three weeks with immediate effect. This intermittent ban and lift places the industry in a position with no protection at all.

We have mentioned repeatedly that we hope to see the Government come up with a comprehensive package of proposals to help either the people in the trade to switch to other trades or to survive the crisis, instead of having to adopt the approach of making special allocations of fund on each of such occasions, which is a very short-sighted way of dealing with the problem.

If everything runs smoothly according to the plan, the Government says that central slaughtering of poultry can be implemented in the next two to three

years. Once a suitable site has been identified, the Democratic Party believes that the design and construction projects will commence very soon. To people in the trade, I believe many of them are feeling a strong sense of helplessness, so they just do the work with a passive attitude, which is understandable. But a government cannot act in such a manner. As the Government hopes to solve the problem of avian flu thoroughly, it cannot adopt a couldn't-care-less attitude towards the room of survival of the trade in future.

In terms of hardware, we can see that the Government has proposed central slaughtering in order to solve the problem. However, if the software cannot cope with the situation well, it may just end up bringing about more unstable factors in society. By software, we mean the Government should have a package of proposals in place to assist the poultry trade to switch to other operations, instead of simply providing a compensation for voluntary surrender of licenses and then thinking smugly that all the problems have been solved.

Unfortunately, so far, most people in the trade are just finding their way out all on their own, trying to be self-reliant. But, they do encounter lots of difficulties in the process. Regarding training provided by the Government, they are just being referred to the Employees Retraining Board to undergo training. They may receive \$18,000, but what about the arrangements in the long term? I hope the Government can understand that, all these are attributable to a public safety and hygiene policy, which leads to the demise or even the extinction of the live poultry trade several years later. Therefore, the Government does have the moral obligation to offer the live poultry trade all sorts of assistance in order to provide them with the means to support their living.

President, I so submit.

PRESIDENT (in Cantonese): All the Members who have indicated their wish to speak by the deadline have spoken. I now invite those Members who have indicated their wish to speak after the deadline to speak. The 45-minute total speaking time limit for Member will be reached by 8.26 pm. Mr LEUNG Yiu-chung.

MR LEUNG YIU-CHUNG (in Cantonese): President, how much time do I have?

PRESIDENT (in Cantonese): Four minutes.

MR LEUNG YIU-CHUNG (in Cantonese): President, as far as I know, poultry are not the origin of avian flu. They are just carriers of the disease. But since avian flu can be transmitted from poultry to humans, we must still direct our precautionary measures at poultry. I suppose no one will object to this.

However, precisely because the disease owes its origin to nature and is not caused by those engaged in the poultry trade, I am of the view that society as a whole, instead of those engaged in the poultry trade, should bear the responsibility. Having listened carefully to Members from different sectors and political parties and groupings, I notice that all of them are unanimous on the need for the Government to look after all in the sector. This is an important viewpoint because I think that instead of putting all the responsibility on the poultry industry, society as a whole must assume the responsibility. If not, it will not be fair and just. I hope the Government can take heed that this is a responsibility of society as a whole. Precisely for this reason, the Government must not keep telling us that it is a misuse of public money to offer any compensation or subsidy to the industry,

I think if the Government is really so worried about the squandering of public money, it must now consult all Hong Kong people. The reason is that this is a problem for all Hong Kong people. I do not think that the Government should make this decision for the people. It should not just argue that since it does not want to squander public money, it will not consider the livelihood of all these people. If the Government does not dare to do so, does not dare to use any public money or offer any help to these people, I think it should really conduct a referendum, so that the public can vote on the issue. I think this is a responsibility of society as a whole, so the responsibility should not be put on one single group of people, or else it will be most unfair.

The livelihood of stall operators has been plunged into instability — they are suddenly ordered to suspend business and then permitted to resume operation. In brief, they are entirely at others' mercy. Not only this, the

entire poultry trade is also suffering immensely. As a matter of fact, the trade has been very obedient to the Government. When the Government required them to put on gloves, they obeyed. When they were required to install plastic boards for separation, they also complied. When they were required to suspend operation during specified periods for market clean up, they also obeyed. What more can they be expected to do? They have put up with many things, but the Government now wants to stop the importation of live chicken. This will endanger the survival of the whole trade. Not only stall operators but also workers will be affected. That being the case, should the Government not offer them any assistance?

President, I do not think that we should make any rash efforts just because we want to use public money properly. Our greatest worry is that even before avian flu "slaughters" Hong Kong, the Government has already "slaughtered" the trade. This is the last thing we wish to see. The poultry trade is a traditional trade in our society. Why should we treat them in this way? My last remarks are still these: This is a responsibility of society, a responsibility of society as a whole and the poultry trade must not be made to bear the responsibility alone.

President, I so submit.

PRESIDENT (in Cantonese): The Member who pressed the button is not in the Chamber. There are still several seconds left. Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now call upon the Secretary for Health, Welfare and Food to speak.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I thank Dr KWOK Ka-ki for proposing a motion on this topic today. I also thank Members for expressing their views in many aspects.

Today, the Indonesian Ministry of Health announced a new case of avian influenza in which a five-year-old patient fell sick on 8 June; he was admitted to hospital on 14 June and died on 16 June. Since cases of avian flu were reported, the World Health Organization (WHO) has collected reports on a total of 229 cases with 131 deaths in the world. In 2006, a total of 85 cases have been reported around the world, of which 35 took place in Indonesia, 11 in mainland China and two in Cambodia. These are cases that occurred in Asian countries. As we all know, the situation now is that the avian flu virus has actually spread to all parts of the world, especially in Asia with the Southeast Asian region being a high risk region. As one third of the patients had infection symptoms in the past six months, we think that this trend will definitely cause certain impact on public hygiene and safety in the world.

There is also concern about a case in Indonesia in which eight members of a family were infected and seven of them died. This is also proof of human-to-human transmission. While there is no sign of effective transmission of the virus beyond the first generation, this is still an issue which gives cause for concern. Besides, there have been cases of human infection of avian flu in the Mainland recently, including the two cases in Guangdong Province and in Shenzhen in March and June respectively. In these two cases, there are a number of points that warrant concern:

Firstly, there was no massive poultry infection prior to cases of human infection in these places;

Secondly, the places where cases of avian flu occurred are not in rural villages as in the past, but in the urban area;

Thirdly, the patients had been to the live poultry retail market; and

Fourthly, and a point that we are particularly concerned about: the latest case occurred in summer.

These four points have made us worry that the problem faced by us now is no longer the same as that before. Unlike past cases in which mass poultry infection always preceded human infection, the situation now may be that the poultry carries the virus but does not show symptoms and human beings are infected after having contact with it. This is like a situation where we do not see the enemies, like terrorists launching surprise attacks on us. Therefore, we

are particularly concerned about these problems. All hospitals in Hong Kong have stepped up vigilance in this connection. Any patient of disease infection especially with symptoms of pneumonia who has visited the Mainland is required to take rapid virus testing.

Backyard poultry is the most important factor leading to high risks of avian flu outbreak in the Asian Pacific region. Given inadequate biosecurity measures in respect of backyard poultry, the standard and effectiveness of quarantine control vary, thus making prevention and surveillance particularly difficult. For this reason, Hong Kong must remain vigilant, and we also hope that we can inspire the surrounding places to take steps to properly deal with backyard poultry and poultry.

As part of the Asian Pacific region, Hong Kong absolutely cannot slacken our efforts in the prevention and surveillance of avian flu. What is more, we must be prepared to implement contingency measures promptly. To prevent and control avian flu, effective monitoring and communication is of the utmost importance. The Preparedness Plan for Influenza Pandemic was introduced in January last year. Hong Kong is now at the Alert Response Level, and we have been implementing measures on disease surveillance, investigation and control. An effective and sensitive sentinel surveillance system is already put in place covering public and private hospitals, clinics, medical practitioners in private practice, homes for the elderly and child care centres, for the purpose of comprehensive surveillance, speedy intervention and control, and timely notification of risks. Moreover, we have also implemented other measures, which include strengthening prevention facilities and the work concerned in hospitals, vaccination for seasonal influenza, port health surveillance, risk communication and public health education. In the meantime, we have maintained stockpile of antivirals in order to be prepared for emergency situation. In accordance with the established contingency plan, the Interdepartmental Action Co-ordinating Committee is responsible for co-ordinating the work of various departments in epidemic prevention to ensure that the departments can complement each other in their work for optimal results. In the motion debate on "Preventing Avian Influenza" on 30 November last year, I already explained in detail the various prevention and surveillance measures and so, I am not going to repeat them here.

With regard to the notification mechanism, the Centre for Health Protection will continue to liaise closely with the WTO and the health authorities

in other places, in order to promptly obtain up-to-date and accurate information on avian influenza. Moreover, given the frequent flow of people between Hong Kong and the Mainland, we have developed with the Mainland and Macao an effective notification mechanism on information about infectious diseases. Point-to-point contacts have been established to facilitate timely exchange of intelligence on sudden public health issues and to co-ordinate joint operations. With regard to the case of human infection of avian flu in Guangzhou earlier and the case in Shenzhen in June, we received notification of these suspected cases and were subsequently notified of their confirmation. This shows that the Ministry of Health and health bodies in the Mainland have exerted their utmost to perform their role in a most timely manner.

On the other hand, after we were notified of the confirmed case of human infection in the Shenzhen Municipality, preventive measures were implemented immediately. We suspended the importation of live poultry from Guangdong Province, while chilled chicken and frozen poultry meat remained unaffected. The Food and Environmental Hygiene Department (FEHD) and the Agriculture, Fisheries and Conservation Department (AFCD) also met with the industry on the same day to explain the details of the measures.

During the suspension of the import of live poultry, the AFCD has stepped up inspection of local chicken farms to remind farmers of the need to maintain biosecurity measures. Guidelines are issued to the public, reminding them not to bring live poultry or birds or poultry meat into Hong Kong, and inspection of backyard poultry has also been stepped up. Moreover, cleansing operations at the Cheung Sha Wan Poultry Wholesale Market have been increased and continuous efforts made to monitor the H5 virus in dead wild birds.

Meanwhile, the Customs and Excise Department (C&ED) has provided support by stepping up surveillance at all border control points to combat illegal import of poultry into Hong Kong. From October last year to the end of May this year, the C&ED seized some 1 400 kg of live poultry, some 9 000 kg of frozen and chilled poultry, and eight live birds, involving 490 visitors and drivers. We have reached an agreement with the mainland Customs to conduct joint enforcement actions to combat poultry smuggling.

The inspection and quarantine authorities in the Mainland also conducted investigation during the suspension of the supply of live poultry to Hong Kong to

ensure that live chickens from chicken farms supplying or not supplying chickens to Hong Kong do not have avian flu or other disease. Veterinary professionals have been sent to inspect mainland chicken farms supplying chickens to Hong Kong. We have received confirmation from mainland authorities that there is no further suspected case of human infection of avian flu and so, the import of live poultry will resume tomorrow. The market rest day scheduled in early July will be advanced and conducted today and so, the industry can resume business tomorrow.

After the resumption of the importation of live poultry, we will continue to impose import control, enhance the rapid testing of H5 virus and also step up inspection and enforcement actions. Here, I wish to remind live poultry retailers of the need to observe operational guidelines on the prevention of avian influenza.

A number of Members said that the Government should provide relief to the industry. I wish to point out that since the emergence of avian flu in Hong Kong in 1997, the Government has provided temporary relief to the industry in view of the outbreak of avian flu in the territory or in the region. These measures included rental waiver, compensation, and *ex gratia* payment. So far, the Government has spent \$273 million on measures to provide temporary relief. For example, the Government spent \$50 million in total on the most recent relief provided to the live poultry trade in early 2004.

Besides, the Government has ploughed in considerable resources for preventing poultry infection of avian flu and assisting the industry in operating under manageable and limited risks. In this connection, the FEHD has set aside about \$17 million in this financial year for inspection at border points, inspection of mainland farms and monitoring of local retail points. The AFCD has also set aside \$28.5 million for monitoring local poultry farms, banning backyard poultry keeping, and also monitoring and conducting tests on wild birds.

With regard to the voluntary surrender scheme, we have strengthened facilities in all aspects and remained highly vigilant of the process and direction of the transformation of the avian flu virus. We understand that the emergence of avian flu has interrupted the supply of live poultry and this has tremendously affected the normal operation of the trade. To prevent the trade from being affected and further reduce the risk of an outbreak of avian flu in Hong Kong, the

voluntary surrender scheme was introduced in July 2004 to encourage them to surrender their licences or tenancies and cease operation permanently in return for an *ex gratia* payment or other financial assistance. Workers in the live poultry trade can also apply for a one-off grant if they meet the eligibility requirements.

Since the introduction of the voluntary surrender scheme in 2004, we have received applications from 85 live poultry farmers, 13 wholesalers and 292 retailers for surrendering their licences or tenancies. The application period already ended in early April this year. I believe the scheme can further reduce human contact with poultry and the risks of human infection of avian flu.

I reiterate that one of the major objectives of the voluntary surrender scheme is to enable those members of the trade who do not wish to operate in an environment where supervision is increasingly stringent due to public hygiene needs to permanently leave the live poultry trade or switch to other trades. The scheme is voluntary in nature, and members of the trade can also choose to bear the business risks and continue with their operation. At the many meetings with the trade, I already reiterated that temporary financial assistance would not be provided after the introduction of the voluntary surrender scheme.

In this debate today, I have listened to the views of Members. They seemed to think that the existing *ex gratia* payment scheme of the Government is far from attractive. They even proposed to further set up other relief funds under the existing mechanism. The trade has also reflected to me and my colleagues their various views on the voluntary surrender scheme, such as increasing the *ex gratia* payment, assisting chicken farmers who have wound up their business to open farms in the Mainland and export their products to Hong Kong, and removing the requirement that transporters must have their vehicles converted before they can receive the *ex gratia* payment. As I have reiterated, the *ex gratia* payment is, in fact, already a form of assistance by its nature, but we will review the effectiveness of the scheme and the possibility of its extension after the expiry of the application period under the voluntary surrender scheme, and we will explain to the relevant Legislative Council panel after the completion of the review.

Some Members suggested that emergency relief be provided to live poultry workers not under continuous employment. We have considered similar suggestions before, but as the use of public coffers is involved in

implementing this proposal, it is necessary to handle this issue very carefully. It is very difficult to ascertain whether these workers are involved only in the live poultry trade or the proportion of their working hours in the live poultry trade in their total working hours. As trade unions are in a better position to find out such information, we, therefore, proposed to trade unions and workers' associations that consideration could be given to asking trade unions to prove the employment situation of these workers. But as we have yet received a positive response from them, we cannot give further consideration to this proposal.

I hope that through this debate today, we can point out that the prevention of avian flu does not only.....

MR WONG KWOK-HING (in Cantonese): President, elucidation.....

PRESIDENT (in Cantonese): Mr WONG, do you have a point of order?

MR WONG KWOK-HING (in Cantonese): Can I ask for elucidation?

PRESIDENT (in Cantonese): About what?

MR WONG KWOK-HING (in Cantonese): The Secretary has earlier on.....

PRESIDENT (in Cantonese): Hold on, Mr WONG Kwok-hing.

MR WONG KWOK-HING (in Cantonese): Yes. I am sorry.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, if you wish to put a question to the Secretary in the hope that he can elucidate a certain part of the speech that he made earlier, you may now ask the question and then the Secretary will decide whether or not to give a reply. But if you wish to elucidate a part of the speech that you made earlier, you may elucidate it only after the Secretary has finished.

MR WONG KWOK-HING (in Cantonese): Thank you for your guidance, President. I wish to ask the Secretary through the President to elucidate what he said earlier about trade unions not responding positively to and providing information on the temporary emergency relief for workers. I would like the Secretary to clarify which trade unions he was referring to and how they have not responded positively to the Government.

PRESIDENT (in Cantonese): Secretary, do you wish to answer this question?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as we know, when we tried to ascertain the working hours of the workers, we held meetings with the trade unions in the hope that the trade unions could prove whether certain workers were involved in the live poultry trade and provide information on the working hours of these workers in the trade. It is because those workers work as casual workers in the market and they may be involved in many different types of casual work. Can employers or trade unions produce proof for them? I believe the FEHD has been discussing this with the trade unions concerned. Although I do not have the detailed information here, this is what I was told by the FEHD about the relevant work in progress. So, having listened to the views of Members, I think we should actively look into how it should be handled. *(The buzzer sounded)*.....Madam President, can I briefly conclude my speech?

PRESIDENT (in Cantonese): Secretary, you have used all the 15 minutes of your speaking time. The time taken up by Mr WONG just now to seek an elucidation is already not counted into it. Please sit down.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): I see. I am Sorry.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 3.00 pm on Monday, 10 July 2006.

Adjourned accordingly at nineteen minutes to Nine o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Mr Albert CHAN's supplementary question to Question 3**

According to the information provided by the Social Welfare Department (SWD) and the Housing Department (HD), between July 2005 and June 2006, the HD handled a total of 2 376 applications for compassionate rehousing referred by the SWD, of which 23 could not be further processed, mainly because the applicants or their family members were unable to provide the necessary documentary proofs; the applicants' total family income or total net assets value exceeded the maximum income and total net assets value limits; or the applicants or their family members owned private properties in Hong Kong, and so on.

As regards the processing time, in 1 770 out of the above 2 376 applications for compassionate rehousing, the HD processed the cases, and issued to the applicants the initial notifications of flat allocation arrangements within four weeks following receipt of the applications. Excluding the 23 cases mentioned above which could not be further processed, the processing of the remaining 583 cases took more than four weeks each, mainly due to the late submission of necessary documentary proofs by the applicants or the lack of suitable accommodation which was immediately available.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Housing, Planning and Lands to Dr Raymond HO's supplementary question to Question 4**

As regards traffic flow, with the Central-Wan Chai Bypass (CWB) (including its planned slip roads) and Road P2, the overall transport infrastructure in Central and Wan Chai will be operating with a volume to capacity (v/c) ratio of below 1 in 2016. The CWB, in particular, will be operating at a v/c ratio of about 0.7.

Other than providing the necessary transport infrastructure, the Environment, Transport and Works Bureau will also continue to explore the feasibility of introducing further traffic management measures to improve the traffic flow along the major transport corridors.